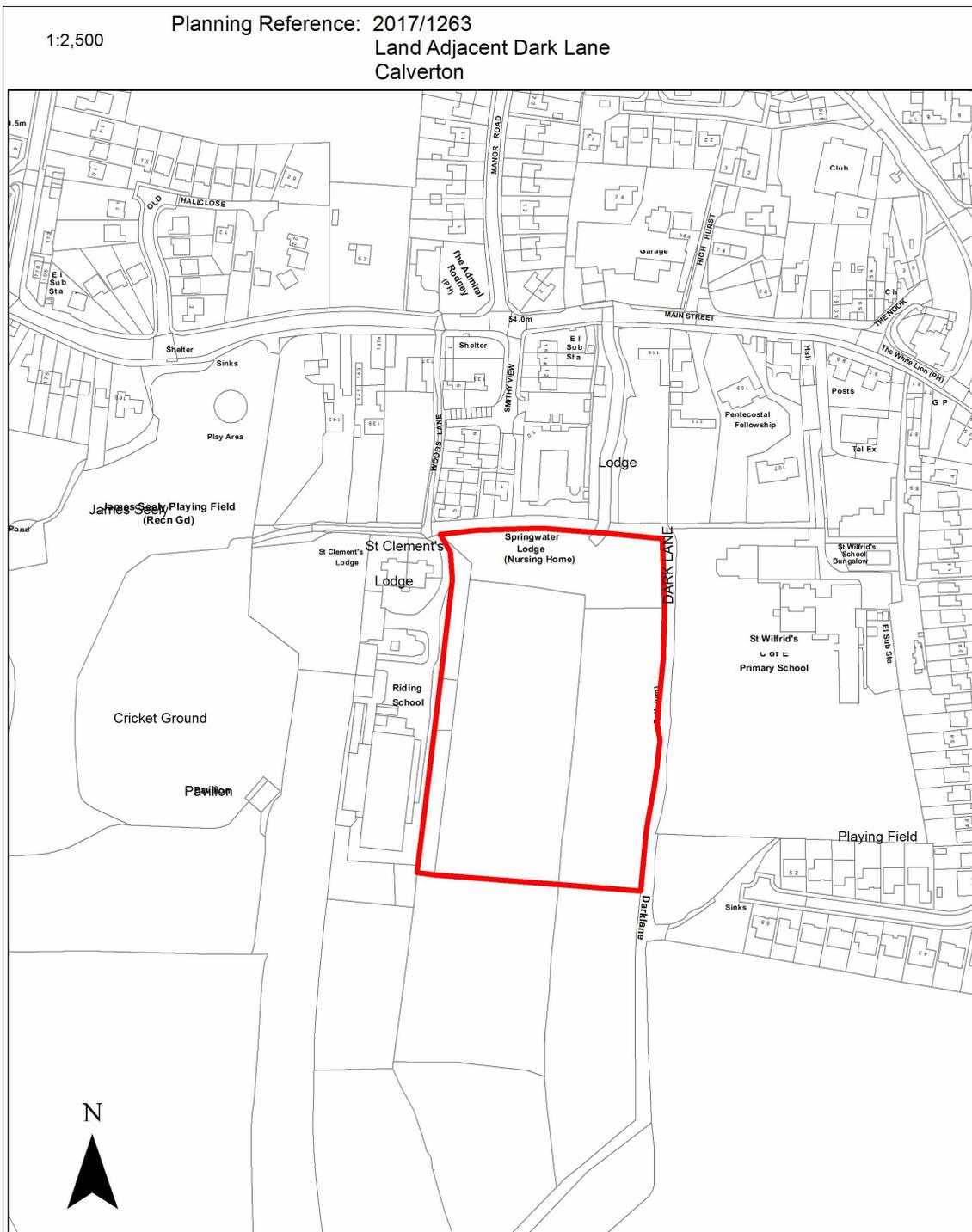


## Planning Report for 2017/1263



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**Report to Planning Committee**

<b>Application Number:</b>	<b>2017/1263</b>
<b>Location:</b>	<b>Land Adjacent Dark Lane Calverton</b>
<b>Proposal:</b>	<b>Erection of 57 No. Dwellings and associated works.</b>
<b>Applicant:</b>	<b>Langridge Homes Ltd</b>
<b>Agent:</b>	<b>Halsall Lloyd Partnership</b>
<b>Case Officer:</b>	<b>Graham Wraight</b>

