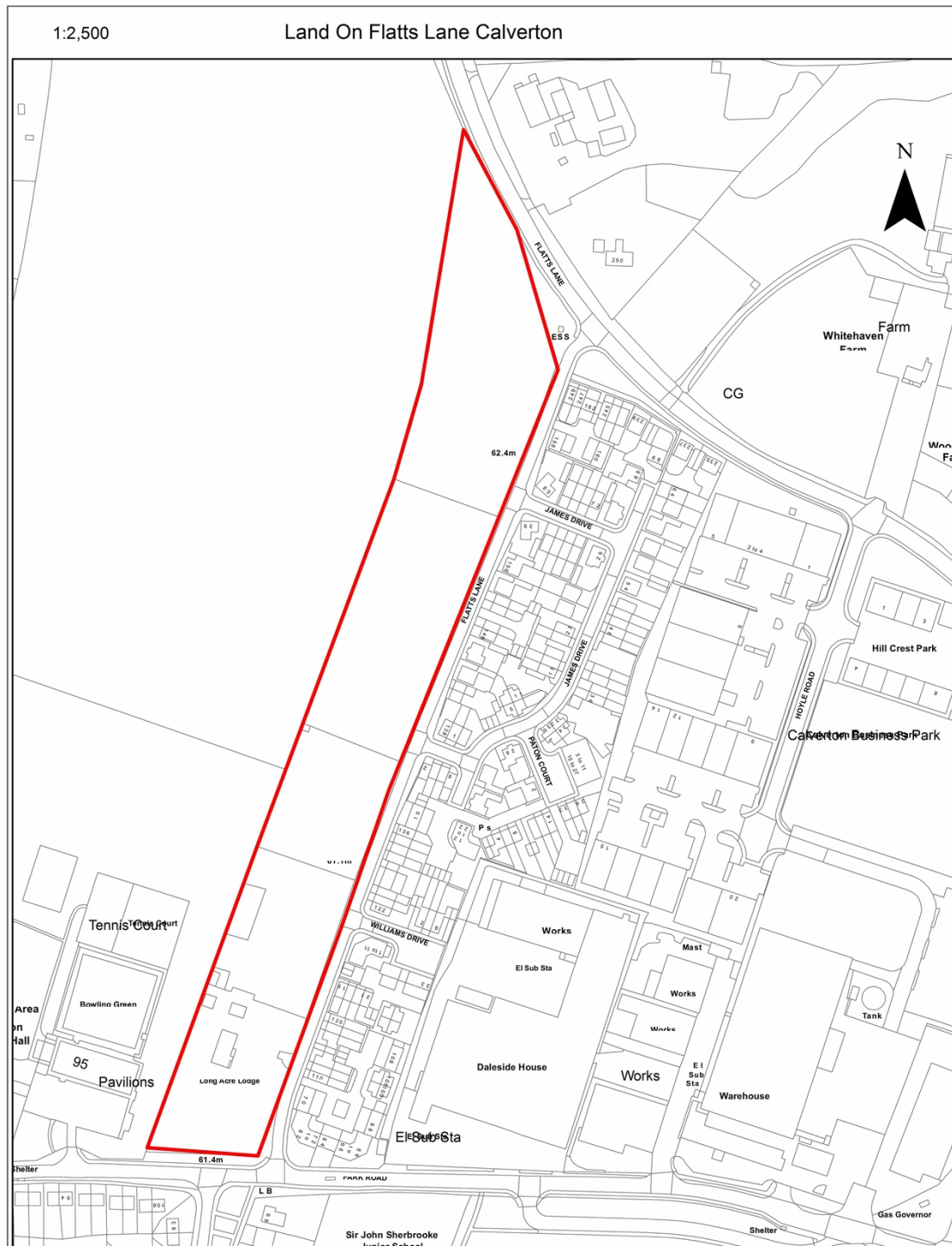




Planning Report for 2018/1143



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Report to Planning Committee

Application Number: 2018/1143

Location: Land On Flatts Lane Calverton

Proposal: Outline planning application (all matters reserved except for means of access) for the demolition of existing buildings and structures and the erection of up to 84 no. dwellings and associated open space and infrastructure.

