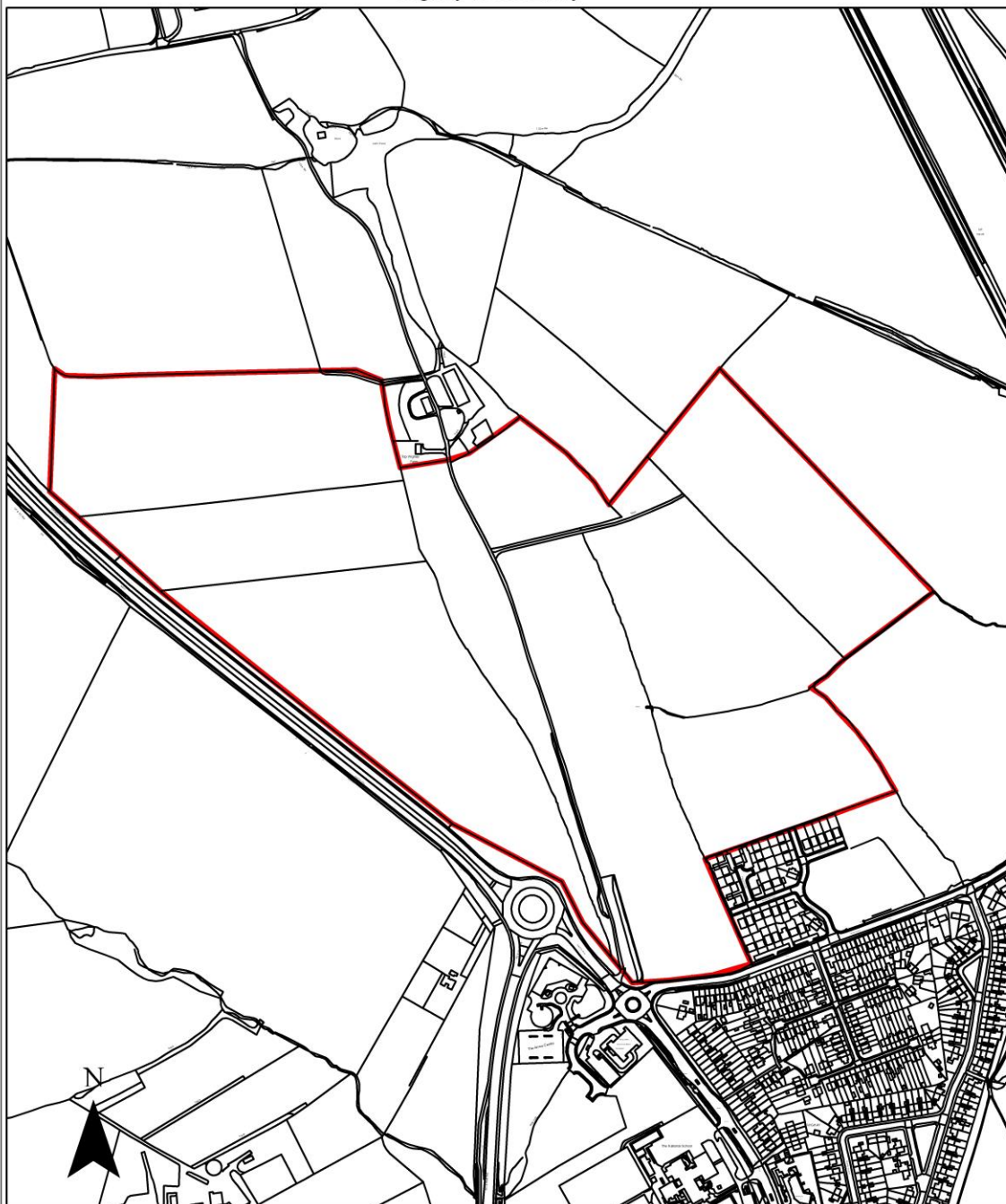




## Planning Report for 2020/0050

1:6,000

Planning Reference: 2020/0050  
Land at Top Wighay Farm  
Wighay Road Linby



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:** 2020/0050

**Location:** Land at Top Wighay Farm Wighay Road Linby

**Proposal:** Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m<sup>2</sup> of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m<sup>2</sup>), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development).

