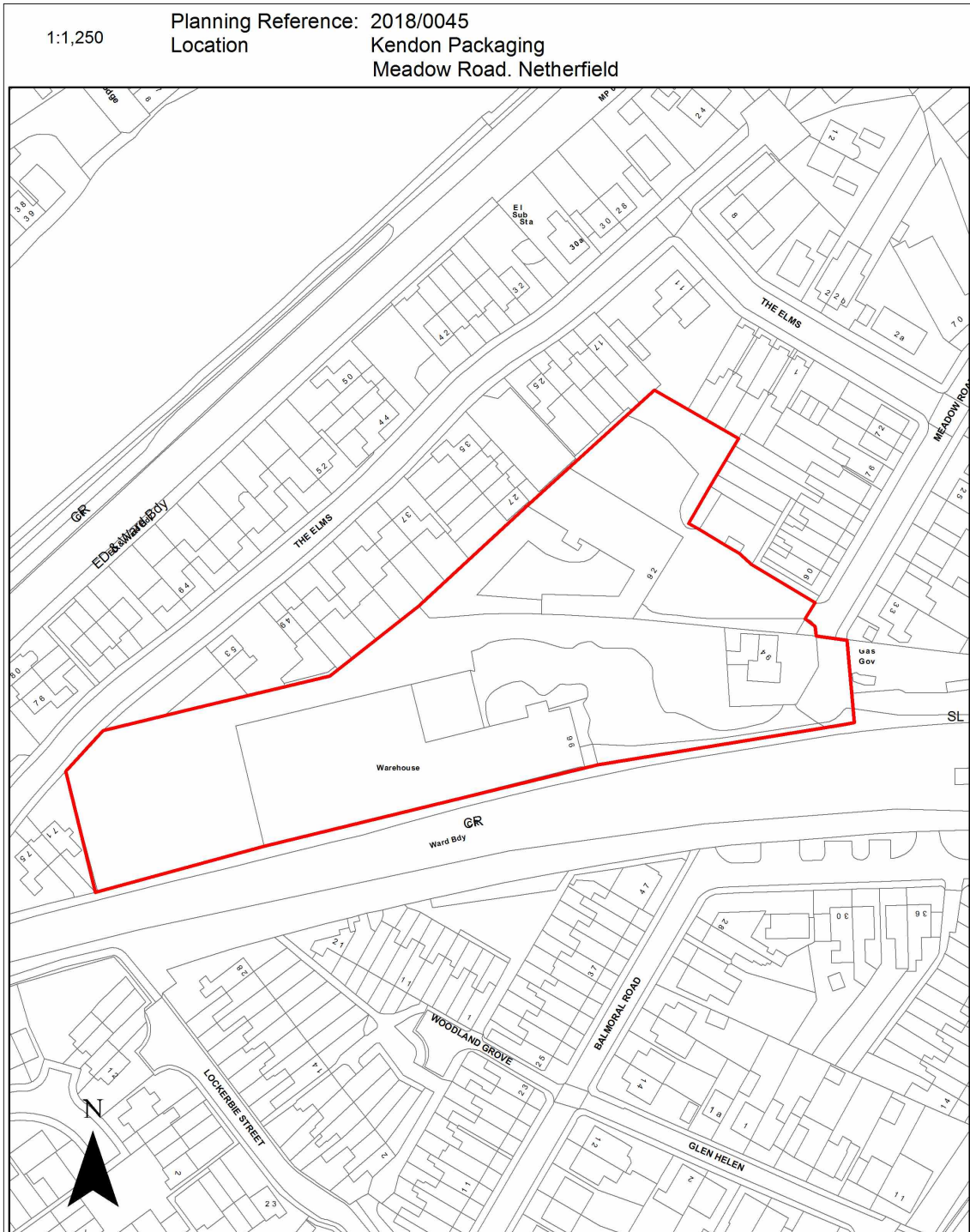




## Planning Report for 2018/0045



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## Report to Planning Committee