**1.0 Site Description**

- 1.1 The site comprises of a rectangular parcel of land of approximately 2.25 hectares situated to the south of Main Street in Calverton. The site is undeveloped and is overgrown in parts, although it appears to have been partially used for the keeping of horses in recent times. The land level rises from the north boundary of the site upwards towards the southern boundary of the site. The site is allocated for residential development in the Local Planning Document.
- 1.2 Dark Lane, a public footpath runs along the northern and eastern boundaries of the site. Beyond this to the north are dwellings and a nursing home and to the east is a Primary School and incidental open space located at the end of Renals Way. To the south is open land and to the west is a dwelling and a riding school.
- 1.3 Access to the site would be taken from Main Street and it noted that this access is already in place. This access point is located within the Calverton Conservation Area, however the remainder of the site where the proposed built development is to take place is not.
- 1.4 The site has established hedging and trees along its eastern and western boundaries but elsewhere vegetation is relatively sparse.
- 1.5 Fox Wood earthworks Scheduled Monument, which is also a Local Wildlife Site, is located approximately 450m to the south of the site. An L shaped Local Wildlife Site is also located between Fox Wood and the planning application site. Part of the site immediately adjacent to the eastern boundary is designated as open space by Policy NE2 of the Calverton Neighbourhood Plan.

1.6 The group of trees running along Dark Lane to the east of the site are protected by a Tree Preservation Order.

## **2.0 Relevant Planning History**

2.1 81/1161 - Residential development – Refused

2.2 2005/0500 – Outline residential development – Withdrawn

2.3 2005/0910 – Outline Planning Application re-cladding of the existing sub-station, demolition of existing barns to the side of 115 Main Street as well as their partial rebuilding and their conversion to B1(a) offices, the construction of a new barn for 115 Main Street and the construction of 72 dwellings including the provision of a new access road to serve the development – Approved.

2.4 2010/0514 – Proposal to demolish existing barn in conservation area – Conservation Area consent granted.

2.5 2012/1503 – Reserved matters application (appearance, landscaping and scale) further to outline appn 2005/0910 – Approved.

## **3.0 Proposed Development**

3.1 The development proposes the erection of 57 new dwellings in the following mix:

- 4 one bedroom duplex apartments
- 4 one bedroom apartments
- 3 two bedroom dwellings
- 3 three bedroom dwellings
- 19 four bedroom dwellings
- 24 five bedroom dwellings

3.2 All of the proposed dwellings would be two storey in height and the majority would be detached.

3.3 A landscape buffer would be provided along the whole of the eastern site boundary and an existing landscaping buffer runs along part of the western site boundary, outside of the red line site area.

## **4.0 Consultations**

4.1 Environment Agency – no comment, please consult the Lead Local Flood Authority with respect to surface water disposal.

4.2 Nottinghamshire County Council – Lead Local Flood Authority – objects, the application does not include sufficient details relating to the management of surface water and as such we cannot make any further comments

4.3 Historic England – on the basis of the information available to date we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- 4.4 Gedling Borough Council Conservation Officer – the houses appear crammed next to each other and it is recommended that housing extends into the area marked for future development, cross sections should be provided, landscape along the boundaries of the site is important to protect the setting of heritage assets, the eight dwellings along the southern boundary may have less impact if they are single storey (bungalows), recommends that traditional materials be used, the County Council Archaeologist should be consulted.
- 4.5 Gedling Borough Council Economic Development – the size of the development meets the thresholds for a Local Labour Agreement
- 4.6 Gedling Borough Council Public Protection – no objection, requests a condition relating to a noise and dust management plan.
- 4.7 Gedling Borough Council Parks and Street Care – requests a commuted sum of £ 73,823.16 towards off-site public open space provision together with £30,845.20 for 10 years maintenance.
- 4.8 Gedling Borough Council Strategic Housing – there is a requirement for 20% of the proposed dwellings to be affordable housing, of which 70% must be social rented and 30% intermediate housing. The housing mix should be representative of the development as a whole.
- 4.9 Gedling Borough Council Scientific Officer – no objection, request conditions relating to land contamination, electric vehicle charging points, a construction management plan and a travel plan.
- 4.10 Forestry Officer – no objection, requests a condition relating to the protection of root areas of all retained trees.
- 4.11 NHS Clinical Commissioning Group – request a S106 contribution of £35,595 towards health facilities, to be expended at The Calverton Practice which is situated in the village of Calverton.
- 4.12 Nottinghamshire County Council Highways – no objection subject to conditions relating to highway design matters.
- 4.13 Nottinghamshire County Council Planning Policy – requests a sum of £15,000 towards bus stop improvements.
- 4.14 Nottinghamshire County Council Education –

Primary - The development would yield 12 primary school places. The County Council would seek a contribution, based on build cost, of £228,576 (12 places x £19,048 per place). This will be used to extend the local school (St Wilfrid's C of E Primary School)

Secondary - The development would yield 9 secondary school places. The County Council would seek a contribution of £159,777 (9 places x £17,753) to mitigate the impact of this development.

