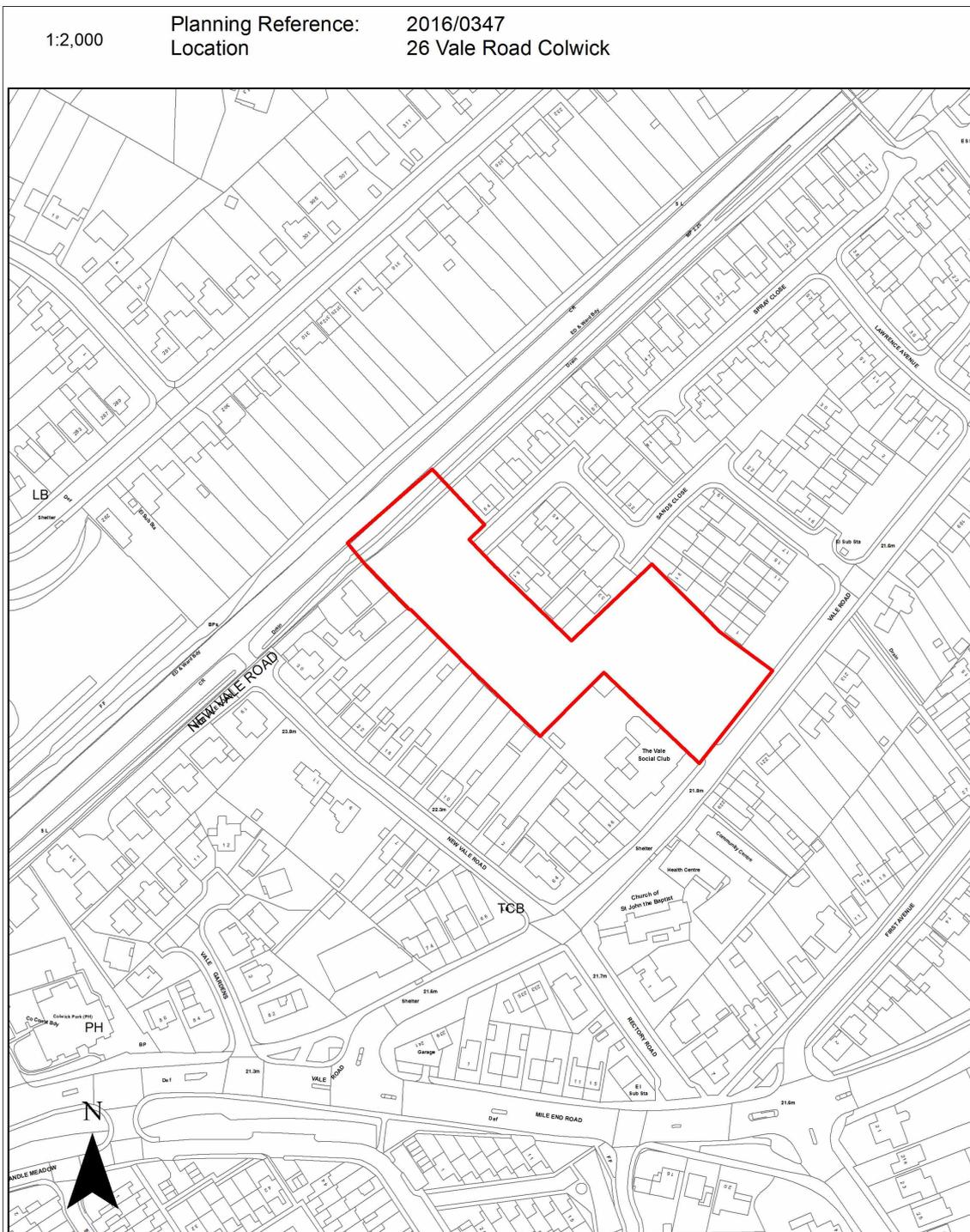


Planning Report for 2016/0347



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Report to Planning Committee

Application Number: 2016/0347

Location: Sol Construction Ltd. 26 Vale Road Colwick

Proposal: Section 73 application to amend Condition 12 (approved plans) on 2008/0287 (demolish offices, car parking & storage areas & erection of 44 dwellings with associated roads & sewers) and amend previously agreed Section 106 planning obligation to omit the integrated transport and public open space contributions, and reduce the education contribution from £120,820 to £75,000 on viability grounds.