<b>Application Number:</b>	<b>2018/0045</b>
<b>Location:</b>	<b>Kendon Packaging Ltd Meadow Road Netherfield</b>
<b>Proposal:</b>	<b>Outline planning application for up to 40 No. dwellings with all matters reserved except access.</b>
<b>Applicant:</b>	<b>Kendon Packaging Group PLC</b>
<b>Agent:</b>	<b>Planning And Design Group (UK) Ltd</b>
<b>Case Officer:</b>	<b>Graham Wraight</b>

### **1.0 Background**

- 1.1 On Wednesday 13<sup>th</sup> June 2018 the Planning Committee resolved to Grant Outline Planning Permission for up to 40 No. dwellings with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the original Officer report.
- 1.2 The application is referred back to Planning Committee as an amended red line site plan has been submitted which reduces the site area from 1.05 hectares to 1.042 hectares. The Access Layout Plan has also been amended to reflect this change.
- 1.3 This amendment is to address an error on the original red line which included land that appears to be part of the rear garden area of an adjacent dwelling. It is understood that the Agent became aware of this matter during the drafting of the required Section 106 Agreement.
- 1.4 This report considers the planning policy position in light of the adoption of the Local Planning Document on 18<sup>th</sup> July 2018 and the implications of the amended red line on the proposed development.

### **2.0 Planning Policy Position**

- 2.1 The report to the 13<sup>th</sup> June 2018 Planning Committee set out the relevant policies in the determination of the outline planning application.

- 2.2 On 24<sup>th</sup> July 2018 the National Planning Policy Framework was revised.
- 2.3 On 18<sup>th</sup> July 2018 the Local Planning Document was adopted by the Borough Council. As a result Local Planning Documents policies are now to be given full weight.
- 2.4 It is noted that some policies have been renumbered in the adopted Local Planning Document. The policies in question are:
- LPD 40: Housing Development on Unallocated Site (previously LPD 39)
  - LPD 48: Local Labour Agreements (previously LPD 47)
- 2.5 The policies of the Replacement Local Plan 2005 are no longer Saved and have no weight in the decision making process.
- 2.6 It is not considered that the changes to the planning policy position as outlined above has any material impact upon the assessment and conclusions outlined in the Officer report to the 13<sup>th</sup> June 2018 Planning Committee. This report is provided in full at Section 5.0.

### **3.0 Amended Red Line**

- 3.1 The amended red line reduces the site area only and does not include any land which was not previously considered by the Planning Committee on 13<sup>th</sup> June 2018.
- 3.2 The reduction in site area is 0.008 hectares. It is not considered that this reduction materially affects the ability of the site to deliver up to 40 new dwellings.
- 3.3 Public consultation of the application was undertaken via the publication of a press notice, the display of site notices and by letters to neighbouring properties and the application was considered by the Planning Committee on 13<sup>th</sup> June 2018. Re-consultation has not been undertaken as the amended red line plan does not materially alter the size or character of the proposed development.
- 3.4 It is not considered that any party is prejudiced by the reduction in the site area, nor would the impact of the proposed development be materially different upon any party as a result.

### **4.0 Recommendation**

- 4.1 **Grant Outline Planning Permission with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report to the 13<sup>th</sup> June 2018 Planning Committee, except where amended as follows:**

Condition 3

This permission shall be read in accordance with the Flood Risk Assessment, RSE\_950-02V1 received by the Local Planning Authority on 16th January 2018, the site location plan (Revision A) received on 16th July 2018 and the Access Layout Plan, drawing ADC1606-DR-001 Rev P2 received on 18th September 2018

