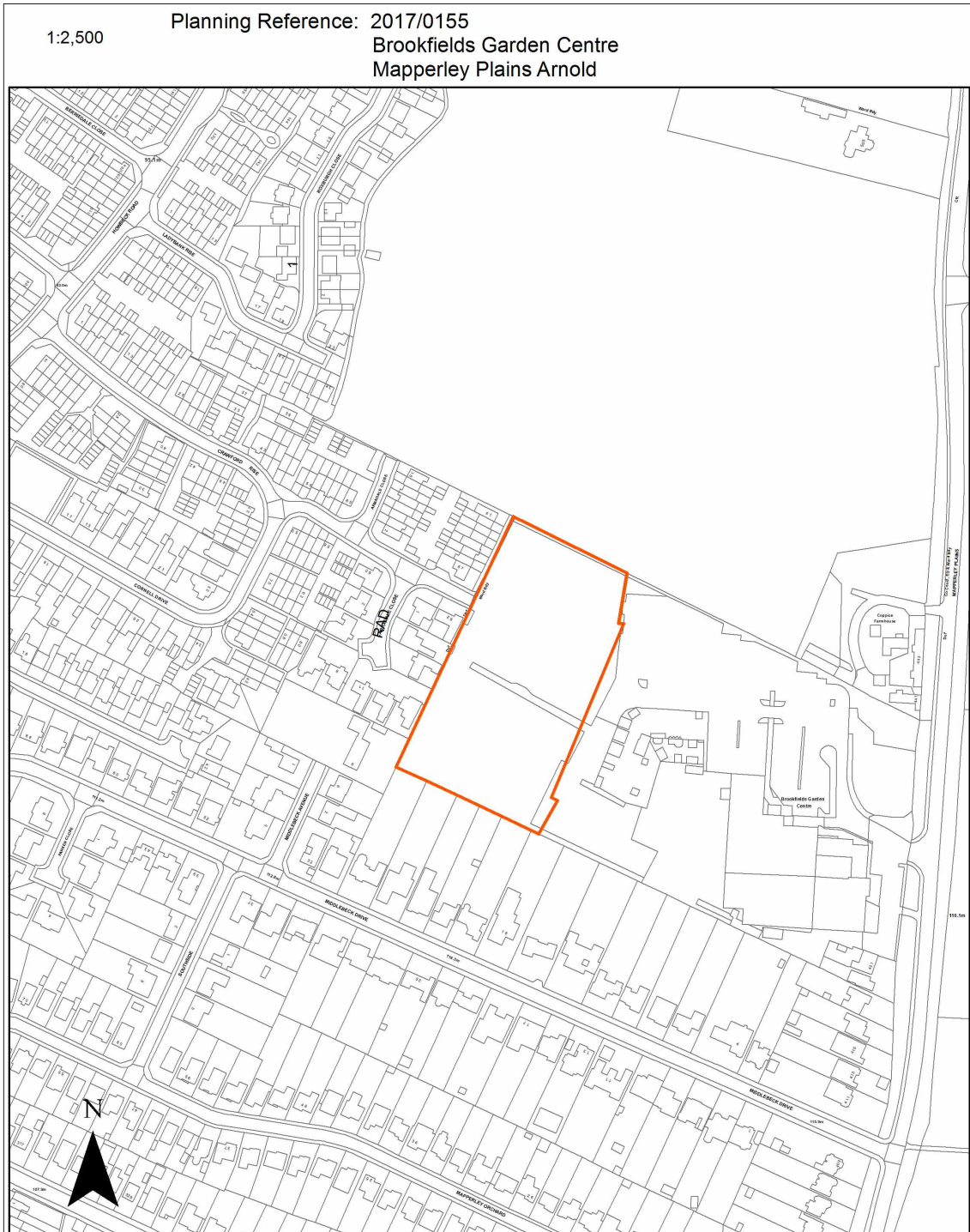




Planning Report for 2017/0155



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Report to Planning Committee