4.15 Nottinghamshire County Council Archaeologist – no comments received as this service is no longer provided.

4.16 Severn Trent Water – no comments received.

4.17 Calverton Parish Council

Objects on the following grounds:

- The housing mix does not comply with the balanced mix of dwellings sizes required by Policy G5 of the Calverton Neighbourhood Plan.
- Policy G5 of the Calverton Neighbourhood Plan states that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation for elderly and disabled people will be refused.
- The proposed development fails to provide self-build opportunities as required by Policy G5 of the Calverton Neighbourhood Plan.
- Policy G5 of the Calverton Neighbourhood Plan states that Affordable Housing should be distributed across the development as a whole
- The proposal fails to meet with Policy BE1 of the Calverton Neighbourhood Plan with regard to village-edge development
- The proposal fails to meet with Policy BE2 of the Calverton Neighbourhood Plan which states that buildings on the fringes of major developments should have variations in height, style and position
- Impact upon Fox Wood Scheduled Ancient Monument
- Woodland belt should be provided to southern boundary
- The proposed materials are not appropriate, contrary to Policy BE2 of the Calverton Neighbourhood Plan.
- The development would fail to create an attractive street scene, contrary to Policy ISF3 of the Calverton Neighbourhood Plan.

Following the submission of new plans which amended the red line site area to omit an area of land along the western boundary and increase the maximum number of proposed dwellings to 57, Calverton Parish Council have advised that their original comments, which are summarised above, have not been addressed and still stand.

4.18 Calverton Preservation & History Society

Objects on the following grounds:

- The application refers to 54 dwellings but the design statement totals 53
- Straight road would lead to an angular effect neighbourhood
- Views to the Fox Wood area would be reduced, leading to a negative impact on local heritage and visual amenity of the landscape
- Land marked as for future development is surely not part of the application?
- The application is in conflict with the Calverton Neighbourhood Plan regarding housing mix, design and landscape and other aspects
- Have Historic England been invited to submit comments?
- The Preservation Society supports the view and comments submitted by Calverton Parish Council

#### 4.19 Members of the Public

4.20 A press notice was published, three site notices were displayed and neighbour notification letters were posted. 3 objections have been received and these are summarised as follows:

- There are no dwellings suitable for the elderly, contrary to Policy G5 of the Calverton Neighbourhood Plan
- There are no extra facilities in the village such as school places and doctors
- Increase in traffic congestion
- Impact upon highway safety
- Access is being blocked by fences around the building site
- Bungalows should be included as they are lower and would allow more of the ridge line to be viewed and the elderly benefit from living at the edge of the village
- Properties should incorporate solar panels
- Where would surface water drain to?

4.21 Following the submission of new plans which amended the red line site area to omit an area of land along the western boundary and increase the maximum number of proposed dwellings to 57, a new period of consultation was undertaken which included the publication of a press notice, the display of three site notices and the posting of neighbour notification letters. 3 objections were received and these are summarised as follows:

- There are no extra facilities in the village such as school places and doctors
- Increase in traffic congestion
- Impact upon highway safety
- Where is the evidence we need these houses?
- Properties with 5 bedrooms need a double garage.
- Why are houses being built without solar panels?
- Where is the surface water going to drain to and why is it not being recycled?
- Where are the properties suitable for the elderly such as bungalows
- No more flats should be built
- Previous plans were refused
- Where are the self-build plots
- It is good that there is a space between houses & the foot path (north to south but concerned about the 2 story houses on the southern border)
- Suggests that one story bungalows are a far better way of enabling sight of a view of the ridge and would be less imposing/ dominating on the view looking down from the ridge.
- There is still a need is still for smaller properties
- Providing housing near shops, doctor, dentist, bus stops is vital for the elderly

#### 4.22 The Ramblers, Nottinghamshire Area

Following the re-consultation in February 2019, The Ramblers, Nottinghamshire Area have made the following comments:

- No view either for or against the application but seek assurance that it will not affect the integrity of Dark Lane, which is a Definitive Right of Way, Calverton

Footpath No.14, in so far that the soft boundary currently in situ will be maintained thus preserving the character of path and its rural environment.

## **5.0 Planning Considerations**

### **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 2019

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) 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 2: The Spatial Strategy – sets out that settlement growth will take place in Calverton.

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 11: The Historic Environment – sets out the approach to conserving and/or enhancing heritage assets and their settings.

Policy 17: Biodiversity – sets out the approach to safeguarding and increasing ecological interests.

Policy 19: Developer Contributions – sets out that developer contributions will be required to secure necessary infrastructure.

6.4 Local Planning Document (Part 2 Local Plan)

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 4: Surface Water Management – sets out the requirements with respect to surface water management.