## **5.0 Officer Report to the 13th June 2018 Planning Committee**

### **RECOMMENDATION SHEET**

**Planning Committee**      **13th June 2018**

**Application No:**      2018/0045

**Location:**      Kendon Packaging Ltd Meadow Road

**Proposal:**      Outline planning application for up to 40 No. dwellings with all matters reserved except access.

### **1.0 Site Description**

- 1.1 The site is located at the southern end of Meadow Road, Netherfield and currently accommodates two employment buildings, one a traditional brick built building and the other a more modern industrial style unit. In addition, a dwelling which is understood to be a former Station Master's House is located on the site.
- 1.2 A railway line runs along the entire of the southern site boundary with the remaining boundaries being shared with residential properties, with the exception of part of the eastern boundary which is adjoins land associated with the railway.
- 1.3 At the present time the modern industrial unit and Station Master's House are vacant but the brick industrial building is occupied. The site has a predominantly industrial appearance in keeping with its most recent use.
- 1.4 The site is located within Flood Risk Zone 3. However the Greater Nottingham Strategic Flood Risk Assessment (September 2017) confirms that it benefits from flood defences which place it at low risk of flooding.

### **2.0 Relevant Planning History**

- 2.1 None.

### **3.0 Proposed Development**

- 3.1 The application is submitted in outline form and seeks approval for the erection of up to 40 dwellings and for the approval of the access to the site. The former Station Master's House would be retained on the site but all other buildings demolished. The matters of appearance, scale, layout and landscaping have been reserved for later consideration.
- 3.2 A drawing has been submitted which shows how the site would be accessed from Meadow Road, this being the sole access point proposed. In addition, an indicative plan has been submitted showing how a residential development could be accommodated on the site.

## **4.0 Consultations**

- 4.1 Environment Agency – no objection subject to conditions relating to flood mitigation measures and land contamination.
- 4.2 Gedling Borough Council Conservation Officer – no objection to the principle of residential development. However a Heritage Statement should be submitted with respect to the Station Master's House and the former Hosiery Factory.
- 4.3 Gedling Borough Council Economic Development – the size of the development meets the thresholds for a Local Labour Agreement
- 4.4 Gedling Borough Council Public Protection – no objection subject to conditions requiring verification that the sound insulation scheme has been installed and the submission of noise and dust management plan.
- 4.5 Gedling Borough Council Parks and Street Care – a S106 contribution is required towards off-site open space provision.
- 4.6 Gedling Borough Council Strategic Housing – 10% of dwellings should be affordable (70% social rented/30% intermediate housing).
- 4.7 Gedling Borough Council Scientific Officer – no objection subject to conditions relating to land contamination.
- 4.8 Forestry Officer – no objection subject to a tree protection condition.
- 4.9 Network Rail – object as the existing railway access point has not be accommodated and the attenuation pond is too close to the railway boundary. Recommend a number of planning conditions should permission be granted requiring details of drainage, boundary fencing, safety barriers, construction method statement, soundproofing, lighting and landscaping.
- 4.10 NHS Clinical Commissioning Group – request a S106 contribution of J21,675 towards health facilities.
- 4.11 Nottinghamshire County Council Flood Risk Team (Lead Local Flood Authority) – no objection.
- 4.12 Nottinghamshire County Council Highways – no objection subject to conditions requiring detailed drawings of the proposed road, that bound surfaces be used, that there is no drainage onto the highway and that wheel washing facilities are provided during construction. The visibility splay shown should be incorporated into the adopted footway and the entrance road may need some slight adjustments to better tie into the existing road
- 4.13 Nottinghamshire County Council Planning Policy – requests a financial contribution of J22,000 towards bus stop improvements and J103,560 towards secondary education provision.

4.14 Neighbouring Properties were notified and Site Notices and Press Notice posted and 9 representations have been received as a result. The comments can be outlined as follows: -

- Parking issues are already present on existing roads
- Highway safety concerns
- Increase in traffic
- Loss of light at existing dwellings
- Residents have not been notified
- The applicant does not own all of the planning application site
- The Station House must be retained
- Pownall's Factory should be retained and converted.
- Loss of local businesses
- Overlooking onto existing dwellings
- Only one entrance to the development
- Existing road junctions should be improved
- Retention of the Station Master's House is supported
- Design and layout matters
- Massing/overbearing impacts
- Increase in air pollution

4.15 A copy of an email between the occupier of a neighbouring property and Councillor John Clarke has been provided in which Councillor Clarke states that any buildings with a heritage link should be saved.

