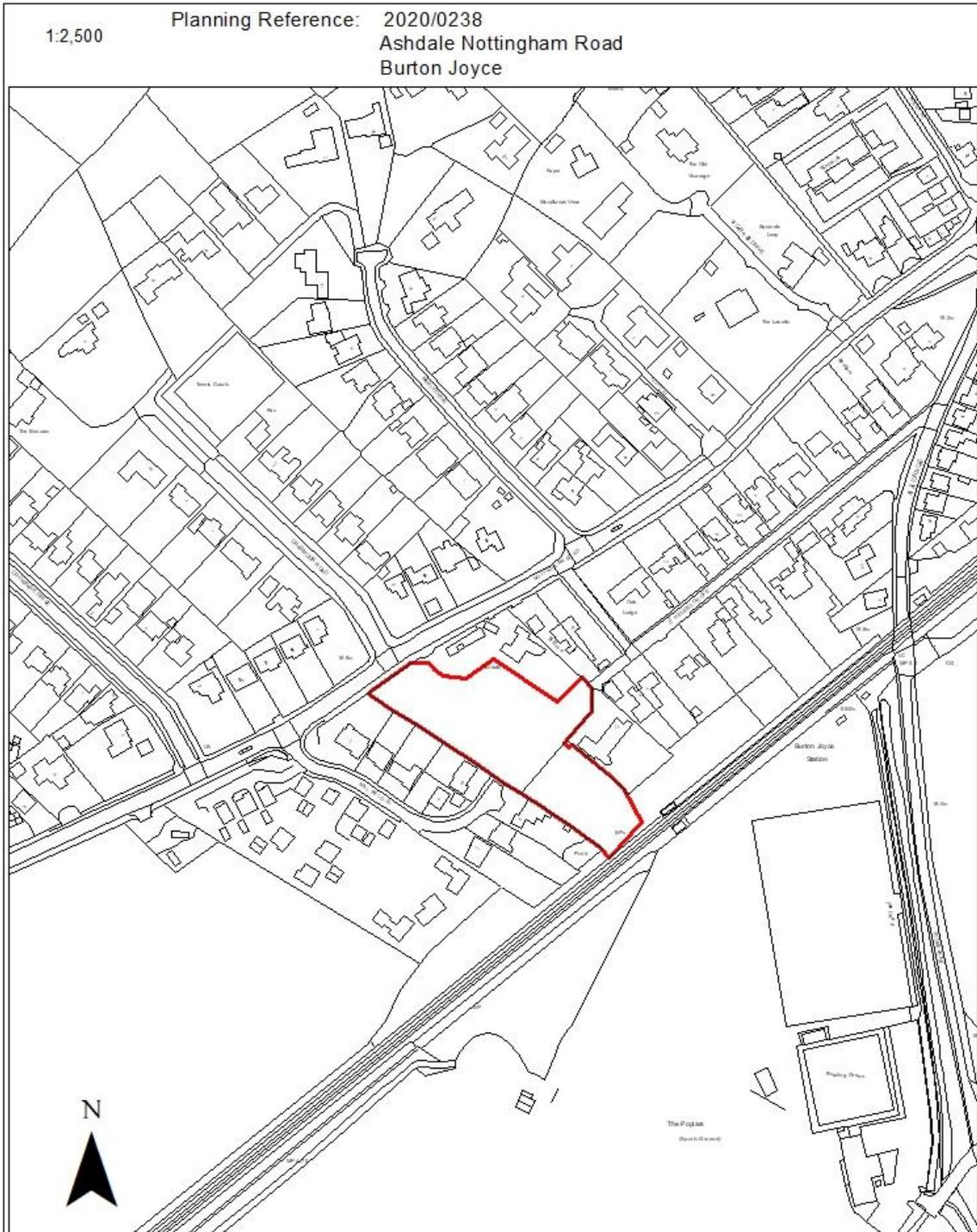




Planning Report for 2020/0238



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2020/0238
Location:	Ashdale, Nottingham Road, Burton Joyce
Proposal:	Outline application for 11 new dwellings with matters of access, scale and layout to be considered as part of this application
Applicant:	Executors Of the Estate Of R Potter
Agent:	GraceMachin Planning & Property
Case Officer:	Alison Jackson

The application is referred to Planning Committee with the proposal for the erection of 10 or more dwellings, as required by the Council's constitution.

1.0 Site Description

- 1.1 The application site relates to land at 'Ashdale' Nottingham Road, Burton Joyce. The application site comprises approximately 0.568 hectares of land which currently forms part of the large curtilage serving Ashdale, a two storey detached Victorian property. The substantial garden to the dwelling surrounds the property to the east, south and west. The dwelling itself together with associated outbuildings are situated to the northern corner of the plot. The site lies within the village envelope of Burton Joyce. Access to the site is via a driveway leading from Nottingham Road.
- 1.2 The site is mainly laid to lawn however there are a number of trees on the site which are formally protected with Tree Preservation Orders together with shrubs and other planting. The site is overgrown in part.
- 1.3 The site is surrounded by existing residential properties situated at St Helens Grove to the north and north east and residential properties on Mill Field Close which are to the south and south west. Mill Field Close is a cul-de-sac with the turning head to the cul-de-sac adjoining the southern boundary of the application site. To the south east the site is bounded by the railway line.
- 1.4 The site is situated within an area at risk of flooding.