**Applicant:** Nottinghamshire County Council.

**Agent:** Pegasus Group on behalf of Arc Partnership

**Case Officer:** Nigel Bryan

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

### **1.0 Site Description**

- 1.1 The application site comprises an area of land covering 40.347 hectares. It is located to the north of Linby and Hucknall and is bound by Wighay Road to the south and Annesley Road to the west.
- 1.2 The actual application site includes no buildings on it in that the agricultural buildings associated with Top Wighay Farm, whilst in the same ownership of the applicant, actually fall to the immediate north of the application site. As a result the application site comprises a number of agricultural fields marked by hedgerows and an access track to the farmstead, which is raised above the surrounding fields. Whilst the majority of the site is intensively farmed there is one local wildlife site within it, Top Wighay Farm Drive.
- 1.3 The application site is allocated for a mixed use development under policy 2 of the Aligned Core Strategy and Gedling Borough Council have also produced a Top Wighay Farm Development Brief Supplementary Planning Document (SPD) to guide the overall development. The site is strategically located to the edge of Hucknall and the wider Nottingham conurbation and falls next to the administrative boundary of Ashfield District Council.

### **2.0 Relevant Planning History**

- 2.1 There is no planning history that relates directly to the application site; however, it should be noted that part of the wider site allocated for development has been granted permission for the erection of 38 dwellings under permission numbers 2014/0950 and 2015/0453. The dwellings have been built and are occupied; they are to the immediate north of Wighay Road but more toward the eastern section of the allocated land

### **3.0 Proposed Development**

- 3.1 The application is submitted in outline form and the full title is reproduced below;

*“Outline planning application for mixed-use development comprising; 805 homes, land for employment purposes (up to 49,500m<sup>2</sup> of B1/B8 uses), a Local Centre comprising A1-A5, B1(a) and D1 uses (up to 2,800m<sup>2</sup>), a 1.5 form entry Primary School and associated infrastructure, open space and landscaping (EIA Development)”.*

- 3.2 The application is accompanied by an Environmental Statement and is submitted in outline form with access committed. A total of up to 805 dwellings are proposed to be erected, although it should be noted that due to a change in legislation the use classes permitted would be: ‘land for employment purposes (E(g)(i) E(g)(ii) and B8); a local centre (E(a), E(b), E(c), E(f), hot food take-away public house); and a 1.5 form entry Primary School’, which will be made clear in an informative on the decision notice. The local centre is identified as having local convenience stores, a pub/restaurant, a day nursery and small scale offices, which will serve local residents of the site. It should be noted in terms of affordable housing, 17.64% of the dwellings to be erected are to be affordable, with 99 affordable rent and 43 shared ownership. With the application being in outline form final details of the style of dwellings and employment buildings to be erected is something that would be considered at the reserved matters stage; however, the overall form of development would be guided by the Top Wighay Farm Development Brief SPD, masterplan and parameters plan submitted in support of this application.
- 3.3 The masterplan has been altered during the application process and changes made reflect the need to ensure that it is identified how safeguarded land to the north of the application would be accessed along with the proposed extension to the Nottingham Express Transit route identified and safe guarded for a width of 14m. The master plan and parameters plan identify the broad location of various aspects of the development with it identified that the employment uses will be adjacent to Annesley Road, the A611. There will be a green corridor through the centre of the site based around the Local Wildlife Site of Top Wighay Farm Drive, which will lead to the main public open space, near to the existing farm buildings, which are adjacent to the application site. Toward the centre of the site will be the local centre and primary school with residential units interspersed with public open space and drainage features making up the majority of the remaining land. The parameters plan indicates

that none of the buildings on site will be more than 3-storey in height with lower density and lower scale dwellings toward the edge and taller units more to the centre. It is indicated that existing field boundaries are intended to be retained as landscape features, save for elements needing to be removed for access.

#### **4.0 Consultations**

4.1 A number of site notices were displayed and neighbour notification letters posted. The application has been advertised in the press in that it is a major application accompanied with an Environmental Statement. As a result of consultation undertaken 5 letters of objection have been received. One letter has been received that made both positive and negative impacts on the application. A summary of the responses received are drafted below;

- The size of the allocation is too large;
- Ashfield District Council will have all the negative impacts from the development e.g. increased traffic, but none of the benefits e.g. Council Tax;
- The housing allocation should be closer to its administrative centre e.g. Arnold or Gedling, and possibly on one of the Council's own golf courses;
- Services within the area will not be able to cope e.g. doctors, schools etc.;
- Highway safety will be compromised and the highway network will not be able to cope with the increased traffic;
- Parking at Hucknall Park and Ride and the Tram stop is already difficult, this will only become worse;
- Local ecology will be detrimentally impacted and trees;
- The land should remain greenfield;
- All of the works will be detrimental to climate change and increase flooding due to the built form;
- The Local Centre should be safeguarded for that; it should not be developed for additional housing in 10 years' time;
- There is a desperate need for a pedestrian crossing across Top Wighay Road, this should be put in as a priority;
- Both air and noise pollution will increase from the amount of vehicles and people;
- There should a greater emphasis on pedestrian and cycle provision;

The positive observations made are -

- Removal of the pedestrian access to Peveral Road is welcome;
- The pedestrian footway improvements along Top Wighay Road are supported.