Application Number:	2017/0155
Location:	Brookfields Garden Centre Mapperley Plains Arnold
Proposal:	Outline application for the erection of up to 32 dwellings, including access
Applicant:	Mr Andrew Clower
Agent:	Stone Planning Services Ltd
Case Officer:	David Gray

The application is a Major development, therefore, in accordance with the Council's Constitution; this application has been referred to Planning Committee

1.0 Site Description

- 1.1 The application site covers an area of land to the west of Brookfields Garden Centre which measures approximately 1.07 hectares. The current application site is within the curtilage of the existing long established commercial operation at Brookfields Garden Centre and occupies approximately one third of the site. The land has been utilised by the garden centre for the occasional storage of garden centre goods.
- 1.2 The application site is bounded to the north and south with mixed species hedgerows with a mature hedge to the west. The east boundary adjoining the car park and storage area, serving the garden centre, currently has no boundary treatment.
- 1.3 The site drops in level slightly from east to west. The Topographical survey indicates that there is a minor ridge line that runs north-south across the eastern end of the application site.
- 1.4 A public footpath links land to the north of Crawford Rise and runs adjacent to part of the western boundary of the application site. No's 67 – 81 Crawford Rise front onto the footpath, adjacent to the west boundary of the application site.
- 1.5 The west boundary of the application site is also adjoined by bungalows on Caradale Close and no.62 Crawford Rise.

2.0 Relevant Planning History

2.1 Planning History relates to extensions and alterations to the Garden Centre and excludes the land subject to this outline planning permission.

3.0 Proposed Development

3.1 Outline Planning Permission is sought with all matters reserved except access for up to 32 dwellings.

3.2 Access for the development is proposed from Crawford Rise utilising the spur of the existing cul-de-sac.

4.0 Consultations

The application was advertised as a departure from the local plan.

4.1 Nottinghamshire County Council –

4.1.1 Highway Authority

The access from Crawford Rise is acceptable to serve an additional 32 dwellings, however the applicant/agent should construct/design the internal highways to comply with the current Nottinghamshire County Council's 6C's Design Guide.

4.1.2 Transport and Travel

Contributions towards local bus service provision would be sought to the value of £6,500 for enhancements to the two bus stops on Howbeck Road (GE0381 and GE0396), which shall include raised boarding kerbs and enforceable bus stop clearways.

4.1.3 Lead Local Flood Authority

No objection provided the surface water system is in accordance with the Document: - MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Nottingham, Flood Risk Assessment dated January 2017 Report ref 22362/01-17/4560

4.1.4 Minerals

Given the location of the development, surrounded on three sides by residential properties/commercial operations and the current situation at the two existing brick works the County Council is of the opinion that the proposed non-minerals development would not be inappropriate in this location providing there is sound argument that identifies a clear and demonstrable need for the non-minerals development. Given the proximity of residential properties the County Council would not expect the applicant to demonstrate that they have considered the practicality of prior extraction in this instance. However, given the nature of the mineral the County Council would advise the applicant that the prior extraction of brick clay has the potential to not only prevent the sterilisation of the mineral, but also be of benefit to them if any groundworks are necessary.

4.1.5 Ecology

The site is not covered by any nature conservation designations but it supports rough grassland and scrub, and is bounded by hedgerows and trees.

As such, it has the potential to support protected species. It is advised that a Preliminary Ecological Appraisal of the site should be carried out. The assessment should include:

- A desktop study for existing ecological information, to include consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC)
- A Extended phase 1 Habitat Survey
- Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.

4.1.6 Forestry Officer

There are no significant trees of value that would warrant a tree survey.

There are a number of recently planted conifer hedges within parts of the site boundaries which would provide screening for the existing houses. Due to the young age of these and the important screening value it would be advisable that the applicant shows how these are to be retained and protected. It is advised that the applicant shows some form of construction exclusion zone whereby at least 2 metres from the hedgerow will be protected.

4.1.7 Education

A proposed development of 32 dwellings would yield an additional 7 primary and 5 secondary places. The County Council would therefore wish to seek an education contribution of £95,592 (7 x £13,656) towards the provision of a new primary school in North East Arnold and £88,765 (5 x £17,753) towards secondary school provision to accommodate the additional pupils projected to arise from the proposed development.