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 18: Protecting and Enhancing Biodiversity – sets out the approach to protecting and enhancing biodiversity.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse impact on the character of the landscape.

LPD 21: Provision of New Open Space – sets out that open space provision is required where sites exceed 0.4 hectares.

LPD 26: Heritage Assets – sets out the requirements with regard to development that may affect designated or non-designated heritage assets and sets out the criteria for doing so.

LPD 28 – Conservation Areas – states that development proposals should preserve or enhance the character or appearance of Conservation Areas

LPD 30 – Archaeology – sets out the approach with regard to development that affects archaeological interests, including Scheduled Monuments.

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 affordable housing requirements on sites of 15 and more dwellings.

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 42: Self Build and Custom Homes – states that planning permission will be granted for self-build and custom homes subject to a number of criteria being met and that on large sites an appropriate percentage of such homes will be sought.

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.

LPD 63: Housing Distribution – sets out that Calverton will be required to provide 820 new homes in the plan period.

LPD 66: Housing Allocations – allocates the Dark Lane site as a housing allocation for 70 homes.

## 6.5 Calverton Neighbourhood Plan

The Calverton Neighbourhood Plan was adopted by Gedling Borough Council on 31 January 2018. As such the Calverton Neighbourhood Plan forms part of the Development Plan for Gedling Borough.

Policy G2: Developer Contributions – sets out that developer contributions will be sought towards education provision (nursery, primary, secondary, 16-18), primary GP healthcare provision and village centre environmental improvements

Policy G5: Housing Mix – states that development should include a mix of dwelling sizes, that planning permission will be granted for developments which provide bungalow and other types of accommodation for elderly and disabled people, that proposals for major development that do not include a mix of dwelling sizes and tenures and accommodation suitable for elderly and disabled people will be refused, that on all major development schemes, planning permission will be granted for the provision of plots for self-build subject to other policies in the development plan and that affordable housing should be designed and delivered to be indistinguishable from market housing and should be distributed throughout the development as a whole.

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy ISF4: Infrastructure Provision – states that residential developments will be required to provide the necessary infrastructure, such as education provision, healthcare provision, open space and drainage provision.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE2: Local Distinctiveness and Aesthetics – states that development should be designed to a high quality that reinforces local distinctiveness including that buildings on the fringes of major developments should have variations in height, style and position.

Policy BE3: Public Realm – sets out the approach to the public realm and to landscaping.

Policy BE4: Parking Provision – sets out that adequate parking must be provided.

Policy BE5: Heritage Assets – sets out the approach to development that affects designated heritage assets including Conservation Areas and Ancient Monuments.

Policy NE2: Open Space – states that the eastern part of the planning application site is protected open space.

Policy NE3: Flooding- sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

## 6.6 Other

*Parking Provision for Residential Developments* –Supplementary Planning Document (2012) – sets out the car parking requirements for new residential development.

*Open Space Provision* - Supplementary Planning Guidance (2001) – sets out the open space requirements for new residential development.

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

Dark Lane Development Brief (2008)

Calverton Conservation Area Appraisal (2007)

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 The site is identified as housing commitment (H14) by Policy LPD 66 of the Local Planning Document which was adopted in July 2018. Policy LPD 66

identifies the site as providing approximately 70 dwellings. Furthermore, it is noted that planning permission has previously been granted on the site for residential development, and that works to construct the access road from Main Street have been completed. The approval of this full planning application for residential development would therefore be entirely in accordance with the development plan and with the objectives of the National Planning Policy Framework and Aligned Core Strategy.

### Layout

- 7.2 Objections have been received on the grounds that the layout of proposed development is not in conformity with national and local planning policies, including those set out in the Calverton Neighbourhood Plan. It has also been contended that the proposed layout is inferior to that approved under reserved matters reference 2012/1503 in general terms and in terms of its compliance with these relevant policies.
- 7.3 It is however considered the layout now presented is no less appropriate in layout terms than its predecessor and that it would not conflict with the objectives of national or local planning policies. In particular, both schemes present dwellings located tightly together, creating an urban feel within the respective streetscenes. Whilst it is accepted that the dwellings closest to the southern boundary on the previous scheme would enjoy greater degrees of separation from one another than on the now proposed scheme, it is considered that this would have a limited impact in terms of creating a rural feel.
- 7.4 Whilst it is noted that the view of the development from the south will present a continuous row of two storey dwellings, it is not considered that this would justify a refusal of planning permission, given that the views in question would be of a housing development of an acceptable design located on a site that has been allocated for residential development in the adopted Local Planning Document. It is accepted that this represents a minor variance from the wording of Policy BE2 of the Calverton Neighbourhood plan but notwithstanding this it is considered that the proposed development meets with the general objectives of this policy to with respect to local distinctiveness and aesthetics.
- 7.5 The layout of the proposed development is therefore considered to accord with the objectives of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policies 19 and 35 of the Local Planning Document and Policies BE1, BE3, NE2 and NE4 of the Calverton Neighbourhood Plan. The proposal would also meet with the general objectives of Policy BE2 of the Calverton Neighbourhood Plan, notwithstanding the minor variance to the wording of the policy.