## **5.0 Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless 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) (March 2012) and the additional information provided in the National Planning Practice Guidance (NPPG).

## **6.0 Development Plan Policies**

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework – sets out the national objectives for delivering sustainable development.

6.3 Greater Nottingham Aligned Core Strategies Part 1 Local Plan:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 11: The Historic Environment

- Policy 14: Managing Travel Demand
- Policy 15: Transport Infrastructure Priorities
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

#### 6.4 Gedling Borough Replacement Local Plan

- Saved Policy ENV1: Development Criteria
- Saved Policy ENV3: Development on Contaminated Land
- Saved Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- Saved Policy H8: Residential Density
- Saved Policy T10: Highway Design and Parking Guidelines

#### 6.5 Emerging Part 2 Local Plan

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. The LPD is currently being examined in accordance with paragraph 182 of the NPPF. Until the Inspector's report is published, LPD policies cannot be given significant weight. Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. they have no substantive objections) they are afforded "moderate" weight. Where the LPD policies have outstanding objections, they are afforded "limited" weight.

The following LPD policies are relevant to this application (and weight given):

- LPD 3: Managing Flood Risk (moderate weight)
- LPD 7: Contaminated Land (moderate weight)
- LPD 18: Protecting and Enhancing Biodiversity (limited weight)
- LPD 21: Provision of New Open Space (moderate weight)
- LPD 26: Heritage Assets (moderate weight)
- LPD 31: Locally Important Heritage Assets (moderate weight)
- LPD 32: Amenity (moderate weight)
- LPD 33: Residential Density (moderate weight)
- LPD 35: Safe, Accessible and Inclusive Development (limited weight)
- LPD 36: Affordable Housing (limited weight)
- LPD 37: Housing Type, Size and Tenure (limited weight)
- LPD 39: Housing Development on Unallocated Sites (moderate weight)
- LPD 47: Local Labour Agreements (limited weight)
- LPD 57: Parking Standards (limited weight)
- LPD 61: Highway Safety (moderate weight)

### 7.0 Planning Considerations

#### Principle of the development

- 7.1 The site is previously developed land which is located within an urban area. Although it has most recently been in industrial use, it is positioned immediately adjacent to existing residential areas and therefore its

redevelopment for residential use is considered to be compatible with surrounding land uses.

7.2 Whilst it is noted that the site does currently sustain a reduced level of employment use, it is not located within a protected employment site designation on the adopted Gedling Borough Local Plan Proposals Map 2005 or on the emerging LPD Policies Map Publication Draft (May 2016). Furthermore, the Strategic Housing Land Availability Assessment (SHLAA) 2017 identified the site as being developable for housing.

7.3 Given that the site is not protected for employment uses and that the existing premises do not appear to be attractive for ongoing employment use, it is considered that the loss of the employment buildings does not compromise the objectives of the relevant national and local planning policies. The principle of residential development is therefore considered to be acceptable.

#### 7.4 Proposed Density

It is noted that the indicative plan submitted is unclear in terms of the number of dwellings it shows although it is accepted that the number proposed could be delivered by the provision of smaller units such as flats and maisonettes. Furthermore, the SHLAA identified the site as having potential for 35 units. Having considered the potential constraints of the site and its character in further depth, it is considered that the figure of up to 40 dwellings is reasonable. As the site is 1.05 hectares, this would meet with the objectives of Saved Policy H8 and Emerging Policy LPD33.

#### Impact upon visual amenity

7.5 As appearance and scale are reserved for later consideration the impact upon visual amenity does not fall to be considered at the present time. It is considered however that a scheme could be presented that would be visually appropriate within the surrounding area and would meet with the relevant planning policies.

#### Impact upon residential amenity

7.6 As the matters of appearance, scale and layout have been reserved for later consideration it is not possible to make a detailed assessment of the impact that the development would have on the adjacent dwellings. However, it is considered that up to 40 dwellings could be accommodated on this site in a manner that would not cause harm to the amenities presently enjoyed by the occupiers of the adjoining dwellings.