Applicant: Sol Homes Limited

Agent:

Case Officer: Graham Wraight

1.0 Site Description

1.1 The application site is located towards the south-western end of Vale Road and was previously occupied by the offices of the applicant. The site has however now been cleared. The site is approximately 0.7 hectares in area and is irregular in shape, comprising of two connecting rectangular parcels.

1.2 The first of these parcels fronts onto Vale Road and has boundaries to the south-west with the Vale Social Club and to the north and north-east with residential properties on Sands Close. The second part of the site shares boundaries with the Vale Social Club to the south-east, to the north-east with properties on Sands Close and to the north-west with properties on New Vale Road.

2.0 Relevant Planning History

2.1 2008/0287 – DEMOLITION OF OFFICES, CAR PARKING & STOARGE AREAS & ERECTION OF 44 DWELLINGS WITH ASSOCIATED ROADS AND SEWERS – Planning permission granted with conditions and subject to two Section 106 planning obligations.

2.2 In October 2012 the applicant advised that the work had been commenced on the site and that the slabs to plots 33 and 34 had been laid. The Borough Council subsequently confirmed in writing that it is considered that this

represents a material commencement of development and therefore that the permission will now remain extant in perpetuity.

3.0 Proposed Development

3.1 This application is made under Section 73 of The Town and Country Planning Act and seeks to vary Condition 12 on planning permission reference 2008/0287. This planning permission allowed for the demolition of the existing office building and associated structures on the site and the erection of 44 new dwellings. Condition 12 lists the approved plans and it is proposed to substitute these plans to allow for the following amendments to the approved scheme to be made:

- Repositioning of north-western boundary adjacent to plots 23 to 37. The boundary has been moved approximately one metre into the site following a resurvey.
- Plots 33-36 repositioned by approximately one metre in an easterly direction as a result of the boundary change.
- Insertion, removal and change of design of windows and doors on plots 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 19, 20, 21, 22, 26, 32, 33, 34, 35, 36, 41, 43 and 44.

3.2 An application has also been made under S.106A(3) of the Town & Country Planning Act 1990 to modify the required planning obligations. Therefore, in addition to these proposed amendments, a viability assessment has been submitted to support the applicant's assertion that the scheme would not be viable if the education, integrated transport and public open space contributions required by the Section 106 agreements attached to planning permission 2008/0287 are paid. This assessment has been subject to independent review by the District Valuer Service.

3.3 Notwithstanding this viability assessment, the applicant has offered to pay a financial contribution of £75, 000 towards education provision.

4.0 Consultations

Nottinghamshire County Council Highways – no objection.

Network Rail – no objection.

Nottinghamshire County Council S106 Officer – requires an increased contribution of £223,915 towards education provision as there is no capacity at either of the catchment schools (Netherfield Primary School and Carlton Le Willows Academy). The split is £122,904 towards primary school places and £124,271 towards secondary school places. This differs from application 2008/0287 as there was primary school capacity at that time.

Confirms that the integrated transport contribution of £24,585 is still required to mitigate the impact of the development.

Gedling Borough Council Parks & Street Care - 44 dwellings which include 3 and 2 bedroom properties will bring with them further need for play and recreation space provision for the new residents in an already developed

urban area with limited existing play provision. I would have looked to spend any offsite sum and the maintenance monies on improving the play and recreation areas at Colwick Rec and at Vale Side Play Area.

Gedling Borough Council Scientific Officer – no objection.

Colwick Parish Council -objects to any reduction in contributions and strongly objects to any omission of contributions, all money should stay in the community.

A press notice was published, a site notice displayed and neighbour notification letters posted however no representations were received.

5 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 material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development Paragraph 57 referring to viability considerations, Section 2 (Achieving sustainable development) and Section 12 (Achieving well-designed places) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 19: Developer Contributions – sets out the requirements for when developer contributions are required.