### Density

- 7.6 The site area is 2.25 hectares which gives a density of 25.3 dwellings per hectare. Policy LPD 33 states that development in Calverton should be of a minimum density of 25 dwellings per hectare, so the proposed development would meet with this requirement.

## Design

- 7.7 The proposed dwellings would be brick built with tile roofs and would incorporate brick detailing around windows and at eaves level. The dwellings would also contain design features such as gables and porches. It is considered that the proposed design is acceptable and would meet with the objectives of National Planning Policy Framework, Policy 10 of the Aligned Core Strategy, Policy 35 of the Local Planning Document and Policies BE2 and BE3 of the Calverton Neighbourhood Plan.

## Impact upon adjacent occupiers

- 7.8 The nearest existing dwellings to the proposed development are St Clement's Lodge to the west and dwellings on Smithy View to the north. However the separation distances between the proposed dwellings (facing elevation to elevation) and the existing dwellings would be approximately 25m and 26m respectively which are considered to be adequate to protect residential amenity, even on consideration that the land to the north is at a lower ground level than that on the site.
- 7.9 It is therefore not considered that the proposed development would have an undue impact upon residential amenity and the proposal would be in accordance with the objectives of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policy LPD 32 of the Local Planning Document.

## Impact upon designated heritage assets

- 7.10 The Calverton Conservation Area Appraisal (February 2007) states at 5.38 that:

*'It is inevitable that the proposed development at Dark Lane will have an impact on the setting of the Conservation Area and efforts will need to be made to mitigate this as much as possible, chiefly where the access onto Main Street is concerned, the landscaping in and around the site, and in terms of the scale of, style of, and materials used for, the new houses.'*

- 7.11 Map 5 of the Appraisal identifies the view from the garage on Main Street looking south (along the path of the now constructed access road to the site) as a Key View and Vista.
- 7.12 With regard to the Conservation Area, the planning balance applied during consideration of the previous planning application is noted. In terms of the current application, only the access road from Main Street falls within the Calverton Conservation Area and this part of the proposal is already approved and constructed. Although adjacent to the Conservation Area, it is considered that the proposed dwellings would not affect the setting of this designated area nor cause any harm to it. Furthermore, the Agent has advised that it is intended to construct the dwellings using traditional cottage coloured bricks, classic pantile roof tiles and to use timber framed windows with Georgian bars. It is considered that this would further help to integrate the proposed

new dwellings into the surrounding environment. Landscaping can be secured by way of a planning condition. In terms of the impact on this Key View and Vista, it is not considered that the proposed scheme would have a materially different impact when compared to the previously approved scheme.

- 7.13 The impact upon the Fox Wood Scheduled Monument has been raised in representations as a concern and again interested parties have drawn comparison to the previously approved scheme. Whilst it is accepted that the previous scheme did include four bungalows close to the southern site boundary, the remainder of the site consisted of two storey dwellings. Accordingly, views taken from the within the vast majority of the previously approved development toward Fox Wood would have been obscured by built development. Requiring that bungalows be placed adjacent to the southern boundary would have only a very limited impact on views taken towards Fox Wood by members of the general public. With regard to views taken from Main Street, in both the previous and proposed scheme the nearest houses to Main Street would be two storey and therefore it is not considered that there would be any significant difference in terms of the impact on views towards Fox Wood.
- 7.14 Furthermore, it is noted that Fox Wood is some distance from the application site (approximately 450 metres) and is elevated at a higher ground level, meaning that there would be no harm to its setting. Historic England have been consulted and have advised that they do not wish to make any comments on the current proposal, instead directing the Council to the advice provided by its own Conservation Officer. The Conservation Officer does not raise any specific objection to the current proposal in terms of the impact upon Fox Wood, referring only to the potential siting of bungalows adjacent to the southern boundary which is a matter that has been addressed in paragraph 7.13 above.
- 7.15 It is therefore considered that the proposal accords with the objectives of the National Planning Policy Framework, Policy 11 of the Aligned Core Strategy, Policies LPD 26 and 28 of the Local Planning Document and Policy BE5 of the Calverton Neighbourhood Plan.