2.0 Relevant Planning History

- 2.1 The application site has no recent planning history which is relevant to the assessment and determination of this planning application.

3.0 Proposed Development

3.1 The application is submitted in outline with access, layout and scale under consideration; other reserved matters (appearance and landscaping) are for consideration at a later date, which would be submitted under a reserved matters application. A layout plan together with details of the scale of the proposed dwellings has therefore been submitted which also provides details of the proposed access arrangements from Mill Field Close. Having regard to the above, the application is to establish whether or not the principle of residential development on the site is acceptable as well as whether the vehicular access point, the layout and scale of the dwellings is acceptable.

3.2 Additional plans were submitted during the processing of the application confirming that the siting and scale of the dwellings in addition to the proposed access arrangements were to be assessed as part of this outline application. The submitted layout plan shows the erection of 11 dwellings on the site, these being 3 no. 2 bed units to plots 1, 4 and 5 no. three bed units to plots 2, 3, 7, 8 and 9 and 3 no. four bed units to plots 6, 10 and 11.

3.3 The scale of the dwellings would be as set out within the table below:

Plot	Type	Width	Depth	Height
1	2-Bed	6.18m	7.64m	8.07m
2	3-Bed	8.77m	6.07m	7.70m
3	3-Bed	8.77m	6.07m	7.95m
4	2-Bed	6.18m	7.64m	8.07m
5	2-Bed	6.18m	7.64m	8.07m
6	4-Bed	10.12m	7.19m	7.95m
7	3-Bed	8.77m	6.07m	7.70m
8	3-Bed	7.42m	7.64m	8.07m
9	3-Bed	10.12m	7.19m	7.95m
10	4-Bed	11.69m	16.41m	7.82m
11	4-Bed	11.69m	16.41m	7.82m

3.4 The dwellings would be accessed from Mill Field Close. The width of the access including the pavement is 6.8 metres with a 0.7 metre wide service strip and would provide a turning head within the site, this section of the highway is proposed to be adopted. The adopted highway would serve plots 4, 5, 7, 8 and 9 directly and private driveways would then lead from the adopted highway to plots 1, 2, 3, 6, 10 and 11.

3.5 The proposed development would require the removal of 32 trees or tree groups for removal, these being T18, T36, T41, T42, G46, T47, T48, G49, T67 to T71, T77 to T85 and G90 to G99. In addition works would be required

to tree group G19 which would require thinning/selective removal. The Poplar trees to the southern site boundary T27 to T34 are proposed to be pollarded at suitable points to around 6 metres in height. These works are being assessed under this application and do not require the submission of a further application.

- 3.6 In addition protective fencing would be erected to protect the retained trees, a plan has been submitted with the application identifying the location of the protective fencing.
- 3.7 The above works and measures are detailed within the submitted Arboricultural Report and Impact Assessment and the Tree Protection Method Statement.
- 3.8 An Ecological Appraisal Report, an Environmental Noise Assessment, a Flood Risk Assessment and a Technical Transport Note have been submitted with the application.

4.0 Consultations

- 4.1 A press notice was published, a site notice displayed and neighbour notification letters posted. A full re-consultation was also undertaken in respect to the reserved matters of layout and scale being added to the application for consideration alongside the matter of access being considered, amended plans showing alterations to the parking arrangements and additional details in respect to tree protections measures. As a result of consultations undertaken a total of 12 neighbour letters were received, objecting to the application, these comments are summarised below:

- The application does not make reference to the recent development site off Mill Field Close. This site should be fully occupied before consideration is given to this new development.
- Mill Field Close is not suitable to cope with the increase in traffic.
- Disturbance to neighbouring properties as a result of the use of Mill Field Close.
- Highway safety issues given the access from Mill Field Close onto the A612, for both road users and pedestrians. The County Council should be consulted on the application.
- The pavements are inadequate along the A612.
- Lack of visibility at the junction of the A612 and Mill Field Close.
- A pedestrian crossing should be provided or a mini roundabout provided on the A612.
- The access into the site should be via the existing access point into Ashdale or from St Helens Grove.
- Ashdale should be demolished and the development of the site organised properly with adequate amenity space and parking.
- Lack of parking on Mill Field Close for existing residents, the proposal will exacerbate this situation.
- Concerns over flood risk and drainage.
- Concerns over the works to the trees and maintenance to the trees.
- The trees should be retained. One of the trees within the report appears to be on neighbouring land.