4.2 Nottingham North and East Clinical Commissioning Group –

The proposal would trigger the need to provide health related section 106 funding amounting to £17,258.00 which is proportionate to the housing development size.

4.3 Environment Agency –

The application falls within Flood Zone 1 and should be referred to the LLFA for management of surface water issues. As detailed above the LLFA do not raise any objection.

4.4 Severn Trent Water

Should permission be forthcoming a condition should be attached requiring surface water drainage plans.

4.5 **Gedling Borough Council**

4.5.1 Scientific Officer

It is recommended that the standard condition relating to the discovery of contaminated land should be attached to any approval.

4.5.2 Parks and Street Care

The site is over 0.4 hectares and will be subject to a section 106 agreement under the provisions of The New Housing Developments, Supplementary Planning Guidance for Open Space Provision.

4.5.3 Economic Development

The size of the development meets the thresholds for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board (CITB) and the National Skills Academy for Construction's "Client-Based Approach; Local Client Guidance for England" – to be implemented during the terms of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training"

4.5.4 Housing Strategy

Gedling Affordable Housing Supplementary Planning Document requires 30% affordable housing on this site with a mix of 70% affordable rented dwellings and 30% intermediate for sale dwellings.

4.6 **Neighbouring Properties** were notified and a **Site Notice** and **Press Notice** posted and 13 letters of representation have been received as a result. The comments can be outlined as follows: -

4.6.1 Highway Safety

- There should be a requirement for an access road through at least 6 metres wide from Mapperley Plains for construction traffic;
- Crawford Rise is a busy road with many parked cars and lorries and construction traffic would add to congestion;
- There are more appropriate sites for housing with better access;
- The MEC transport assessment refers to likely increase in vehicle trip rates by using comparable surveys of sites of a similar location. However this has not taken into account the steep gradient of Crawford Rise which means that people are more inclined to use their vehicles for even short trips as very few cyclists would attempt the steep gradient. Therefore the development would generate a significant increase in traffic;
- During snowing periods people leave their cars abandoned on Howbeck Road causing hazards to pedestrians;
- Traffic to the new development would be hazardous to pedestrians using the existing footpath at the top of Crawford Rise;
- Access from Brookfields Garden Centre would be less harmful;
- The development would be contrary to Policy ENV1 due to the increased level of traffic generated;
- The development would be contrary to LPD35 due to the traffic and highway safety issues highlighted;
- The development would result in a reduction of on street car parking at the end of Crawford Rise;
- Should planning permission be forthcoming construction vehicles should be restricted from using Crawford Rise;
- The current public transport infrastructure is not adequate to accommodate this additional development;

4.6.2 Neighbouring Amenity

- The property on the indicative plan adjacent to 62 Crawford Rise may give rise to overshadowing if it is a two storey property;

- Request that the show home is not the one adjacent to 62 Crawford Rise;
- Would impact on the privacy of adjoining neighbours with the potential for three storey housing;
- Should planning permission be forthcoming suitable boundary treatments should be provided for adjoining neighbours;
- The development would be contrary to Policy ENV1 due to its overbearing nature and proposed 2.5 story dwellings being out of character with existing dwellings and detrimental to residential amenities;
- The proposed development would result in undue overlooking, loss of privacy and visually overbearing impact;
- The properties shown to be fronting the footpath to complete the street and offer natural surveillance would overlook and overbear the properties facing the footpath;
- These proposals would seriously affect the primary amenity area of neighbouring gardens which would be severely overlooked resulting in invasion of privacy;
- Under the Human Rights Act a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. The dominating appearance of the development would impact on the right to the quiet enjoyment of neighbouring property;
- The development slopes from Mapperley Plains down to Crawford Rise and the development would result in overshadowing on these properties;

4.6.3 Ecology / Wildlife

- The 220 m hedge adjoining neighbouring properties needs to be retained;
- The loss of trees adjacent to Crawford Rise;
- The east boundary is currently defined by a hedgerow and metal fence and its removal could impact on the privacy of adjoining neighbours;

4.6.4 Design

- The Design and Access Statement suggests that the development would incorporate some 2.5 storey dwellings which would be out of character with the surrounding area;

4.6.5 Flooding

- There is a requirement to insert a 220 metre long ditch to assist with surface water drainage issues;
- The continual development of the site, including the car parking areas, has resulted in surface water drainage issues towards the south and southwest boundaries.