Applicant: Metacre Ltd

Agent: Turley

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The site consists of an area of mostly open land which runs north from Park Road along the west side of Flatts Lane. All of the site boundaries are formed by mature hedging and vegetation. The northern, eastern and southern boundaries are shared with the public highway (Park Road and Flatts Lane) and the western boundary with open land and with Calverton Village Hall and the William Lee Memorial Park. A recent housing development is situated on the eastern side of Flatts Lane.
- 1.2 There is one residential dwelling located with associated outbuildings located within the site, all of which would be demolished as part of the proposed development. There are no significant differences in land levels across the site.
- 1.3 There are two Oak trees on the north-eastern boundary of the site that are protected by a Tree Preservation Order. There is a Scheduled Ancient Monument, (Two Roman Camps 350m North East of Lodge Farm), and a Grade II Listed Building, Lodge Farmhouse and Adjoining Stables, located approximately 200 metres to the north of the site.
- 1.4 The site area is 2.75 hectares.

2.0 Relevant Planning History

- 2.1 None.

3.0 Proposed Development

- 3.1 The application seeks outline planning permission for the erection of up to 84 new dwellings with the matter of access for consideration now and the matters of layout, appearance, scale and landscaping reserved for later consideration.
- 3.2 Access would be taken directly from five points on Flatts Lane and these are shown on a plan submitted in support of the application. This plan also shows indicatively how the proposed dwellings could be laid out on the site.

Consultations

- 4.1 Environment Agency - The site falls in Flood Zone 1 and the Lead Local Flood Authority should be consulted regarding sustainable surface water disposal from the site. No formal comments from the Environment Agency.
- 4.2 Nottinghamshire County Council – Lead Local Flood Authority – No objection but makes reference to a number of surface water considerations.
- 4.3 Historic England - On the basis of the information available to date (including the public open space indicated at the northern end of the site nearest the Scheduled Monument), we do not wish to offer any other comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 4.4 Gedling Borough Council Conservation Officer – No objection. Recommends that conditions are attached for a full archaeological evaluation using a range of techniques, field walking, trial trenching, geo-physical investigations and watching briefs to inform a reserved matters application. Advises that the impact upon the Scheduled Ancient Monument (two Roman marching camps located 350m north east of Lodge farm) to the north of the site will need consideration at reserved matters stage but the proposed location of the open space is welcomed.
- 4.5 Gedling Borough Council Economic Development – a Local Labour Agreement is required.
- 4.6 Gedling Borough Council Parks and Street Care – comments will be reported verbally at Planning Committee.
- 4.7 Gedling Borough Council Strategic Housing - The affordable housing requirement for this location is 20% of dwellings to be developed as affordable housing. Based on a development of 84 units this would require 16 units to be built as affordable housing. Of these, we require that 11 are for affordable/ social rent and 5 are for intermediate sale.
- 4.8 Gedling Borough Council Scientific Officer - no objection, request conditions relating to land contamination, electric vehicle charging points and a construction management plan. Requests that the Travel Plan be amended.
- 4.9 Forestry Officer – no objection subject to a condition relating to tree protection.

- 4.10 NHS Clinical Commissioning Group - requests a financial contribution of £45,303 towards healthcare provision for 210 people.
- 4.11 Nottinghamshire County Council Highways – no objection subject to conditions relating to details to be submitted at reserved matters stage, details of access junctions, appointment of a Travel Plan Coordinator, Travel Plan monitoring, the hard surfacing of accesses, details of pedestrian crossings and details of a footway on Flatts Lane.
- 4.12 Nottinghamshire County Council Planning Policy - . A contribution towards Bus Stop Improvements/Installations is requested to the value of £10,000. This will be used towards improvements to bus stops to promote sustainable travel or the installation of new bus stops within the vicinity of the site.
- 4.13 Nottinghamshire County Council Education –
- The development would yield 18 primary school places. As a result, the County Council would seek a contribution of £245,808 (18 x £13,656) to mitigate the impact of this development.
- The development would yield 13 secondary school places. As a result, the County Council would seek a contribution of £230,789 (13 x £17,753) to mitigate the impact of this development.
- 4.14 Trent Valley Drainage Board – the design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and the Local Planning Authority.
- 4.15 Calverton Parish Council – Objects on the following grounds:
- ☐ The Local Plan indicated that 60 houses would be built and this proposal is over intensive
 - ☐ Fewer properties should be proposed
 - ☐ The mix of properties does not meet with the requirements of the Calverton Neighbourhood Plan
 - ☐ The Calverton Neighbourhood Plan recommends that development should not exceed 2 storeys and the block of flats at the southern end would not comply with this
 - ☐ The distribution of affordable housing is not in accordance with the Calverton Neighbourhood Plan
 - ☐ The width of Flatts Lane is already a problem and the number of accesses would exacerbate this
 - ☐ The existing hedgerow would have to be removed in several places, one access to the north and one to the south would be preferable
 - ☐ The Calverton Neighbourhood Plan states that there should be a masterplan for the North West quadrant. The application represents piecemeal development and may make a bus connection onto Flatts Lane impossible
 - ☐ The William Lee Park will need a secure boundary and a proposed access to the park from the development is not supported
 - ☐ The hedge on Flatts Lane should be enhanced and thickened