6.4 Local Planning Document 2018 (LPD)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 21: Provision of New Open Space – sets out the criteria for when open space provision will be required.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 36: Affordable Housing – sets out the criteria for when affordable housing will be required.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Supplementary Planning Documents

Gedling Borough Council's Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision SPG (2001) – sets out the open space requirements for new residential development.

Affordable Housing SPD (2009) – sets out the affordable housing requirements for new residential development.

7.0 Planning Considerations

Principle of the development and site history

- 7.1 Planning permission was granted in July 2008 for the construction of 44 dwellings and associated works on the site. The Borough Council has accepted that development has commenced and therefore that the permission will remain extant in perpetuity and can be implemented at any point in the future.
- 7.2 The effect of approving a Section 73 application such as this would be to issue a new planning permission and the guidance on such applications is clear in that they should be considered in the context as to whether they have been any material changes in planning policies or other material planning considerations since the original permission was granted.
- 7.3 Given the period of time since the original permission was granted in 2008, the planning policy framework has changed considerably, in particular with respect to the introduction of the National Planning Policy Framework and the adoption of the Aligned Core Strategy and Local Planning Document.
- 7.4 The policies which are relevant at the present time are outlined in this report and it is not considered that they would, in principle, suggest that the redevelopment of the site for residential purposes would no longer be acceptable. Furthermore, the fact that the site benefits from an extant planning permission for the construction of 44 dwellings is a material planning consideration that should be given significant weight in the decision-making process.
- 7.5 Therefore, in the light of the extant permission being in place, it is considered that the assessment of this current Section 73 application can be restricted only to consideration as to whether the proposed design and boundary changes have any adverse impact upon visual and residential amenity and whether the development can proceed without the Section 106 planning obligations being met.

Proposed boundary repositioning

- 7.6 This part of the proposal would see part of the north-western site boundary (adjacent to plots 23 to 37) being brought approximately one metre into the site, following a re-survey of the site. Whilst this would reduce the garden areas of the dwellings in question, it is not considered that the reduction would be significant and adequate garden space would remain to serve the needs of the future occupiers of these properties. The boundary change would not have an adverse impact upon the residential amenities of the existing properties adjacent to the site and there would not be any harmful impact upon visual amenity.

Proposed design changes

- 7.7 The proposed design changes are as follows:
- Beckford – plots 7 and 41 – replace garage window with recessed false window.
 - Sherwood (plots 26 and 32) – omit front bay window, omit side first floor window.

- Sandford (plot 44) – add three new first floor windows, add rear ground floor door, omit first floor side window.
- Ashfield (plots 22 and 43) – add one first floor window, enlarge one first floor window and one ground floor window on the rear elevation.
- Kirkham/Maybury (plots 14/15, 20/21, 33/34, 35/36) – amend front bay window at ground floor, add one ground floor and one first floor window to side elevation, omit heads and cills to six windows to rear elevation.
- Ashton (plots 8, 16, 17 and 19) – omit heads and cills to windows and doors to elevation facing courtyard, replace garage door and window with recessed false windows to the estate road elevation.
- 2 bed apartments (plots 1, 2, 3, 4, 5, 6) – amend two ground floor bay windows, enlarge two windows at first and second floor level to front elevation, enlarge five windows and remove heads and cills to rear elevation.

7.8 The proposed changes are considered to be minor in nature and would not have a significant visual impact on the design and appearance of the development. Where heads and cills have been removed, these are on rear elevations or those which face into courtyard areas. It is therefore not considered that their removal could be resisted.

7.9 In terms of the impact upon adjacent properties, the following assessment is made:

- The new first floor windows to plot 22 would face towards The Vale Social Club however the Agent has advised that these would be obscurely glazed and therefore would not cause overlooking concerns. This matter could be controlled by way of a planning condition.
- The windows at first floor level to plot 44 would face towards Sands Close and would not give rise to concerns with respect to overlooking on to existing properties.
- The new first floor window to plot 43 would face towards 51 Sands Close but it is considered that this would be at an adequate distance so not to give rise to unreasonable overlooking. The enlarged window would be obscurely glazed but notwithstanding this is also considered to be a reasonable distance from the adjacent property.
- The remaining changes proposed are either cosmetic only, are at ground floor level or do not face directly towards the boundaries of the site. It is not considered that these amendments would give rise to overlooking concerns.