4.6.6 Green Belt

- Object to the redevelopment of Green Belt land which is contrary to policy.

4.6.7 Other considerations

- Happy for the development to go ahead as long as Brookfields Garden Centre stays open.

5.0 Assessment of Application and 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 other material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (2018) and the additional information provided in the National Planning Practice Guidance (NPPG).

5.3 National Planning Policies

The following parts of the NPPF are of relevance to the principle of this application:

- Part 6 (Building a strong, competitive economy);
- Part 8 (Promoting healthy and safe communities);
- Part 12 (Achieving well-designed places);
- Part 14 (Meeting the challenge of climate change, flooding and coastal change);
- Part 16 (Conserving and enhancing the historic environment).

5.4 Development Plan Policies

On the 10th September 2014 Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) which now forms part of the development plan. It is considered that the following GBACS policies are relevant: -

- ACS Policy A (Sustainable Growth);
- ACS Policy 1 (Climate Change);
- ACS Policy 2 (The Spatial Strategy);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- ACS Policy 17 (Biodiversity);
- ACS Policy 18 (Infrastructure).

5.5 Local Planning Document – Part 2 – Local Plan

In July 2018 Gedling Borough Council adopted the Local Planning Document Part 2. The following LPD policies are relevant to this application:

- Policy LPD4 – Surface Water;
- Policy LPD7 – Contaminated Land;
- Policy LPD10 – Pollution;
- Policy LPD11 – Air Quality;
- Policy LPD18 – Protecting and Enhancing Biodiversity;
- Policy LPD21 – Provision of New Open Space;
- Policy LPD32 – Amenity;
- Policy LPD33 – Residential Density;
- Policy LPD35 – Safe, Accessible and Inclusive Development;
- Policy LPD36 – Affordable Housing;
- Policy LPD37 – Housing Type, Size and Tenure;
- Policy LPD48 – Local Labour Agreements;

- Policy LPD57 – Car Parking Standards;
- Policy LPD61 – Highway Safety;
- Policy LPD62 – Comprehensive Development;
- Policy LPD64 – Housing Allocations.

5.6 In considering 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 application are as follows: -

- The principle of redeveloping the site;
- Access and Indicative Layout of development;
- Highway implications, including parking provision;
- Impact on the amenities of neighbouring premises;
- Water resources, flood risk and drainage;
- Biodiversity and Ecology;
- Contamination and health and safety;
- Other considerations.

6.0 The principle of redeveloping the site;

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

6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. The hierarchy used prioritises development within or on the edge of the built up area.

6.3 The application is on the urban edge of Arnold and therefore accords with the highest priority site in the housing hierarchy.

6.4 The application site forms 1.07 hectares of a larger site measuring in total 3.47 hectares which has been allocated for residential development in Policy LPD64 – Housing Allocations – Urban Area and edge of Hucknall. Policy LPD64 allocates the site as Housing Allocation H2 – Brookfields Garden Centre – and indicates an approximate capacity of 90 homes.

6.5 The sub-text of LPD64, at paragraph 3.5, states inter-alia that 'Access to the site will be from Mapperley Plains and may be in conjunction with the adjacent site. Given that the access would be from Crawford Rise the development would be a departure from the development plan. However, the application needs to be considered on its own individual merits and the access to the site from Crawford Rise is assessed in Chapter 7.0 below in detail.

6.6 Based on the Affordable Housing SPD (adopted 2009) the allocated site is expected to deliver 31 affordable homes. Contributions would also be expected towards education, health and open space.