- ☐ More details are required of the planting at the northern end of the site are required to assess the impact on the view from the Scheduled Ancient Monument

4.16 Members of the Public

A press notice was published, three site notices were displayed and neighbour notification letters were posted 7 objections have been received and these are summarised as follows:

- ☐ Loss of sections of hedgerow
- ☐ Impact upon highway safety
- ☐ Number of accesses should be reduced
- ☐ An access should be taken from Park Road
- ☐ Dwellings should be limited to 2 storeys
- ☐ Difficulties in selling existing properties
- ☐ Traffic congestion
- ☐ Encroachment into countryside
- ☐ Flatts Lane should be widened
- ☐ Flatts Lane should be made one way, double yellow lines should be used and the speed limit reduced to 20mph
- ☐ The travel survey is incorrect
- ☐ Impact upon local facilities and services
- ☐ There is no joined up thinking between developments
- ☐ Renewable energy measures should be included
- ☐ Loss of wildlife
- ☐ Existing land and buildings should be re-used
- ☐ Increase in traffic
- ☐ Noise increase
- ☐ Disturbance from car headlights
- ☐ Loss of privacy
- ☐ Parking and turning will become a problem
- ☐ Change in the character of the village
- ☐ Increase in school class sizes

4.17 Following the submission of new plans and additional information which aimed to address concerns raised by the Highway Authority a new period of consultation was undertaken comprising of the posting of neighbour notification letters. Two further representations were received and are summarised as follows:

- ☐ The travel survey is incorrect
- ☐ There is no joined up thinking between developments
- ☐ Impact upon highway safety
- ☐ The ecological survey does not assess parts of the site in private ownership
- ☐ Loss of wildlife
- ☐ No green initiatives are proposed
- ☐ Impact upon local facilities and services
- ☐ Existing land and buildings should be re-used
- ☐ Increase in surface water run-off

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless 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 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

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 17: Biodiversity – sets out the approach to ecological interests.

Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

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 approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

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

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

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 that a 20% affordable housing provision will be required in Calverton but that a lower 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.

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 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 66: Housing Allocations– identifies the application site as housing allocation X4, for approximately 60 new dwellings.

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 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 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

- 7.1 The site is allocated as housing site X4 by Policy LPD 66 of the Local Planning Document which was adopted in July 2018. Policy LPD 66 identifies the site as providing approximately 60 dwellings. The outline planning application submitted proposes up to 84 dwellings. The indicative plan submitted suggests that the increase in density could be achieved by the siting of an apartment block on the frontage with Park Road. Whilst the scale of the development would be considered at reserved matters stage, the approval of this outline planning application is considered to be in accordance with the development plan and with the objectives of the National Planning Policy Framework and Aligned Core Strategy.

Density

- 7.2 The site area is 2.75 hectares which gives a density of 30.5 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.

Compliance with Calverton Neighbourhood Plan Policy G1 (Comprehensive Development)

- 7.3 Policy G1 states that proposals for residential development in the ‘North-West Quadrant Urban Extension’ will only be permitted where it is accompanied by an overall masterplan illustrating the following aspects:
- A high quality residential environment
 - Highway access links including to/from the existing village road network and the feasibility of links to/from the B6386 Oxtan Road

- Off-site highway improvements
- Footpath and Cycle links into the village
- Provision of open space and structural landscaping
- Retention of open frontages between new development and North Green and Park Road
- The inter-relationship between new development and the Community Hall & Sports Pavilion and William Lee Memorial Park
- Housing mix, including starter homes, affordable housing and housing for the elderly
- Ecological corridors
- Health Impact Assessment