7.7 Subject to the implementation of the sound insulation scheme outlined within the submitted Noise Impact Assessment, Public Protection considers that development in this location and in proximity to the adjacent railway line would provide an acceptable level of amenity. Subject to an appropriate design and layout, it is also considered that a scheme can be developed that would provide an acceptable living environment.



- 7.8 It is noted that objections have been received on the ground of traffic movements along Meadow Road from the proposed development. However, given that the existing use of the site is for industrial purposes where frequent visits of larger vehicles could be expected, it is not considered that the level of traffic movements generated by the proposed development would cause any undue harm to residential amenity.

#### Highway matters

- 7.9 A drawing (ADC1606-DR-001 P1) has been submitted for approval which shows the proposed access point of the site onto Meadow Road. The Highway Authority has raised no objection to the access point shown although they have outlined a couple of minor points in terms of requiring the visibility splay to form part of the adoptable footway and that the alignment of the proposed internal road near the entrance road may need some slight adjustments to better tie into the existing road. It is considered that this can be addressed at reserved matters stage. Accordingly, it is considered that that adequate details have been provided to allow for approval of the matter of access.
- 7.10 An objection has been raised by a member of the public on the ground that there should be more than one access point to the site however as the Highway Authority have not requested such provision it is not considered reasonable or necessary to require a second access point. The Highway Authority has also not advised that any alterations to the existing highway network are required and they have not raised concerns with respect to parking matters.

#### Impact upon protected species

- 7.11 The Ecological Assessment makes recommendations that additional bat (nocturnal bat emergence surveys or dawn swarming surveys) and a badger survey are undertaken. It is considered these matters could be addressed by planning conditions on the outline planning permission requiring details to be submitted in conjunction with the subsequent reserved matters application(s).

#### Flood risk

- 7.12 The site is located within Flood Risk Zone 3 and a Flood Risk Assessment has been submitted. Consultation has been undertaken with the Environment Agency who do not object subject to a condition securing flood mitigation measures. It is not considered that the requirements of the Environment Agency would constrain the proposal to develop the site for up to 40 dwellings.
- 7.13 Residential developments within Flood Zone 3 would usually be required to demonstrate that there are no sequentially preferable sites available on which the development could take place in order to meet with the objectives of the National Planning Policy Framework. However, in this instance, it is noted that the site falls in an area of low risk when the Greater Nottingham Strategic Flood Risk Assessment (September 2017) is considered. Furthermore, the National Planning Policy Framework (paragraph 101) is clear that a Strategic

Flood Risk Assessment will provide the basis for applying a sequential test. Therefore, given the site is considered to be of low flood risk under the Strategic Flood Risk Assessment, it is not necessary to require that a sequential test be undertaken.

- 7.14 It is noted that part of the site would be at risk of flooding in a flood defence breach scenario, however given that the Environment Agency considers that any such flood risk concerns can be successfully overcome through mitigation measures, it is considered that it would not be reasonable to refuse planning permission on flood risk grounds.
- 7.15 In light of the above considerations it is therefore considered that flood risk matters have been adequately addressed.

#### Heritage considerations

- 7.16 The site contains two buildings which has been identified by the Conservation Officer as being of heritage interest; the former Station Masters House which is to be retained and a former hosiery factory building that is proposed to be demolished. Representations have been received from members of the public that both buildings should be retained and the Conservation Officer has requested that a Heritage Statement be provided. A statement has been submitted which addresses only the hosiery factory, which is considered reasonable given that it is not intended to demolish the former Station Master's House.
- 7.17 The Heritage Statement assesses the historic context of the hosiery factory which is believed to date from the late 19<sup>th</sup> Century. It considers that the location of the factory was likely to have been linked to the location of the railway but that it does not appear to have formed a contingent or adjoining part of Nottingham's wider hosiery operational locations or surrounding manufacturing activity. The statement also notes that the building is in a poor condition but accepts that it is still used for commercial purposes.
- 7.18 The hosiery factory is not a listed building nor is it in a conservation area. It also is not identified or protected as local heritage asset. The Heritage Statement concludes that the building has low to negligible significance and that this factor together with its non-designated status means that it should be assessed as part of the wider planning balance as set out in paragraph 135 of the National Planning Policy Framework. Paragraph 135 requires that a balanced judgement be made having regard to the scale of any harm or loss and the significance of a non-designated heritage asset. The Heritage Statement also identifies a number of factors that weigh in favour of the proposed redevelopment of this site, including the provision of new market and affordable housing in a sustainable urban location.
- 7.19 On balance, it is not considered that the hosiery factory, in the context of its historical interest, its location and its general scale and design is not of such significance to warrant a requirement that it be retained as part of the redevelopment of the site or to substantiate a reason for refusing planning permission. It is also considered that in the planning balance the potential to deliver new housing in this sustainable location and in a comprehensive