7.10 The proposal is therefore considered to meet with the objections of the national planning policy framework, Core Strategy Policy 10 LPD Policies 32 and 40.

Viability assessment

7.11 The financial requirements set out in the Section 106 planning obligations which were entered into with Gedling Borough Council and Nottinghamshire County Council are as follows:

- £120,830 towards education provision
- £24,585 towards integrated transport measures
- £61,467 towards public open space

A viability assessment has been submitted with the application and this has been subject to an independent review by the District Valuer Service. An

updated review has been undertaken following the adoption of the Local Planning Document and the introduction of the updated NPPF and PPG in 2018. The conclusion of the District Valuer Service is that none of the Section 106 requirements can be met if a viable scheme is to be delivered.

- 7.12 Nottinghamshire County Council have advised that the education provision requirement has changed in the period since the original Section 106 was completed and that there is now a requirement for £122,904 towards primary school places and £124,271 towards secondary school places. This makes a total requirement of £247,175 towards education provision.
- 7.13 The applicant has offered a sum of £75,000 towards education provision, which would represent a shortfall of £172,175 based on the current figure. No sum is offered towards either integrated transport measures or public open space.
- 7.14 Local Planning Policy LPD 36 sets out a requirement of 10% affordable housing in the Colwick Area.
- 7.15 The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 7.16 The National Planning Policy Framework states at paragraph 94:
It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:
a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
- 7.17 With respect to public open space, the National Planning Policy Framework states at paragraph 96 that:
Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.
- 7.18 The National Planning Policy Framework states at paragraph 108c that:
In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.19 Policy 19 of the Aligned Core Strategy relates to Developer Contributions and Local Planning Document Policy LPD 21 refers specifically to open space requirements.
- 7.20 Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes

account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management.

- 7.21 If the proposed development was to proceed as submitted then it would do so without making provision for the required number of school places, the required integrated transport measures or the required public open space provision and affordable housing provision.
- 7.22 The National Planning Policy states at paragraph 57:
Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 7.23 Gedling Borough Council's Local Planning Document was adopted on 18th July 2018 and Nottinghamshire County Council's Planning Obligations Strategy on 12th September 2018. Accordingly, both documents and the policies contained within them are considered to be up to date. The question for consideration is therefore whether the development can proceed without each of the required contributions and whether if the development did take place it would constitute sustainable or unsustainable development.
- 7.24 With regard to education, the need for both primary and secondary school places and the financial cost of providing these is evidenced and justified within Nottinghamshire County Council's Planning Obligations Strategy. Primary places would be provided at Netherfield Primary School and secondary places at Carlton le Willows Academy. The contribution of £75,000 offered by the applicant is a very significant shortfall of £172,175 compared to the £247,175 required by the County Council. It is considered that the size of this shortfall would mean that an inadequate provision of school spaces would be provided and it is considered that this would render the development as unsustainable and contrary to the objectives of national and local planning policies, in particular Section 2 (Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.
- 7.25 With regard to the contributions for public open space and integrated transport, whilst the position that these are required is maintained, in the planning balance it considered that the non-payment of these could be outweighed by the benefits in bringing forward housing development on this vacant site within the urban area. In addition, there is equipped public open space in the vicinity of the site and whilst it is noted that the proposed

development would put pressure on this, as per the comments from Parks and Open Space, it is not considered that the scale of the development proposed would result in significant pressure to the extent that a refusal of planning permission could be substantiated. In terms of the integrated transport contribution, this relates to capacity issues and lighting improvement over the railway to the north of the site and to a nearby footpath, as opposed to highway safety issues. Furthermore, it is noted that Nottinghamshire County Council would seek to spend only approximately £5,000 on the works to the Vale Road/Colwick Road junction which are referred to in the Section 106. Therefore unlike the situation with the education contribution, the absence of the public open space and integrated transport contributions are not necessarily considered to be fatal to the acceptability of the scheme or to render the development as unsustainable.