- 7.4 An overall masterplan for the North-West Quadrant has not been provided but instead the indicative plan considers how the proposed development could link to future development, for example through the provision of a vehicular access that would of a specification that would allow it to function as a connection to development of land to the west. The development would therefore not prejudice the future access of sites within the North-West Quadrant from Flatts Lane.
- 7.5 It is considered that the information submitted demonstrates that the highway matters and ecological considerations relating to this site have been adequately addressed. Layout and landscaping are reserved matters and would be considered at a later date, which would include details of landscaping and housing mix. Healthcare provision would be addressed by way of a financial contribution. Calverton Parish Council have advised that they would not support a link from the site to William Lee Memorial Park, however one is shown on the indicative plan.
- 7.6 In conclusion it is considered that the approval of this application would not prejudice the development of the North-West quadrant nor would it conflict with the objectives of Policy G1 of the Calverton Neighbourhood Plan. Furthermore, given that the land to the west of the site is safeguarded and not available for development at the current time, it would not be reasonable to prevent the development of this allocated housing site until such time as housing development on the safeguard became policy compliant.

Impact upon visual amenity

- 7.7 As appearance and scale are reserved for later consideration the impact upon visual amenity does not fall to be considered at the present time. It is considered however that a scheme could be presented that would be visually appropriate within the surrounding area and would meet with the relevant planning policies.
- 7.8 Whilst reference has been made to the potential to include three storey flats on the frontage with Park Road and the visual impact that would arise, development of this height would be in keeping with the scale of the recently constructed development on the opposite corner of Flatts Lane and Park Road. This would be considered in detail at the reserved matters stage.

Impact upon residential amenity

- 7.9 It is noted that representations received have raised concerns that the development would have an adverse impact upon residential amenity through loss of privacy.
- 7.10 As the matters of appearance, scale and layout have been reserved for later consideration it is not possible to make a detailed assessment of the impact that the development would have on the adjacent dwellings. The impact upon residential amenity would be assessed in detail at reserved matters stage however it is considered that the number of dwellings proposed by this outline application could be accommodated in a manner that would not cause undue harm to residential amenity.
- 7.11 It is not considered that the development of this site for residential purposes would cause an unacceptable impact on residential amenity due to noise or from car headlights entering and leaving the site.
- 7.12 It is therefore considered that the proposed development of this site could, in principle, be achieved in a manner that would accord with the relevant policies of the Local Development Plan and the Calverton Neighbourhood Plan in terms of the impact upon residential amenity.

Impact upon designated heritage assets and archaeological interest

- 7.13 It is considered that the layout of the development shown on the indicative plan, which sites the public open space to the north of the site, would ensure that there would not be an adverse impact upon the Scheduled Ancient Monument (two Roman marching camps located 350m north east of Lodge farm) to the north. Furthermore, it is noted that Historic England have specifically acknowledged the positioning of the public open space and have not raised an objection to the proposed development. The Conservation Officer has also not raised an objection to the principle of the development.
- 7.14 An Archaeological Assessment has been submitted and it is noted that the conclusion of this assessment is that the archaeological potential of the site is low and therefore no further archaeological work is recommended either pre or post determination of the application. However notwithstanding this, due to the proximity to the Schedule Ancient Monument and the consultation comments received from the Conservation Officer, it is considered reasonable and necessary to impose a condition requiring that further archaeological work be undertaken.

Ecological considerations

- 7.15 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. Mitigation measures include replanting new hedging and planting new grassland adjacent to retained hedgerows, bat friendly lighting, bat and bird boxes and measures to safeguard and provide enhancements for hedgehogs and invertebrates. These matters can be addressed by way of planning conditions relating to

lighting and bat and bird boxes, and a condition which requires that development be undertaken in accordance with the recommendations of the ecological appraisal. Landscaping is a reserved matter and therefore proposed planting would be considered at that stage.

- 7.16 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
- 7.17 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'.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.

- 7.22 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 allocation. 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

- 7.23 The development would be accessed via five access points from Flatts Lane. Additional information and an amended plan has been submitted to address concerns raised by the Highway Authority and to provide a footway on Flatts Lane.
- 7.24 The Highway Authority now raises no objection to the proposal, subject to a number of conditions relating to detailed highway matters. It is considered reasonable to impose conditions relating to the specification of the highway works and pedestrian crossings and a footway on Flatts Lane. It is not considered reasonable or necessary to impose conditions relating to a Travel Plan, given the scale of the development. The internal layout of the site and parking provision would be considered at reserved matters stage.
- 7.25 In light of 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 Policy LPD 61 and Calverton Neighbourhood Plan Policy ISF3.