- 6.7 As the application site accounts for 32 dwellings on a third of the wider housing allocation, H2, the development accords with the approximate density set out by LPD33 and LPD64.
- 6.8 The proposal is for up to 32 dwellings on part of a housing site allocated for approximately 90 homes. Policy LPD 62 – Comprehensive Development – is clear that planning permission will not be granted for development which would prejudice the comprehensive development of a site allocated for housing in the Local Planning Document. Proposals should take into account the delivery of the whole of the site including provision of supporting infrastructure on site where appropriate in a timely manner.
- 6.9 The supporting text of the above policy at paragraph 1.1 states: ‘In order to protect the potential of a site to be developed for its intended use, the Borough Council needs to ensure that any proposal will not prejudice the development of the remainder of the site.’
- 6.10 ACS Policy 18: Infrastructure states that ‘New development must be supported by the required infrastructure at the appropriate stage’ and goes on to state at point 2; ‘Contributions will be sought from development proposals which give rise to the need for new infrastructure’. Paragraph 3.18.1 goes on to state that ‘The provision of adequate infrastructure and services to meet the needs of the existing community and to meet the needs of new development is essential and has been identified by communities as one of their biggest concerns. New development should not overburden existing infrastructure or communities.’
- 6.11 I note the requirements for the site to deliver affordable housing and contributions towards health, education and open space and the requirement of LPD62 to provide adequate infrastructure and services to meet the needs of the existing community. Whilst the application would only deliver one third of the site it is my view that the level of development being considered would trigger the requirements for the infrastructure required under LPD62 to be provided for this portion of the application site. It would also not prejudice the delivery of the infrastructure of the wider site should this come forward at a later date.
- 6.12 I note that an indicative layout has been submitted and the detailed layout would be considered on submission of a reserved matters application. However I do consider that the illustrative master plan provides a suitable framework to assess the site and illustrates that the road access from Mapperley Plains to the wider site can be achieved that would not compromise the comprehensive development of the wider site should this come forward. I consider that the number of dwellings accessed from Crawford Rise could be controlled in the future when assessing any future application which may come forward for the remainder of the Housing Allocation in the Local Planning Document.
- 6.13 Given the above assessment I consider that the proposed development would accord with the highest priority location for new development, would deliver the appropriate infrastructure required, and would not compromise the comprehensive development of the wider site in the future. It is therefore my

opinion that the development accords with Policy ACS18, LPD62 and LPD64. 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 subject to the detailed consideration of the following matters.

7.0 Highway safety implications, including access;

- 7.1 Access to the site is proposed from Crawford Rise and there is a public right of way that adjoins the northwest boundary.
- 7.2 I note the significant level of representation received with regards to the gradient of Crawford Rise, the number of parked cars on the street creating obstructions, difficulties occurring during extreme weather events, access for emergency vehicles, fears that the whole housing allocation could be accessed from Crawford Rise increasing traffic to the detriment of existing residents, highway safety issues and consideration of alternative access from Mapperley Plains.
- 7.3 I note that the Highway Authority have been consulted on this proposal and have raised no objection to 32 dwellings being accessed from Crawford Rise. I am also satisfied, as shown for indicative purposes on the Masterplan, that the applicant/agent could design the internal highways to comply with the current Nottinghamshire County Council's 6C's Design Guide.
- 7.4 I note the representations received with regards to the alternative access from Mapperley Plains being utilised for the whole site and that the subtext of LPD64 at paragraph 3.5 which states that access would be from Mapperley Plains. It is considered that should the wider site come forward including the Garden Centre element that the preferred access to serve the wider development would come from Mapperley Plains. However, the wider site does not form part of this proposal and this application must be considered on its own individual merits. I note the conclusions in paragraph 6.12 above in that the development of part of this site would not compromise the comprehensive development of the wider housing allocation, and as the Highway Authority have not objected to the access, I do not consider that a refusal of this application on access and highway safety grounds could be substantiated in this instance.
- 7.5 I do however note the concerns regarding the wider site for 90 homes being accessed using the same access. The application being considered is outline approval for 32 dwellings with all matters reserved; except access, for subsequent approval. I therefore consider that matters relating to the layout would be considered at depth at the reserved matters stage and interconnectivity between the sites, should the wider site come forward in the future, can be considered and managed on their own merits should the applications be submitted.
- 7.6 The County Council request a planning obligation (s106 contribution) of £6,500 to be used in relation to enhancements to the two bus stops on Howbeck Road (GE0381 and GE0396) which shall be utilised on raised boarding kerbs and enforceable bus stop clearways.