- Concerns over damage to existing trees causing safety issues to neighbouring residents.
- The proposed dwellings are too close to neighbouring properties.
- The properties should be in keeping with the area.
- Concerns that all the trees are not shown on the submitted plans.
- Concerns over the spread of Covid-19 in that the economy could crash and people could lose their homes and jobs.
- Lack of consideration for existing neighbouring residents.
- Concerns over whether the sewage system is adequate to cope with the increase in demand.
- Loss of privacy to neighbouring properties.
- Overbearing and overshadowing impact onto neighbouring properties.
- There is a covenant on part of the site which only allows the erection of one dwelling and not two as is shown on the plans
- The proposal is for the development of garden land which is contrary to GBC policy and other planning policies.

In addition to the above, two letters have been received in support of the application, these comments are summarised below:

- Inevitable that such a plot would be developed.
- The retention of Ashdale is welcomed given its historic nature.
- The trees to be retained will provide screening and retain wildlife habitats.
- The new houses will look generally towards the central area of the site rather than onto neighbouring properties.
- The provision of new housing is needed within Nottingham and some smaller dwellings are proposed.
- The development of the site with 11 dwellings does not result in overdevelopment and has been sympathetically designed.
- The development of the site as proposed will take away any uncertainty about any future development of the site.

4.2 Parish Council – raise the following concerns:

- Concerns raised in regard to the ability to allow residents to properly assess the application given Covid-19 restrictions.
- Contravention to the Local Development Plan.
- Increase in traffic.
- Compromised pedestrian safety.
- Inadequate drainage and sewage facilities.
- Flood Risk.
- Overbearing impact on neighbouring properties.
- Loss of a residential garden.

4.3 Environment Agency – no objections providing the development is carried out in accordance with the submitted flood risk assessment (ref: Land at Ashdale, Nottingham Road, Burton Joyce, Gracemachin Planning and Property Ltd, Farrow Walsh Consulting, FW1907_FRA_001, V2.1, 06/04/2020) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 19.82 metres above Ordnance Datum (AOD) as stated within section 7.2.1 of the FRA. The mitigation

measures shall then be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 4.4 Nottinghamshire County Council (Local Lead Flood Authority (LLFA)) – no objections subject to the submission and approval of a detailed surface water drainage scheme.
- 4.5 Severn Trent – no comments received.
- 4.6 Highway Authority (Nottinghamshire County Council (NCC)) – raise no objections subject to the attachment of conditions relating to the precise details of the proposed road, the appropriate surfacing and drainage of the driveways and the provision of wheel washing facilities at the site for construction traffic. Notes should also be attached to any grant of planning permission advising the applicant of the need to enter into various consents with the Highway Authority in respect to the adoption of the road, the Advanced Payments Code and in regard to the proposed construction and the drainage of the road.
- 4.7 NHS (Primary Care) – no contributions are required as part of a Section 106 Agreement as the development does not meet the size criteria for our CCG.
- 4.8 Nottinghamshire County Council (Education) – note that places in the primary planning area have spare capacity to absorb the number of pupils, 3, that the development is predicted to generate so do not request a contribution for primary education. With regard to secondary provision, there would be insufficient places to accommodate the 2 secondary aged pupils. As a result of contribution of £47,750 is sought.
- 4.9 Scientific Officer (Air Quality) – requests conditions requiring the submission and approval of a Construction Environmental Management Plan and the installation of electric charging points at the site.
- 4.10 Environmental Health (noise) - concur with the conclusions outlined in the submitted noise report and raise no objection to the application subject to the mitigation measures identified being implemented and a condition requiring verification that the approved sound insulation scheme has been implemented and is fully operational.
- 4.11 Environmental Health (contamination) – request the attachment of a condition relating to any unexpected contamination being found at the site being remediated and verified.
- 4.12 Arborist - raises no objection to the application, subject to conditions regarding the development being carried out in accordance with the Arboricultural Report and Impact Assessment and the Tree Protection Method Statement.
- 4.13 Gedling Borough Council (Parks and Street Care) – as no public open space would be provided on the application site a financial contribution for provision

of off site open space and maintenance is required, as a result a contribution of £54,990.18 is sought (£38,710.98 capital contribution and £16,279.20 10 year maintenance).

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 The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 8 (promoting healthy and safe communities), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment).
- 6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:
- 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 18: Infrastructure – sets out the approach to ensure new development is supported by the required infrastructure and the appropriate stage.
 - Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.
- 6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 3: Managing Flood Risk – states permission will be granted for development in areas at risk of flooding providing a sequential test is undertaken and there is no increase in risk of flooding on the site or elsewhere.
- LPD 4: Surface Water Management – sets out the approach to surface water management.
- LPD 7: Contamination – states that permission will be granted for development on land potentially affected by land contamination provided the contamination is treated, contained or controlled.
- 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 – encourages measures to deliver biodiversity enhancements to be included into developments.
- 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 34: Residential Gardens – states development involving the loss of residential garden will not be permitted unless the development represents a more efficient use of land.
- 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 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD 40 – Housing Development on Unallocated sites – states planning permission will be granted for residential development subject to design, impact and appropriate provision of parking.
- LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.
- LPD 57: Parking Standards – sets out the requirements for parking.
- LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Burton Joyce Neighbourhood Plan adopted on the 10th January 2019. The following policies are therefore relevant to the determination of the application:

- NP1: Spatial Strategy – states that development proposals will be supported where they result in sustainable development.