Impact upon trees and hedgerows

- 7.26 The centre of the site is generally devoid of trees and hedgerows. A number of trees are however noted within the curtilage of the existing residential property to the south of the site. A Tree Survey has been submitted and these trees are classified as being either Category B (moderate quality) or Category C (low quality). It is likely that a number of these would need to be removed to facilitate the development and also it would be necessary to remove sections of the hedgerow which fronts onto Flatts Lane.
- 7.27 The Forestry Officer has no objection to the proposal but recommends that a condition relating to tree work and protection be imposed. It is considered

reasonable and necessary to impose such a condition. Landscaping and layout of the development would be considered in details at reserved matters stage. Based on the location of the public open space shown on the indicative plan, the two Oak trees on the north-eastern boundary that are protected by a Tree Preservation Order would not be affected by built development.

Planning obligations

7.28 The development proposed would require that the following planning obligations be met:

- ☐ Affordable Housing, to meet with the requirements of the adopted Affordable Housing Supplementary Planning Document and Policy LPD 36 of the Local Planning Document – based on a development of 84 units this equates to 16 affordable dwellings, of which 11 should be affordable/social rented and 5 of which for intermediate sale. These figures would however be proportionate to the number of dwellings actually proposed at reserved matters stage.
- ☐ The requirements with respect to Public Open Space will be reported verbally to Planning Committee.
- ☐ £245,808 (18 x £13,656) for the provision of primary school places and £230,789 (13 x £17,753) for the provision of secondary school places to mitigate the impact of the development.
- ☐ £45,303 for health facilities as requested by the NHS
- ☐ £10,000 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 Lighting, Raised Boarding Kerbs, Lowered Access Kerbs and Enforceable Bus Stop Clearways. The improvements would be at the nearest bus stops which are situated close to the site or for the installation of new bus stops fronting the site, so are directly related to the development, and are fairly and reasonably related in scale and kind to the development (up to 84 dwellings).
- ☐ 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.

7.29 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 Regulation 122 of The Community Infrastructure Levy Regulations 2010.

7.30 It is noted that Policy G2 (Developer Contributions) of the Calverton Neighbourhood Plan makes reference to developer contributions being sought towards village centre environmental improvements, in addition to the education and healthcare requirements set out above. This policy consideration has been fully considered and is not considered to meet the tests set out in Regulation 122 of The Community Infrastructure Levy Regulations 2010, namely that an obligation must be:

- (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

- 7.31 In particular, unlike with the requirements for education and healthcare, there is no quantifiable basis or policy that could be used to set out how a sum of money or a scheme of improvements would be both necessary to make the development acceptable in planning terms or be fairly and reasonably related in scale and kind to either of the developments being proposed. This being the case, if village centre improvements were to be included in the list of S106 requirements, the Borough Council would subsequently have no basis on which to negotiate what form or amount that this would take, notwithstanding the fact that to do so would not meet with the tests outlined.
- 7.32 It should also be noted that a planning application to improve the village centre (St Wildfred's Square) has recently been approved and that much of the centre is in private ownership, meaning that it cannot benefit from S106 monies. Likewise, S106 monies should not be used to maintain existing areas under public ownership, as this too would not meet the legal tests.
- 7.33 Furthermore, it is noted that paragraph 52 of the Neighbourhood Plan states that the neighbourhood portion of the Community Infrastructure Levy will be used to deliver village centre environmental improvements. Paragraph 53 advises that the levy received will also be expended on village centre car parking. In light of the fact that a planning obligation would fail to meet with the necessary tests, it is considered to be procedurally correct that the Community Infrastructure Levy instead be used to fund such improvements as required

Other matters

- 7.34 The scale of the development would be considered at reserved matters stage as would the housing mix and affordable housing location. The potential impact upon the future sale of properties is not a material planning consideration. The application is in outline form and therefore no details of renewable energy measures such as solar panels are available, however a condition will be imposed relating to electric car charging points. Whilst the principle of reusing existing land and buildings is supported, the site has been allocated for housing in the Local Planning Document. The Ecological Assessment and Arboricultural Assessment consider the whole site, including both the existing residential property and the open land. It is recommended that a condition be imposed relating to the submission of drainage scheme. Parking provision will be considered at reserved matters stage, as would housing mix, accommodation for the elderly and disabled and plots for self-build.

8.0 Conclusion

- 8.1 The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that up to 84 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety, archaeological

interests and or ecological interests. It is therefore considered that the granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents and Calverton Neighbourhood Plan.