- 7.26 In this instance, it is accepted that affordable housing would make the development unviable and therefore that it would be unreasonable to insist on its inclusion, given the reference to this matter in local planning policy LPD 36.

8 Conclusion

- 8.1 This application seeks to make design amendments to planning permission 2008/0287 which has been commenced and which is considered to be extant and capable of being fully implemented. Whilst the planning policy landscape has altered in the period since the original planning permission was granted, it is not considered that this more recent planning policy would preclude the redevelopment of this site for residential purposes. It is considered reasonable to seek to make amendments to the design and character of the scheme.
- 8.2 It is however considered the failure to pay the full contribution towards education provision would render the development as unsustainable, contrary to the objectives of national and local planning policies, in particular Section 2 (Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.

Recommendation:

1) That the Borough Council grants planning permission for the S.73 application, subject to the applicant entering into a deed of variation amending the original Section 106 Agreements with the Borough Council as Local Planning Authority and with the County Council as education authority and highways authority pursuant to planning approval 2008/0287 for the provision of financial contributions towards off site public open space, education and integrated transport measures and subject to the following conditions:

Conditions

- 1 Time period for implementation – deleted, development has commenced.
- 2 Section 106 will be required prior to a decision being issued.

3. The external facing materials to be used in the development shall be as per those approved in conjunction with Condition 3 on planning permission reference 2008/0287.
4. Hard surfacing shall be undertaken in accordance with the details approved in conjunction with Condition 4 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A.
5. Landscaping shall be undertaken in accordance with the details approved in conjunction with Condition 5 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A and shall be carried out in the first planting season following the substantial completion of the development. Any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season.
6. Prior to the first occupation of the dwellings they serve, the boundary treatments approved in conjunction with Condition 6 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A shall be erected and shall thereafter be retained in perpetuity.
7. Prior to the first occupation of the dwellings they serve, the bin storage facilities, cycle storage and external lighting shall be undertaken in accordance with the details approved in conjunction with Condition 7 on planning permission reference 2008/0287 and shown on drawings 917/200/01 Rev A and 917/200/02 Rev A.
8. Flood protection and site drainage shall be undertaken in accordance with the details approved in conjunction with Conditions 8 and 9 on planning permission reference 2008/0287.
9. Deleted as conditions 8 and 9 have been combined.
10. Site remediation works shall be undertaken in accordance with the details approved in conjunction with Condition 10 on planning permission reference 2008/0287. Validation of the remediation works shall be submitted to and approved in writing by the Local Planning Authority following the completion of the works.
11. Site clearance works shall not be undertaken within the bird breeding season (March to September) unless a survey of the site for nesting birds is carried out and a report of findings of such a survey are submitted to and approved in writing by the Borough Council prior to site clearance being undertaken. The development shall be carried out in accordance with the mitigation measures proposed within the ecological assessment that was submitted with the application reference SLR 403.0756.00033 dated December 2006 in conjunction with planning application 2008/0287.
12. The development hereby permitted shall be constructed in accordance with the following approved plans: -

Submitted with 2016/0347

- 917/100/01 Rev E
- The Beckford elevations
- The Beckford ground floor
- The Beckford first floor
- The Sherwood elevations
- The Sherwood ground floor
- The Sherwood first floor
- The Sandford elevations
- The Sandford first floor
- The Ashfield elevations
- The Ashfield ground floor
- The Ashfield first floor
- The Kirkham and Maybury elevations
- The Kirkham and Maybury ground floor
- The Kirkham and Maybury first floor
- The Ashton elevations
- The Ashton ground floor
- The Ashton first floor
- Plots 1 – 6 apartment elevations
- Plots 1 – 6 apartment ground floor
- Plots 1 – 6 apartment first floor
- Plots 1 – 6 apartment second floor