- NP2: Protecting the Landscape Character of Burton Joyce and Enhancing Biodiversity – states development is required to demonstrate that it does not result in a significant impact into the landscape and biodiversity is protected and enhanced.
- NP3: Design Principles for Residential Development – sets out what design principles are expected for development.
- NP4: Mix of Housing Types – sets out that housing schemes should deliver a mix of housing

6.6 Other Guidance

Parking Provision for Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan sets out parking standards for residential uses.

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

7.0 Planning Considerations

Principle of Development

- 7.1 I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value.
- 7.2 The NPPF's definition of brown field land is 'previously developed land that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface or surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens.' This advice is reflected in the ACS Policy 10 – 3.10.4 which goes on to state: 'Although now considered to be greenfield sites, gardens can provide sustainable locations for new homes, and reduce the need to develop land within Green Belt and or the country side. However, it can also change the characteristics of areas, and may damage biodiversity. In accordance with this policy and the NPPF, subsequent Local Development Documents may seek to restrict development to avoid areas of special character and to protect the amenity value of private gardens.'
- 7.3 I note the changes in guidance in relation to the definition of garden land, which is no longer considered to be previously developed land. Whilst I note the change in definition, I do not consider that paragraph 3.10.4 of the ACS precludes development on such sites. The key aspects that need to be considered are whether the proposed development would be in a sustainable location, would adversely affect the characteristics of the area or damage biodiversity. In my opinion the development would be in a sustainable location given its location within an urban area and its proximity to services. The development of the site in my opinion is therefore acceptable in principle and would accord with Policy 10 of the ACS provided it does not adversely affect the character of the area. The impact of the proposed development on biodiversity is assessed below.

7.4 Policy LPD34 requires that development involving the loss of residential gardens will not be permitted unless the proposal would represent a more efficient use of land. With this in mind as the site is relatively large, I consider that the use of this land as proposed is acceptable and would result in the efficient use of this land for additional dwellings and would provide a mix of housing, in terms of the proposed sizes and number of bedrooms being provided. I am also satisfied that an adequate amount of amenity space would be retained to serve the existing dwelling on the site.

7.5 The principle of the development of the site is therefore considered acceptable in accordance with policies LPD34 and LPD40 as set out above however this is subject to the assessment of all other material considerations as set out below:

Impact on the character of the area and residential amenity

7.6 The application is submitted in outline with only matters of access, scale and layout being considered at this stage. I will assess each of these in turn:

Access

7.7 The proposed access into the site would be from Mill Field Close, whilst I appreciate that there would be additional traffic using Mill Field Close to access the proposed development site, the proposed number of units would be 11. I do not therefore consider that the use of Mill Field Close to provide access to 11 dwellings, would adversely affect the amenity of the existing properties along Mill Field Close.

7.8 Whilst I appreciate that concerns have been raised in regard to the relatively recent ongoing development on land situated off Mill Field Close, in that this current proposal together with the existing recently approved development will result in a more significant impact on neighbouring residents on Mill Field Close, I consider that as the development of this current application site is for 11 dwelling only, there will be no significant impact on neighbouring residential properties.

7.9 In addition, I do not consider that the access arrangements within the site would adversely affect the amenity of the proposed dwellings. The access arrangements are fairly standard within the site providing individual access points to each dwelling. Highway safety matters are considered below.

Scale

7.10 The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines scale as 'the height, width and length of each building proposed within the development in relation to its surroundings'.

7.11 In my opinion the proposed scale of the dwellings, as set out within the table above and as shown on the submitted layout plan, are relatively modest in their scale and reflect the number of bedrooms which would be provided to each dwelling, the two bedroom properties being smaller in scale and the three and four bedroom properties being larger in scale.

- 7.12 In my opinion the scale of the dwellings reflects the scale of existing neighbouring development within the surrounding area, the area being predominately characterised by two storey dwellings. The scale of the dwellings would not appear overly large or dominant within the site, both in relation to existing neighbouring development or between the proposed dwellings.
- 7.13 In addition, the scale and massing of the proposed dwellings, given their relationship and distance to existing neighbouring dwellings will not result in any undue overbearing or overshadowing impact onto these neighbouring properties. I am also satisfied that the scale of the proposed dwellings in terms of their relationship to one another will also be acceptable and will result in no undue overbearing or overshadowing impact between the proposed dwellings.