Recommendation: Grant Outline Planning Permission with the matter of Access approved: Subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for the provision of, or financial contributions towards, affordable housing, open space, healthcare facilities, education, 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 Approval of the details of layout, scale, landscaping and appearance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 This permission shall be read in accordance with drawing number 10_01 Revision 00 (with regard to the site area only) and drawing number METM3003-01 Revision 01 (with regard to the five access points onto Flatts Lane only). Development shall thereafter be undertaken in accordance with these plans.
- 4 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings 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.
- 5 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.
- 6 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall

assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

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

In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements set out in Condition 6 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority. Any remediation works and verification reports shall be undertaken in accordance with the approved remediation scheme.
- 8 No development shall commence on site in connection with the development hereby approved (including, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
 - a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges on and adjacent to the site.

c) Details of any construction works required within the root protection area of trees, hedges or shrubs on and adjacent to the site, as defined by BS5837:2012.

d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

The development shall thereafter be undertaken in accordance with the approved Arboricultural Method Statement.

- 9 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.
- 10 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.

- 11 The development shall be undertaken in accordance with the recommendations set out in Section 5 of the submitted Ecological Assessment Report (Document Ref 6710.002) dated October 2018.
- 12 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. 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.

- 13 No above ground construction works shall commence until details of bat and bird boxes to be incorporated within the fabric of the buildings and/or within the site have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be provided in accordance with the approved details prior to the first occupation of the development hereby approved.
- 14
 - 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.
- 15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v) wheel washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works

- 16 The reserved matters application for the development hereby permitted shall include detailed plans and particulars relating to the following items:(i) A detailed layout plan of the site (for the avoidance of doubt the submitted Layout Plan reference: METM3003-01 Revision 1, shall be considered to be for indicative purposes only) which shall be accompanied by a swept path analyses of an 11.5m long refuse vehicle throughout the proposed highway to become adopted, considering the likelihood of on street parking; (ii) Details of the proposed arrangements and plan for future management and maintenance of the proposed private roads including associated drainage contained within the private part of the development;(iii) Details of the proposed arrangements and plan for future management and maintenance of any hedgerows and other vegetation located between roads, both existing and proposed, and the site boundary;(iv)Bin storage locations at shared private drives. Thereafter, the scheme shall be implemented in full accordance with the approved details.
- 17 Prior to first occupation of the development hereby approved, construction details of the five vehicular site access junctions from Flatts Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed access arrangements shall thereafter be implemented prior to first occupation of the development.
- 18 Prior to first occupation of the development hereby approved details of the two uncontrolled pedestrian crossings, across Flatts Lane, including dropped kerbs and tactile paving, as illustratively shown on drawing reference: "METM3003-01/Revision 1" shall be submitted to and approved in writing by the Local Planning Authority. The crossings shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
- 19 Prior to first occupation of the development hereby approved construction details of the proposed 2.0m wide footway on the western side of Flatts Lane along the sites frontage, as illustratively shown in outline on plan titled: "METM3003-01/Revision 1", shall be submitted to and approved in writing by the Local Planning Authority. The approved footway arrangement and associated works shall thereafter be implemented prior to first occupation of the development hereby approved.
- 20 Occupation of the proposed dwellings shall not take place until their respective driveways have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in

accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To define the permission, for the avoidance of doubt.
- 4 To ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 5 To ensure that the drainage scheme is appropriate to meet the needs of the site and the approved development.
- 6 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 8 To ensure that existing trees and hedges are adequately protected.
- 9 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration policy LPD11 of the Councils Local Plan.
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan and in the interests of residential amenity.
- 11 In the interests of protecting ecological interests
- 12 In the interests of protecting ecological interests.
- 13 In the interests of enhancing ecological provision on the site.
- 14 To safeguard any potential archaeological remains.
- 15 In the interest of highway safety.
- 16 To ensure the development is designed and constructed to adoptable standards and appropriately maintained.
- 17 In the interest of Highway Safety, to ensure adequate access, operational capacity, and associated visibility is provided to the development, along with safe pedestrian access.
- 18 In the interest of sustainable travel.

19 In the interest of sustainable travel.

20 In the interests of highway safety.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that up to 84 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety, archaeological interests or ecological interests. It is therefore considered that the granting of outline planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents and Calverton Neighbourhood Plan.

Notes to Applicant

Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). 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, and /or 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 after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottscc.gov.uk

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at; <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

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 by installing wheel washing facilities on site.

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).

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

The comments of the LLFA are attached.