#### Ecological Considerations

- 7.16 An ecological appraisal has been submitted in support of the proposal and this concludes that the development would not have an adverse impact upon protected species or other ecological interests providing that matters relating to landscaping, tree protection, lighting, vegetation removal and measures to ensure that animals do not become trapped during construction works are addressed. These matters can be addressed by way of a planning condition which requires that development be undertaken in accordance with the recommendations of the ecological appraisal.
- 7.17 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5.  
Sherwood Forest Special Protection Area

- 7.18 Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.19 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
- 7.20 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.
- 7.21 Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone. An ecology report has however been prepared by the applicant and this does not find any evidence of nightjar or woodlark on the planning application site. The precise extents of any buffer zones are not known and therefore it is considered that the proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and the benefits of the scheme would outweigh any harm identified.
- 7.22 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection

and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.

- 7.23 It should also be noted that this site is an allocated housing site within the recently adopted (July 2018) Local Planning Document, with Policy LPD 66 identifying it as a housing commitment due to the fact that works have commenced on site (with regard to the access road). The Local Planning Document has been through a Public Inquiry, has been found to be sound and has subsequently been adopted by Gedling Borough Council, meaning that housing development on this site is in full conformity with the Local Planning Document. Against this background and given the fact that no evidence of Woodlark or Nightjar have been found on the site, it is considered that it can be reasonably concluded that the site would not have any adverse effects on the breeding populations of Nightjar and Woodlark in the Sherwood Forest Area and that the development would meet with the objectives of Policy 17 of the Aligned Core Strategy.

#### Highway Matters

- 7.24 The development would be accessed via a road from Main Street which has been installed and hard surfaced having been approved under reference 2005/0910. The Highway Authority have not raised an objection to the proposal, subject to conditions relating to construction details of the remaining parts of road being provided, that drives and parking areas are hard surfaced and that driveways, that wheel washing facilities be provided during construction and that parking areas are adequately drained. It is considered reasonable to impose planning conditions relating to these matters.
- 7.25 The proposal includes at least three parking spaces for all of the four and five bedroom dwellings, which accounts for 43 of the 57 proposed units. This meets with the requirements of the Parking Provision SPD. The remaining units would have the required number of allocated parking spaces but there would be a shortfall in unallocated spaces of 6.1 spaces. However, this shortfall is considered to be minor in relation to the scale of the development and could be accommodated on street, which is a scenario that the SPD allows for.
- 7.26 In light of the previous approval and the fact that there is no objection from the Highway Authority, it is not considered that the proposal would be harmful to highway safety or the surrounding highway network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework, Local Planning Document Policies LPD 57 and 61, the Parking Provision SPD and Calverton Neighbourhood Plan Policies ISF3 and BE4.

#### Impact upon trees and hedgerows

- 7.27 A Hedgerow Regulations Assessment has been submitted which assessed the three hedgerows present on the site. H1 runs along the eastern boundary, H2 runs along the middle of the site and H3 runs along the western boundary. All three hedgerows run from north to south.

- 7.28 H1 is classified as 'Important' under the Hedgerow Regulations (1997) whereas Hedgerows H2 and H3 are not. It is noted that H3 has low species diversity, being dominated by hawthorn and a very sparse ground flora. Hedgerow H2 appears older and has greater diversity but is still relatively species poor and does not have sufficient additional features to classify as 'Important'. H2 is also gappy and in poor condition due to lack of management, particularly at the southern end where a number of immature English elm trees within the hedgerow have died off.
- 7.29 As H1 is located within the landscape buffer zone to the eastern boundary it is not considered that the development would pose a threat to its retention. H2 would need to be removed to facilitate the development however this is considered to be reasonable considering the findings of the assessment. It would appear that there is potential to retain H3 as this would run along the rear gardens of the proposed new dwellings.
- 7.30 An Arboricultural Assessment has also been submitted and has been considered by the Forestry Officer. The Forestry Officer is satisfied that BS category 1 and 2 trees are to be retained and therefore has raised no objection subject to the imposition of a planning condition relating to tree protection measures. It is also therefore considered that the proposal would not cause harm to the group of trees running along Dark Lane to the east of the site which are covered by a Tree Preservation Order.
- 7.31 It is therefore considered that the proposal accords with the objectives of the National Planning Policy Framework, Policy LPD 19 of the Local Planning Document and Policy NE4 of the Calverton Neighbourhood Plan.