Layout

- 7.14 I am satisfied that the proposed development does not result in an over-intensive form of development on the site. The layout of the site together with the size of the proposed plots in my opinion reflects the character of the area and does would not appear incongruous.
- 7.15 The space about and between the dwellings, in terms of access arrangements, private residential amenity areas to each dwelling as shown on the submitted plan clearly show that the development of the site would, given the relationship and distance to neighbouring properties and between the proposed dwellings, would result in no significant adverse impact on the amenity of existing neighbouring properties or between the proposed dwellings, in terms of any overbearing, overshadowing or potential overlooking impacts.
- 7.16 The matter of appearance of the proposed dwellings has been reserved for subsequent approval, should permission be granted at this outline stage. The appearance of the proposed dwellings therefore cannot be considered at this outline stage, however, I am satisfied that the appearance of the proposed dwellings can be adequately controlled at a reserved matters stage in order to ensure that appearance of the dwellings is visually acceptable and the dwellings reflect the character of the area and achieve high quality in terms of design. The exact location of windows to the proposed dwellings would also form part of this reserved matter, whereby it can be ensured that the location of windows to dwellings would not result in any undue overlooking impact onto neighbouring dwellings or between the proposed dwellings.
- 7.17 The proposal, in accordance with the aims of policy NP2, as set out above, of the Burton Joyce Neighbourhood Plan has to demonstrate that there would not be a visual intrusion into the landscape setting. The site falls within a number of view corridors as set out within the neighbourhood plan and therefore the proposal should not adversely impact on these publicly accessible views. In this case, I am satisfied, given the location of the development within the built up area of Burton Joyce together with the nature

of the development that the proposals would not adversely impact upon the landscape setting and the specific view corridors in this location.

- 7.18 Given the above I am therefore satisfied, that the character of the area and residential amenity will not be detrimentally impacted. As a result the proposal complies with policies LPD32, ACS policy 10 and NP2, as set out above.

Drainage and flood risk

- 7.19 A flood risk assessment (FRA) has been submitted in support of the application and identifies that the application site is situated within flood zone 2. In accordance with the NPPG (2019), more vulnerable development, which this proposal would be defined as, is considered appropriate development in flood zone 2. However, in accordance with the NPPF and the Aligned Core Strategy a sequential approach should be taken in regard to the development of sites within flood risk areas. Development should be located within areas which have a lower risk of flooding and development should not be permitted on sites if there are other reasonable sites available for development where there is a lower risk of flooding.
- 7.20 The NPPF states that if it is not possible to locate development in zones with a lower risk of flooding the exception test may have to be applied, this being echoed in the ACS and the LPD. National and local policies therefore require the applicant to submit a site specific flood risk assessment (FRA) for site. If the exception test has to be applied, then it is required to be demonstrated that the development would provide sustainability benefits and the development would be safe over its lifetime.
- 7.21 A flood risk assessment has been submitted as part of the application together with a Sequential Test. The Sequential Test identifies sites within the Burton Joyce area, it is considered that as the proposal would provide dwellings within the Burton Joyce area, where there is a need for additional housing, it is unnecessary in this instance to look at sites within a wider catchment area.
- 7.22 The Sequential Test has identified a number of sites within Burton Joyce that could be considered suitable for residential purposes. The applicant's agent however, has discounted some of these sites as they also fall within Flood Zone 2. Other sites however that have been identified are located within areas at lower risk of flooding, these sites being preferable for development. However, these sites although falling in areas at lower risk of flooding have been discounted for a number of reasons including sites being situated within the Green Belt and being identified as Local Wildlife Sites together with some sites already having been granted planning permission for development, therefore these sites being no longer available.
- 7.23 Given the details of the other sites that have been considered as part of the Sequential Test, I consider that in this instance there are no sequentially preferable sites for housing development of the scale proposed within the Burton Joyce area.

- 7.24 In accordance therefore with the above, as it is accepted that there are no sequentially preferable sites and the exception test has to be applied.
- 7.25 In respect therefore to the first part of the exception test, I am satisfied that there is a need for housing in this location which apart from the flood risk issue is highly sustainable; windfalls are expected to contribute significantly to the Borough's housing supply; the proposal would reuse a previously developed site making more efficient use of urban land; and the proposal would bring economic and social benefits to the area.
- 7.26 In respect to the second part of the exception test, the submitted FRA states that with mitigation measures in place it can be demonstrated that flood water will not pose excessive risk to the development, safe ingress and egress can be achieved and the development will not increase the risk of flooding elsewhere.
- 7.27 Given all of the above considerations, I am satisfied that there are no sequentially preferable sites for the proposed development and the exception test has been satisfied to allow the development of the site as proposed within Flood Zone 2.
- 7.28 I am also mindful that the Environment Agency has raised no objections to the proposal subject to the development being carried out in accordance with the submitted FRA, which confirm what the finished floor levels of the dwellings should avoid any flood risk issues arising.
- 7.29 The drainage strategy indicates that surface water will be conveyed by pipes, stored within voided stone storage then discharged into an existing sewer network at a controlled rate, in order to comply with SUDS guidance and with relevant guidance on flood risk. Having liaised with the LLFA on this matter, they have advised that a detailed surface water drainage scheme will need to be submitted to and approved by the Local Planning Authority in conjunction with the LLFA. I am satisfied that this can be adequately controlled by condition.
- 7.30 Foul water will be discharged to the main foul network and Severn Trent Water, with the submitted information, has confirmed the combined sewer has the capacity to accept the flows from the development. The means of disposing of foul water is therefore acceptable. The precise details of this however should be submitted as part of a condition attached to any grant of planning permission.
- 7.31 Given the above I am therefore satisfied that proposal complies with the National Planning Policy Framework 2019, ACS policy 10 and policies LPD3 and LPD4 as set out above.