manner outweighs the benefits of retaining the hosiery factory building on the site. Accordingly, the loss of the hosiery building as part of this development is considered to be acceptable in planning terms.

#### Other matters

- 7.20 Concern has been raised by members of the public that insufficient consultation has been undertaken in respect of the planning application. Neighbouring properties immediately adjoining the site were notified by post. In addition 3 site notices were displayed and a press notice was published. This meets with the legislative requirements set out in the Development Management Procedure Order and is considered to be proportionate to the scale of the development proposed. It is noted that the applicant does not own the entire site however they have certified that they have served the appropriate notices on the owners which again meets with the relevant legislative requirements.
- 7.22 Network Rail have made specific comments on access arrangements to their land and on the positioning of a drainage pond shown on the indicative plan submitted, however both of these concerns can be addressed at reserved matters stage. They have also raised a number of points with respect to the proximity of the site to the railway however this can be addressed by attaching a note to applicant. The Council's Scientific Officer has not raised a concern with respect to the impact that the development would have upon air quality.

#### **Planning Obligations**

- 8.0 The development proposed would require that the following planning obligations be met:
- 10% on site affordable housing (70% social rented/30% intermediate) in accordance with the adopted Affordable Housing Supplementary Planning Document 2009
  - Contribution (which based upon 40 dwellings and a site area of 1.05 hectare would be J65,690.10) towards the improvement, and on-going maintenance, of existing provision of open space/recreation facilities within a radius of 2km from the centre of the development, in accordance with the Open Space Supplementary Planning Document 2001
  - Local Labour Agreement to meet with the requirements of LPD Policy 47
  - J21,675 for health facilities as requested by the NHS
  - J103, 560 for the provision of 6 secondary school places in the Carlton le Willows catchment area.

These obligations would need to be secured by way of a S106 Planning Obligation which shall be completed prior to determination of the planning application. It is considered that all of the above obligations meets with the tests set out in Section 122 of The Community Infrastructure Levy Regulations 2010

- 8.1 It is noted Nottinghamshire County Council requested a sum of J22,000 towards bus stop improvements to two existing bus stops on Meadow Road (in the vicinity of Knight Street). At the present time these bus stops consist of

single poles with no interactive displays or shelters however it is not considered that the proposed development of up to 40 dwellings would justify a financial contribution towards upgrading the bus stops. Therefore the three tests set out on Section 122 of The Community Infrastructure Levy Regulations 2010 (necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development) would not be met by this request.

## **8.0 Conclusion**

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters.

It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local Plan.

## **9.0 Recommendation:**

- 9.1 Grant Outline Planning Permission with the matter of Access approved: 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 Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

### **Conditions**

- 1 Approval of the details of layout, scale parameters, landscaping and appearance (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 This permission shall be read in accordance with the Site Location Plan and Access Layout Plan, drawing ADC1606-DR-001 Rev P1, and the Flood Risk Assessment, RSE\_950-02V1 received by the Local Planning Authority on 16th January 2018.
- 4 Prior to first occupation of the development and with reference to Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018), verification that the approved sound insulation scheme has been

implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.