7.7 Whilst I note that the application would be a departure from the Local Plan given that the access to the smaller site is proposed from Crawford Rise, no highway safety implications have been raised by the Highway Authority as discussed above in chapter 6.0. The development of this smaller element would not compromise the comprehensive development of the wider site should it come forward in the future.

8.0 Indicative layout of development;

8.1 Policy 10 of the ACS and Policy LPD35 require development to be of a 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 should incorporate crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space, and well considered layouts and landscaping.

8.2 Whilst all matters except access are reserved at this point 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 on this site.

8.3 The indicative layout shows that the use of front facing development along arterial roads, the rear garden areas backing onto the existing rear boundaries of properties on Middlebeck Drive, the road layout also allows for strong frontages onto the public realm and footpath links, thereby supporting a safe environment through natural surveillance.

8.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects with existing residential properties in the area, and that natural features such as hedges and mature vegetation could be incorporated into the fabric of the scheme. 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.

9.0 Impact on the amenities of neighbouring premises;

9.1 Residential amenity considerations relevant to this proposal include the impact from the level of activity, overlooking, overshadowing, and overbearing impacts. Criterion f) of Policy 10 of GBACS relates to the impact on the amenity of nearby residents. This is echoed within Policy LPD32 which states permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

9.2 The submitted layout plan illustrates that adequate garden depths can be achieved with rear elevations being a distance from adjoining residents to ensure there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity.

- 9.3 I note the comments received regarding the disturbance that could occur during construction. The nearest buildings that could be affected are those on Crawford Rise. In my view the impacts of the construction activities could 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 condition.
- 9.4 Given that it is considered the proposal would have no undue impact on the amenity of nearby premises the proposed development would accord with the requirements of GBACS Policy 10 and Policy LPD32 which relate to protecting the amenity of adjoining development.

10.0 Water resources, flood risk and drainage;

- 10.1 I note that the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is over 1 hectare the Environment Agency were consulted and have not objected subject to consultation with the Lead Local Flood Authority.
- 10.2 Policy LPD4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 10.3 I note that the Lead Local Flood Authority were consulted on this application and raised no objection provided the surface water drainage scheme is in accordance with the submitted Flood Risk Assessment. Should planning permission be forthcoming a condition would be attached requiring a detailed surface water drainage scheme.

11.0 Biodiversity and Ecology;

- 11.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS and LPD18.
- 11.2 I note the comments from the NCC Ecology and should outline planning permission be forthcoming a condition would be attached requiring, A desktop study for existing ecological information, to include consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC), a Extended phase 1 Habitat Survey, and Details of avoidance, mitigation and compensation measures, and opportunities for enhancements.
- 11.3 I also note the comments from the Arboricultural Officer whom states there are no trees of value on the site. I also note the extensive comments received regarding the existing hedge that runs adjacent to the south and west boundary of the site. The application at present is for outline planning permission with matters relating to landscaping reserved for future consideration. It is my opinion that subject to the appropriate conditions,

significant green infrastructure can be retained when designing the detailed layout to ensure that mature vegetation on existing boundaries are retained and sufficiently protected during the development.

12.0 Contamination and health and safety;

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 15 of the NPPF and LPD7, LPD10 and LPD11.
- 12.2 Section 15 of the NPPF as reinforced by local policy which 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 I note that Gedling Borough Public Protection recommends the imposition of appropriate conditions to ensure that contamination is monitored and mitigated against. Subject to the condition it is my opinion, therefore, that the proposed development would accord with Section 15 of the NPPF and Policies LPD7 and LPD10.