Trees and Landscaping

- 7.32 There are a number of protected trees on the site and therefore an Arboricultural Report and Impact Assessment together with a Tree Protection Method Statement have been submitted with the application which sets out which trees which will need to be removed as part of the proposed

development, which trees will be retained and how these retained trees will be protected during site preparation and development.

- 7.33 The Council's Arborist has assessed the submitted details and is satisfied that the details of the trees required to be removed are acceptable and the submitted method statement in respect to safe tree retention and safe tree management are acceptable. I am therefore satisfied that the siting and scale of dwellings proposed will not unduly affect the health of the retained trees.
- 7.34 A condition however will need to be attached to any grant of planning permission to ensure that the development is undertaken in accordance with the submitted Arboricultural Report and Impact Assessment together with a Tree Protection Method Statement and to ensure that there is strict monitoring in this respect throughout the development process.
- 7.35 Given the above I am therefore satisfied that the proposal accords with the aims of policy LPD19 and NP2 as set out above.

Highways

- 7.36 Vehicular access is proposed to be gained from Mill Field Close. The Highway Authority has raised no objection to the proposed access or visibility serving the access.
- 7.37 The Highway Authority has not requested the provision of a pedestrian crossing or indeed changes to the width of the footways along the A612, I therefore do not consider it reasonable to request that these works are undertaken as part of this planning application.
- 7.38 The Highway Authority following the receipt of a revised plan showing amendments to the layout of the site in respect to parking availability to serve the dwellings, raise no objections.
- 7.39 The parking provision serving each dwelling is acceptable in terms of adequate off road car parking being provided to serve each dwelling in accordance with the aims of the Council's Parking SPD, in total 25 car parking spaces are required to serve the development and 28 spaces are being provided overall.
- 7.40 The conditions suggested by the Highway Authority should be attached to any grant of planning permission. The attachment of the suggested condition in respect to wheel washing facilities for vehicles which may have significant debris on their wheels is welcomed, in that the site is accessed via Mill Field Close and no significant debris should be discharged onto Mill Field Close or other public roads. This will ensure that site preparation and development of the site results in no undue impact on neighbouring residents and there are no highway safety implications arising.
- 7.41 I note that neighbouring residents have raised concerns in respect to an alternative access being provided into the development site, I would advise that the application is being assessed in accordance with the submitted details and as no objections have been raised by the Highway Authority in

respect to the access arrangements as shown, subject of course to the conditions as set out above, alternative access arrangements into the site have not been considered.

- 7.42 The existing access and parking provision to the property, Ashdale, would be retained and therefore there are no highway safety issues or parking issues arising in this respect.
- 7.43 In conclusion therefore I am satisfied that the proposal accords with the aims of policies LPD57 and LPD61 and the requirements of the Council's Parking SPD as set out above.

Noise

- 7.44 An Environment Noise Assessment Report has been submitted with the application given the proximity of the site to the A612 Nottingham Road and the proximity of the railway line adjoining the southern boundary of the application site.
- 7.45 Having liaised with the Council's Public Protection section in respect to this Report and having noted the conclusions within the Report, I am satisfied that with appropriate mitigation measures in place as specified within the Report, the development of the site as proposed is acceptable, resulting in no undue impact on amenity to the proposed dwellings and the amenity areas serving the dwellings.
- 7.46 I am satisfied that the noise mitigation measures required to achieve a satisfactory development can be adequately controlled by a planning condition.
- 7.47 In conclusion therefore, with the attachment of a condition to any grant of planning permission the proposal complies with Policy LPD32 as set out above.

Ecology

- 7.48 The application is supported by the submission of an Ecological Appraisal Report which concludes that with further assessment of the site in respect to the potential for Great Crested Newts to be present on the site, a further badger survey to be undertaken, provision of bird and bat boxes and the control of external lighting and mitigation measures in place during and post development, the development of the site will result in no undue impact on protected species. I am satisfied that these requirements together with any mitigation measures to be provided at the site can be adequately controlled by condition.
- 7.49 In relation to birds it is suggested that any site clearance is undertaken during the period October to February inclusive to avoid the nesting season. An advisory note to applicant should be attached to any grant of planning permission together with a note advising the applicant of their legal responsibilities in respect to protected species.