#### Planning obligations

- 7.32 The development proposed would require that the following planning obligations be met:
- 20% on-site affordable housing (70% must be social rented and 30% intermediate housing) in accordance with LPD Policy 36 and the adopted Affordable Housing Supplementary Planning Document 2009.
  - 73,823.16 towards off-site public open space provision together with £30,845.20 for 10 years maintenance.
  - £228,576 for 12 primary school places, to be used to extend the local school (St Wilfrid's C of E Primary School) and £159,777 for 9 secondary school places to mitigate the impact of the development.
  - £35,595 for health facilities as requested by the NHS. The NHS advises that patients are likely to register with The Calverton Practice.
  - £15,000 towards bus stop improvements as requested by Nottinghamshire County Council. The contribution would improve the standard of bus stop infrastructure in the vicinity of the development and could be used for, but not limited to; Real Time Bus Stop Poles & Displays including Associated Electrical Connections, Extended Hardstands/Footways, Polycarbonate or Wooden Bus Shelters, Solar or Mains Lighting, Raised Boarding Kerbs and Enforceable Bus Stop Clearways. The improvements are at the nearest bus stops which are situated close to the site, so are directly related to the

development, and are fairly and reasonably related in scale and kind to the development

- Local Labour Agreement to meet with the requirements of LPD Policy 48
- Maintenance of open space and drainage feature on site not within the residential curtilages or adopted by the Highway Authority.

7.33 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.

#### Affordable housing location

7.34 The layout plan submitted proposes that the affordable housing provision is clustered together in the area of the site closest to Main Street. Policy G5 of the Calverton Neighbourhood Plan states that affordable housing should be distributed through the development as a whole, in this instance it is considered that there is merit in having the affordable housing provision closest to the amenities and public transport facilities available in Calverton. The minor variance is therefore considered to be acceptable. Furthermore, this is a relatively small development and the potential to distribute the Affordable Housing is limited. The affordable housing mix would be three 3 bed dwellings, 3 two bed dwellings and 5 one bed dwellings, which is considered to be an appropriate mix.

#### Other matters

7.35 With regard to self-build and custom homes, it is noted that paragraph 11.8.3 of the Local Planning Document states that a Supplementary Planning Document is proposed and that this will provide developers with details on how to deliver self-build and custom plots. However, in the absence of this SPD, there is no definition available as to what constitutes a large site or whether there is a demand for such homes on this site. Therefore it is not considered reasonable to impose a requirement for self-build or custom homes.

7.36 It is noted that the Lead Local Flood Authority have objected on the grounds that there is insufficient information relation to surface water drainage to allow them to make comments. However, given that there has been a previous planning permission on the site for residential development, that the site is allocated in the Local Planning Document for housing, and that there is space on the site to include sustainable drainage features (such as a swale) in the same location as was approved under reserved matters reference 2012/1503, it is considered that surface water drainage can be reasonably be addressed by way of a planning condition as technical solutions are available to deal with drainage issues.

7.37 The planning obligations required would include contributions towards education and healthcare provision, and in addition the development would be liable to pay the Community Infrastructure Levy. It is considered therefore that the development would contribute to the provision of facilities in Calverton.

- 7.38 It is noted that Gedling Borough Council adopted a development brief with regard to this site in July 2008. However due to the passage of time since this was adopted and fact that a new planning policy framework is in place at both a national and local level, this development brief can be given limited weight in the decision making process. Notwithstanding this, the proposal under consideration would generally accord with the objectives of the development brief.
- 7.39 It is not considered that the proposed development would have an adverse impact upon the footpaths adjacent to the site, in particular as the access road which intersects part of the footpath has already been constructed. Whilst part of northern boundary with the footpath is likely to be formed with solid boundary treatments, the rest of the northern boundary and the entire eastern boundary could be treated with softer boundary structures and landscaping, thus maintaining a rural feel. Matters relating to archaeology can be addressed by way of a planning condition, as was the case with respect to the previous planning permission. It is noted that the plans submitted show a reference to possible future development on adjacent land, but this land is not within the application site and any proposals to develop it would need to be subject of a separate planning application. The future maintenance of open space and drainage features would be controlled within the S106 planning obligation.
- 7.40 In order to meet with the objectives of LPD 11 it is considered reasonable to require that an electric vehicle charging point is incorporated into each dwelling. This can be secured by way of a planning condition. There is no requirement that new dwellings incorporate solar panels. It is not considered that a planning condition or legal obligation to secure a Travel Plan is reasonable given the scale of the proposed development.

## **8.0 Conclusion**

- 8.1 The proposed development would take place on a site that is identified as a housing commitment with the Local Planning Document and would be of an acceptable layout, design, density, would not have an undue impact upon residential amenity, designated heritage assets, ecological considerations, existing landscape features or highway safety. The development would therefore accord with the general objectives of the national and local planning policies set out above.

**Recommendation: Grant Full Planning Permission: Subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, bus stop improvements, maintenance of open space areas and drainage features and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

## Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans:
  - o 001\_B
  - o 201\_E
  - o 202\_E
  - o 203\_E
  - o 204\_E
  - o 205\_E
  - o 206\_D
  - o 207\_D
  - o 208\_D
  - o 209\_D
  - o 210\_D
  - o 211\_D
  - o 212\_E
  - o 213\_E
  - o 214\_E
  - o DLCPD01 REV D

The development shall thereafter be undertaken in accordance with these plans.