Submitted with 2008/0287

- Single garage PL/G02
- Double garage PL/G04
- The Newland PL/13

- The Whitton PL/18

- 13 Time period for surfacing works – delete, not required.
- 14 Landscaping scheme implementation – delete, combined with Condition 5
- 15 Means of enclosure implementation - delete, combined with Condition 6.
- 16 Bin store, cycle storage and external lighting implementation, delete, combined with Condition 7.
- 17 Landscape and communal car parking maintenance shall be undertaken in accordance with the details approved in conjunction with Condition 17 on planning permission reference 2008/0287.
- 18 The garages shown to be provided on the approved plan shall remain in use for garage purposes ancillary to the dwelling houses which they serve. They shall be kept available for the accommodation of private vehicles at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as local planning authority.
- 19 The proposed car parking spaces shall be surfaced and marked out in permanent materials before the development hereby permitted is first brought into use, and the spaces shall not thereafter be used for any purpose other than the parking of vehicles.
- 20 There shall be no pedestrian access formed to Sands Close at any time.
- 21 The site access junction and internal road of the proposed development shall be designed and constructed to an adoptable standard, including appropriate drainage and lighting, prior to the occupation of the first dwelling, unless otherwise prior agreed in writing by the Borough Council.
- 22 No part of the development shall be brought into use until such time as a 4.5m x 55m visibility splay has been provided to the southwest and a 4.5m x 70m visibility splay to the northeast has been provided maintaining a minimum carriageway width of 6.75m have been provided in a bound material. Thereafter no structure or planting shall be erected or allowed to grow above 0.6m in height within the visibility splays of the site access with Vale Road.
- 23 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) no further extensions shall be built without the prior written permission of the Borough Council as local planning authority.
- 24 Before the development is commenced details of the proposed new access road shall be submitted to and approved in writing by the Borough Council. The details shall include construction specification, drainage outfall proposals, longitudinal and cross sectional gradients and details of street lighting. The dwellings shall not be occupied until such time as the access, parking, turning

facilities are in place in accordance with the details submitted to and approved in writing by the Borough Council.

- 25 The dwellings shall not be occupied until such time as the existing redundant accesses on to Vale Road have been removed and reinstated with a footway. The reinstatement of the footpath shall be carried out to County Council specifications.
- 26 The two first floor windows in the rear elevation of the dwelling on plot 22 shall be glazed with obscure glass to a minimum privacy level of Pilkington 4. The windows shall be permanently retained as such unless planning permission has first been granted by the Local Planning Authority.

Reasons

- 1 Condition deleted, reason not required.
- 2 Condition deleted, reason not required.
- 3 To secure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 4 To secure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 5 To secure a satisfactory development, in the interests of visual amenity.
- 6 To secure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 7 To secure a satisfactory development and to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 8 To safeguard the development against flooding and to ensure that adequate drainage is provided.
- 9 Condition deleted, reason not required.
- 10 To ensure that land contamination matters are adequately addressed.
- 11 To safeguard the presence of any flora and fauna that may be present on the site.
- 12 To define the permission, for the avoidance of doubt
- 13 Condition deleted, reason not required.
- 14 Condition deleted, reason not required.
- 15 Condition deleted, reason not required.
- 16 Condition deleted, reason not required.

- 17 To ensure that the development is maintained to a satisfactory standard in the long term.
- 18 To ensure that adequate car parking provision is provided for the proposed development.
- 19 To ensure that adequate car parking provision is provided for the proposed development.
- 20 To ensure a satisfactory development that accords with Policy ENV1 of the Gedling Borough Replacement Local Plan.
- 21 In the interests of highway safety.
- 22 In the interests of highway safety.
- 23 To safeguard the amenities of future occupiers.
- 24 In the interests of highway safety.
- 25 In the interests of highway safety.
- 26 To avoid the possibility of overlooking, in the interests of preserving the amenity of residents.

Notes to applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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

Reason for decision:

The proposed amendments to the scheme approved under reference 2018/0287 are considered to be reasonable and would not cause harm to visual or residential amenity.

2) Refusal in respect of modification of the planning obligations for the following reason:

The proposed delivery of this development without the full payment of the education contribution would result in a significant shortage in the number school places required to meet with the needs arising from the development. The proposal therefore represents unsustainable development, contrary to the objectives of national and local planning policies, in particular Section 2

(Achieving sustainable development) and Paragraph 94 of the National Planning Policy Framework and Policy 19 of the Aligned Core Strategy.