- 7.50 I note that the Ecological Appraisal refers to specific details in respect to the retention of the existing pond to the southern boundary of the site, the landscaping of the site in terms of native planting at the site and the use of specific seed mix. As the application is submitted in outline form with the matter of landscaping being reserved for subsequent approval, this element would be controlled under a subsequent reserved matters application.
- 7.51 Having regard to the above the scheme is considered to be acceptable in terms of protecting and enhancing biodiversity at the site, the proposal therefore accords with the aims of the National Planning Policy Framework 2019, ACS policy 17 and policy LPD18 as set out above

Air Quality

- 7.52 I note the suggested conditions from the Council's Scientific Officer in respect to air quality and consider that these conditions, in respect to the provision of electric vehicle charging points to the dwellings and the submission of a Construction Emission Management Plan are attached to any grant of planning permission, to ensure that the development takes into consideration air quality within the Borough.
- 7.53 In conclusion therefore with the attachment of these conditions, the proposal accords with policy LPD11 as set out above.

Planning obligations

- 7.54 The application is a major and therefore meets the requirement for contributions to make the development acceptable in planning terms. The contributions sought from each of the consultees is outlined below and the merit of each addressed in turn;
- 7.55 Education – there is capacity at a local primary school to accommodate the number of primary aged children that the development would generate. However, a contribution of £47,750.00 is sought towards the 2 additional secondary places that the development would generate.
- 7.56 Open Space - To meet with the requirements of the adopted Open Space Supplementary Planning Guidance and Policy LPD21 of the Local Planning Document as the site exceeds 0.4 hectares in area, an off-site capital contribution of £54,990.18 is required (£38,710.98 capital contribution and £16,279.20 for 10 year maintenance).
- 7.57 A Local Labour Agreement is required to meet with the requirements of Policy LPD 48 of the Local Planning Document, as the number of dwellings, size of the site and number of jobs exceeds the thresholds stated.
- 7.58 The contributions sought are deemed to comply with the guidance outlined in paragraph 56 of the NPPF, which sets out the tests required to secure a planning obligation as well as ACS Policy 19 and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Contamination

- 7.59 I note that the Council's Scientific Officer has stated that there could be potential for contamination at the site, given this possibility, a condition will need to be attached to any grant of planning permission to ensure that if unexpected contamination is found at the site, development is halted until an assessment has been undertaken and appropriate remediation measures are undertaken and verified.
- 7.60 In conclusion therefore with the attachment of this conditions, the proposal accords with policy LPD7 as set out above.

Other matters

- 7.61 I note that concerns have been raised in respect to potential disturbance to neighbouring properties during site preparation and subsequent development, whilst of course some disruption is likely during any development proposal, a refusal of planning permission would not be justified on these grounds.
- 7.62 The objection in regard to the concerns about a covenant on part the land which restricts the possible development of the site is a private legal matter between the parties concerned. Planning permission does not override any private legal matters affecting the application site, and in the interest of clarity a note should attached to any grant of planning permission advising the applicant of this.
- 7.63 I also note that concerns have been raised in respect to the economy as a result on Covid-19 and would advise that this is not a material consideration in the determination of a planning application.
- 7.64 I note the concerns of the Parish Council in regard to Covid-19 affecting consultations in respect to the application. As the details of the application are available on the Council's website, Officers being available to discuss the application by phone and consultations having been undertaken in accordance with the Development Management Procedure Order in terms of all relevant parties to be notified, site notices displayed, the application advertised in the local press and adequate timescales being given to comment on the application, I am satisfied that any Covid-19 restrictions have not prevented a full consultation being undertaken in respect to the application and for the application to be fully assessed and determined.

8.0 Conclusion

- 8.1 The principle of the development accords with the objectives of national and local planning policies. It is considered that the site is suitable for residential development without causing undue harm to visual and residential amenity, highway safety, ecological interests or flooding. 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.

9.0 Recommendation: Grant Outline Planning Permission with the matter of Access, Layout and Scale approved: Subject to the owner entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for financial contributions towards open space and education and a local labour agreement; and subject to the conditions listed for the reasons set out in the report:

Conditions

- 1 Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission. Details of appearance and landscaping (hereinafter called the reserved matters) for the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3 This permission shall be read in accordance with the application form and following list of approved drawings:
1508G/002 Revision H - Site Block Plan
1508G/004 Revision E - Site Block Plan - Impact Plan