13.0 Socio Economic Impacts

13.1 Affordable Housing

In accordance with LPD 67 the development of the site would equate to the requirement of nine affordable homes to be provided onsite. Gedling Affordable Housing Supplementary Planning Document requires 30% affordable housing on this site with a mix of 70% affordable rented dwellings and 30% intermediate for sale dwellings.

13.2 Strategic Highways

Transport and Travel Services request a contribution via Section 106 for Bus Stop improvements to the value of £6,500. I consider that this is reasonable as the development will be required to be served by public transport and the existing facilities justifiably requiring updating. This payment should be made to the County Council prior to the commencement of development.

13.3 Economic

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

13.4 Education

The County Council would seek an education contribution of £95,592 (7 x £13,656) towards the provision of a new primary school in North East Arnold and £88,765 (5 x £17,753) towards secondary school provision to accommodate the additional pupils projected to arise from the proposed development.

13.5 Health Care

The proposal would trigger the need to provide health related section 106 funding amounting to £17,258.00 which is proportionate to the housing development size.

13.6 Public Open Space

The site is over 0.4 hectares and will be subject to a section 106 agreement under the provisions of The New Housing Developments, Supplementary Planning Guidance for Open Space Provision.

The design and access statement at paragraph 6.9 states that an area of public open space would be provided, which includes a Sustainable Urban Drainage System (SUDS) pond with active edges of dwellings enclosing and overlooking this space.

14.0 Conclusion

14.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- Specific policies in this framework indicate the development should be restricted.

14.2 Whilst the access arrangements are a departure from the development plan, given the considerations set out above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

16.0 That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, with matters relating to Appearance, Landscaping, Layout and Scale reserved for subsequent approval and subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council education authority and highways authority for the provision of, or financial contributions towards Educational Facilities, Healthcare, Local Employment Agreement, Bus Stop Improvements and Public Open Space; 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 submission of all reserved matters and the implementation of the development shall be carried out in substantial accordance with the plans and documents received on the 2nd February 2017: - Application Forms; Planning Statement (January 2017); M-EC Transport Statement (Dec 2016); Topographical Survey; Design and Access Statement; Illustrative Masterplan (M11039/003A); Extended Phase 1 Habitat Survey (P1198/1116/01); Constraints and Opportunities Plan; Site Location Plan; Minerals Resource Assessment; and Flood Risk Assessment (22362/01-17/4560).
- 4 No part of the development hereby permitted shall take place until details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above and, where remediation is necessary, a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority. The Remediation Scheme shall be implemented as approved.
- 8 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 Local Planning Authority. 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 Local Planning Authority.

- 9 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.
- 10 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and based on the submitted Document: MEC Proposed Residential Development, Brookfields Garden Centre, Mapperley Plains, Flood Risk Assessment - January 2017 Report ref (22362/01-17/4560). 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.
- 11 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority, (1) A tree / hedge protection plan to graphically show the locations of any tree / hedge and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement (AMS). The AMS provides guidance as to how works might be mitigated or compensated for; (3) Details of any special engineering works and surfacing required near trees / hedges. The approved measures of protection shall be implemented 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 Local Planning Authority a Desktop Study for Existing Ecological Information, to include: (1) Consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC); (2) An Extended phase 1 Habitat Survey; and (3) Details of avoidance, mitigation and compensation measures, and opportunities for enhancements. The development shall be implemented strictly in accordance with the approved details.
- 13 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.
- 14 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.

- 15 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.
- 16 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 Local Planning Authority 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.

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 the development is constructed to adoptable standards.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 8 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

- 9 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).
- 10 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, Policies 1 and 17 of the Aligned Core Strategy Submission Documents and Policy LPD4.
- 11 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy LPD18 (July 2018).
- 12 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014) and Policy LPD18.
- 13 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 14 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 15 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 16 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 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) and the Local Planning Document (July 2018), 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.

No removal of hedgerows, trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council.

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. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 38 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application.

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

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.