5 Prior to the commencement of the development a detailed Noise and Dust Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The noise management part of the plan should make reference to the submitted Noise Impact Assessment by Noise Vibration Consultants Ltd (Date: 17th January 2018). The Noise and Dust Management Plan shall identify the types and locations of works which are likely to cause noise and dust disturbance to sensitive receptors and:- Minimise noise and dust arising from such works by technical and physical means, and through work scheduling & management best practice - Identify (and make stakeholders aware of) the person responsible for recording, investigating & dealing with complaints from residents- Set out a communication strategy to keep regulators, resident and other stakeholders advised well in advance of specific works which are likely to cause noise and dust disturbance- Ensure that as much of the disruptive / noisy / dust generating work as possible is carried out during the normal construction operating hours- Regularly review the Noise and Dust Management Plan. Any amendments which may have an impact on noise or dust sensitive receptors shall be agreed in advance with the regulator and communicated to all other stakeholders The approved Noise and Dust Management Plan shall be implemented throughout the construction and demolition works undertaken on site.

6 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

#### Site Characterisation

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

#### Submission of Remediation Scheme.

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

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works.

Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 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 set out in Condition 6 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.
- 8 No part of the development hereby permitted shall commence 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, street lighting, Traffic Regulation Orders, 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
- 9 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.
- 10 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.
- 11 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times during the construction of the development and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 12 No development shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
  - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
  - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
  - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement
- 13 Prior to the submission of any reserved matters application, a nocturnal bat emergence or dawn swarming survey and a badger monitoring survey, in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Bat Building Assessment (RSE\_950\_01\_V1) shall be undertaken and submitted to the Local Planning Authority.
- 14 No development shall commence until 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, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

## **Reasons**

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To define the permission, for the avoidance of doubt.
- 4 To protect the amenity of the occupiers of the approved dwellings.
- 5 To protect the amenities of the occupiers of adjacent dwellings.
- 6 To ensure that land contamination matters are fully addressed.
- 7 To ensure that land contamination matters are fully addressed.
- 8 In the interests of Highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

- 11 In the interests of Highway safety.
- 12 To ensure that existing trees on adjacent land are adequately protected.
- 13 To ensure that ecological interests are adequately protected.
- 14 To ensure that the surface water drainage scheme is appropriate to meet the needs of the site and the approved development.

### **Reasons for Decision**

The proposed redevelopment of the site for residential use is considered to be acceptable in principle and it is considered that residential density of up to 40 dwellings could reasonably be achieved. It is not considered that the proposal would cause harm to visual or residential amenity, subject to a detailed consideration at reserved matters stage. The proposal is considered to be acceptable in highway safety terms and is acceptable with respect to ecological, flood risk and heritage matters. It is therefore considered that the proposal meets with the objectives and relevant policies of the National Planning Policy Framework, the Aligned Core Strategy, the Replacement Local Plan and the Emerging Local 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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

The applicant should note that notwithstanding any planning permission, 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.

#### Construction & Demolition Proposed Method of Demolition

Where the method of proposed demolition includes the use of a mobile crusher on site the applicant must notify the Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972) before crushing operations commence on site, so it may be inspected to ensure it is operating correctly under the Permit conditions imposed by the Pollution and Prevention and Control Act 1999.

#### Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -  
Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800) Saturday: 0830-1700 (noisy operations restricted to 0900-1300) Sunday: at no time Bank Holidays: at no time Work outside these hours may be acceptable in exceptional circumstances but must be agreed in advance with Gedling Borough Council's Environmental Health Team (Tel: 0115 9013972)

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers. Dust/Grit and Other Fugitive Emissions Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality. Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate measures include;-Flexible plastic sheeting Water sprays /damping down of spoil and demolition waste Wheel washing. Periodic road cleaning.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard.(See<http://www.gedling.gov.uk/resident/planningandbuildingcontrol/planningpolicy/adoptedlocalplanandpolicydocuments/supplementaryplanningdocumentsandguidance/>)We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow workers and customers to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

The comments of the Local Lead Flood Authority are attached.

The comments of Network Rail are attached.

The comments of the Environment Agency with regard to finished floor levels and flood resilience measures are attached.

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 not payable on the development hereby approved as the development type proposed is zero rated in this location.