- 3 The development shall be constructed using the external materials set out in the Rebuttal Statement received on 9th August 2018.
- 4 Prior to the first occupation of the dwellings hereby approved there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted. The approved landscape plan shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area 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, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place.
- 5 No dwelling shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the dwellings are first occupied and retained as such in perpetuity.
- 6 Prior to any above ground work construction works taking place, plans showing existing and proposed ground levels of the site and details of the

finished floor levels of every dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- 7 The development shall be undertaken in accordance with the recommendations set out in Section 7.0 of the submitted Preliminary Ecological Appraisal (Report No: RT-MME-127579-02) dated April 2018.
- 8 Prior to the erection of any external lighting (other than within the curtilages of the approved dwellings) there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance.. Any lighting to be installed along the site boundaries should be kept to a minimum and directed away from the building and retained boundary features to maintain 'dark' areas and corridors as set out within the Preliminary Ecological Appraisal. The external lighting shall be provided in accordance with the approved details and shall be retained as such thereafter for the lifetime of the development.
- 9 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 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 Local Planning Authority 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.

- 10 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) is 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. 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.

- 11 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 good practice 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.
- 12 All retained trees and hedgerows on the site, as defined by the Arboricultural Survey (RT-MME-127579-01 April 2018) and the Hedgerow Regulations Assessment (RT-MME-127579-03 April 2018), shall be protected for the duration of site preparation and construction works in accordance with the recommendations set out in both reports.
- 13 No part of the development hereby permitted shall take place 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, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall thereafter be implemented in accordance with the approved details.
- 14 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.
- 15 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.
- 16 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.
- 17 Prior to commencement of any above ground construction works, details of Electric Vehicle charging points to be provided at each dwelling, to include their location and specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details prior to the first occupation of the development.

- 18 Development shall not commence until a scheme for the satisfactory disposal of foul and surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved foul and surface water drainage works are completed in accordance with the approved scheme.
- 19 a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved in writing by the Local Planning Authority, and until all pre-start elements of the approved scheme have been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- i) The programme and methodology of site investigation and recording
  - ii) The programme for post investigation assessment
  - iii) Provision to be made for analysis of the site investigation and recording
  - iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - v) Provision to be made for the archive deposition of the analysis and records of the site investigation
  - vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
- b) The development shall not take place other than in accordance with the Written Scheme of Investigation for archaeological work approved under part a).
- c) The new dwellings shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation for archaeological work approved under part a) and the provision to be made for analysis, publication and dissemination of results has been secured.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interests of visual amenity.
- 4 In the interests of visual amenity.
- 5 In the interest of visual amenity.
- 6 In the interests of visual and residential amenity.
- 7 In the interests of protecting ecological interests.
- 8 In the interests of protecting ecological interests.

- 9 In the interests of residential amenity.
- 10 To ensure that land contamination matters are fully addressed.
- 11 To ensure that land contamination matters are fully addressed.
- 12 To ensure that retained trees and hedges are adequately protected.
- 13 To ensure the development is constructed to adoptable standards.
- 14 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 15 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 16 In the interests of Highway safety
- 17 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 18 To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.
- 19 To safeguard any potential archaeological remains.

### **Reasons for Decision**

The proposed development would take place on a site that is identified as a housing commitment with the Local Planning Document and would be of an acceptable layout, design, density, would not have an undue impact upon residential amenity, designated heritage assets, ecological considerations, existing landscape features or highway safety. The development would therefore accord with the general objectives of the relevant national and local planning policies

### **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, 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. All correspondence with the Highway Authority should be addressed to:- TBH - NCC (Highways Development Control) (Floor 9) Nottinghamshire County Council County Hall Loughborough Road West Bridgford Nottingham, NG2 7QP

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

The 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 Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Additional information has been submitted to address matters raised during the determination of the application.

It is the responsibility of the developer to ensure that the provision of Electric Vehicle charging is adequately incorporated into the design of the development such that there are no health and safety matters arising from trailing cables in public areas. If necessary cables may need to be placed beneath footpath areas and brought back to the surface nearer the parking areas. The minimum requirement is an operational weatherproof 3 pin socket on a dedicated 16A circuit with an ability to isolate from inside the property for security reasons. The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to

discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

With respect to Condition 18, Severn Trent Water advise that a hydraulic modelling study may be required to determine if the proposed flows from the development can be accommodated in the existing system, and if not to identify what improvements may be required. If surface is drained sustainably, this will only apply to the foul drainage. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow for these works to be completed before any additional flows are connected. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.