The development shall thereafter be undertaken in accordance with these plans/details.
- 4 No dwelling hereby approved shall be occupied until a suitable access arrangement has been provided in accordance with the approved drawing no. 1508G/004 Revision E - Site Block plan - Impact Plan.
- 5 No dwelling shall be occupied until the roads necessary to serve that dwelling have been constructed to base level.
- 6 No dwelling shall be occupied 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.
- 7 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.
- 8 No dwelling shall be occupied until one or more dedicated vehicle parking spaces and/ or a garage have been provided at each dwelling with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle. All EV charging points shall meet

relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

- 9 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment; all works on site shall, thereafter, be undertaken in accordance with the approved CEMP
- 10 The development shall be carried out in accordance with the submitted flood risk assessment (ref: Land at Ashdale, Nottingham Road, Burton Joyce, Gracemachin Planning and Property Ltd, Farrow Walsh Consulting, FW1907_FRA_001, V2.1, 06/04/2020) and the following mitigation measures it details:
 - o Finished floor levels shall be set no lower than 19.82 metres above Ordnance Datum (AOD) as stated within section 7.2.1 of the FRA. The mitigation measures shall then be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 11 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority drainage plans for the proposed means of disposal of foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development thereafter.
- 13 In the event that contamination is found at any time when carrying out the approved development 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 of the Local Planning Authority, 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.
- 14 Development shall be undertaken in accordance with the approved noise report, completed by BSP Consulting, BSP Document Ref: RDBJ-BSP-ZZ-XX-RP-C-001-P1_Environmental_Noise_Assessment and the mitigation therein, notably with regard to window details and ventilation to the dwellings and fencing to the garden areas. Verification that the approved sound insulation has been implemented and is fully operational shall be submitted to and be approved in writing by the Local Planning Authority.
- 15 Development shall be undertaken in accordance with the Ecological Appraisal Report by JJH Consulting Ltd dated December 2019 and the recommendations and mitigation measures adhered to at all times.
- 16 Prior to the commencement of development, a further badger survey of the site shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 17 Prior to the commencement of development, Great Crested Newt presence/absence surveys shall be submitted and approved in writing by the Local Planning Authority. Any mitigation contained in the approved report shall thereafter be implemented.
- 18 The development shall be undertaken in accordance with the Arboricultural Report and Impact Assessment by AWA Tree Consultants, dated August 2020, Reference AWA2971 and the Arboricultural Method Statement by AWA Tree Consultants, dated August 2020 reference AWA3363, specific attention shall be given to the timings of events from arboricultural works through erection of protective fencing and development to protective fence removal and the need for strict monitoring throughout the process. The protective fencing shall be provided before site preparation commences and the protective fencing shall remain in place at all times during site preparation and

development. The protective fencing shall only be removed following completion of the development.

- 19 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. 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.
- 20 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 prior to the first occupation of the development hereby approved.
- 21 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, visibility splays, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details and retained thereafter for the life of the development.
- 22 All access driveways and parking areas shall be 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.
- 23 No development hereby permitted shall commence until details of wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities thereby approved shall be maintained in working order for the duration of the construction works at all times 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.

Reasons

- 1 To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990.
- 2 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 3 For the avoidance of doubt.
- 4 To ensure an adequate form of development in the interests of highway safety and to comply with policy LPD61.

- 5 To ensure that each dwelling has appropriate vehicular access and to comply policy LPD61.
- 6 To ensure that loose material does not enter the highway and to comply with policy LPD61.
- 7 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 8 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 the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 9 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 the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 10 To ensure that the site is safe and suitable for use, thereby taking into consideration the aims of the National Planning Policy Framework 2019, policy 1 of the Aligned Core Strategy 2014 and policy LPD3 of the Local Planning Document 2018.
- 11 A detailed surface water management plan is required to ensure that the development is in accordance with National Planning Policy Framework 2019 and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 12 To ensure foul water is adequately disposed of and to comply with policies LPD4, LPD5 and LPD6.
- 13 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 121 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
- 14 To ensure that amenity of proposed dwellings are suitably protected and to comply with guidance within the NPPF.
- 15 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 16 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 17 To ensure that protected species are not detrimentally impacted and to comply with guidance within the NPPF.
- 18 To ensure that the trees to be retained at the site are appropriately protected at all times.
- 19 In the interests of protecting ecological interests.

- 20 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 prior to the first occupation of the development hereby approved.
- 21 To ensure the development is constructed to adoptable standards.
- 22 In the interests of highway safety.
- 23 In the interests of highway safety.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies. It is considered that the site could be used for residential development without causing undue harm to visual and residential amenity, highway safety, ecological interests or flooding. 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.

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 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:- NCC (Highways Development Control) (Floor 3) Nottinghamshire County Council County Hall Loughborough Road West Bridgford Nottingham, NG2 7QP

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. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.

The applicant is advised that any site clearance works are undertaken outside of the bird breeding season - October to February inclusive.

The applicant is advised that conditions 16 and 17, relating to the requirement for a further badger survey and a survey regarding the potential presence of Great Crested Newts shall be read in conjunction with the submitted Ecological Appraisal Report by JJH Consulting Ltd December 2019.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019). Negotiations have taken place during the assessment of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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. A suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows Smart charging of electric vehicles. 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).

In relation to the lighting condition above the submission of a bat-sensitive lighting scheme, should be developed in accordance with the Bat Conservation Trust publication "Artificial Lighting and Wildlife - Interim Guidance: recommendations to help minimise the impact of artificial lighting" dated June 2014.

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

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

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

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 as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

17th November 2020