4.2 Environment Agency – raise no objection to the application subject to conditions with regard to foul and surface water drainage, along with clarification on possible contamination;

4.3 Severn Trent – raise no objection subject to a condition requiring approval of details in respect of foul and surface water drainage;

- 4.4 NHS (secondary care) – representing the Nottingham University Hospitals NHS Trust i.e. Queens Medical Centre and Nottingham City Hospital, request a contribution of £719,859.00 toward services that would be impacted by the development.
- 4.5 NHS (primary care) – have identified that a contribution of £436,209 is sought toward local GP surgeries. The money will be targeted toward Oakenhall and Whyburn Medical Practices and The OM Surgery.
- 4.6 Nottinghamshire County Council (NCC) Highway Authority – Following submission of the additional ‘Highways Technical Note’, the Highway Authority are content that the modelling is acceptable and the highway network capable of accommodating the predicted vehicle generation that the development will create. They note the mitigation measures put forward, namely footway/cycle links, Toucan Crossing, junction improvements and public transport contributions and the submitted Framework Travel Plan and raise no objection to the application, subject to the imposition of a number of conditions in respect of matters including parking, drives and implementation of the Travel Plan. A contribution of £500,000 is sought toward bus improvements in the vicinity of the development. Furthermore, a safeguarded route should be protected for the future expansion of the Nottingham Express Transit.
- 4.7 NCC Libraries - A contribution of £28,373.00 is sought toward enhancing library provision.
- 4.8 NCC Education - A 1.5 form entry primary school is to be provided on the site and it is accepted that this would be in the form of a financial contribution of £4.75m, along with the transfer of the land, to be secured through planning obligations. No contribution is sought in respect of secondary provision through the Section 106 agreement in that secondary provision is identified to be secured through the Council CIL Regulation 123 list.
- 4.9 NCC Heritage – note that a heritage assessment has been submitted in support of the application and broadly agrees with content in chapter 8 of the Environmental Statement. However, they express concern as to whether or not the impact on the Conservation Areas of Linby and Papplewick have been considered given the increase in vehicle movements and traffic in these Conservation Areas, in particular improved highway works near the Griffins Head and 1 Lambley Lane, which are both Grade II Listed.
- 4.10 Conservation and Heritage Officer – notes that there is a physical barrier between the application site and Linby Conservation Area in the form of the railway line, which acts as a visual buffer between the two; however, there would still be a need to ensure that impact on the setting of this heritage asset is considered in particular respect of boundary treatments and landscaping. With regard to archaeology, it is noted that there are two areas of potential interest to the north-west corner and the central and southern aspects of the site. There would be a need to ensure that impacts on these two areas are fully explored through an appropriate archaeological watching brief.

- 4.11 Environmental Health (noise) – note that the main noise impact from the development will be to the main built form adjacent to Annesley and Top Wighay Road. Applications that are immediately adjacent to these roadways will need to be accompanied by site specific noise surveys.
- 4.12 Environmental Health (Contamination and air quality) – additional information has been submitted in respect of possible contamination from herbicides and pesticides, which addresses highlighted concerns. In other respects the only area on site that had slightly raised levels of contamination is proposed to be at the Local Centre, which is acceptable in that location; however, this parcel of land could not be utilised for more sensitive uses e.g. residential. A condition would be required in respect of having Electric Vehicle Charing points on each phase of development. Furthermore, conditions would be required in respect of a Construction Environmental Management Plan (CEMP).
- 4.13 Strategic Housing (affordable) - Note that a full policy compliant scheme would equate to 241 units or 30% of the units on-site. However, they accept that there would also be a need to ensure that the scheme is viable and that the actual figure may need to reduce. Dependent on the number that can be secured, they would expect a split of 70% affordable rent and 30% shared ownership, as well as making suggestions on the number of bedrooms where there is the highest demand. In addition, there is a particular demand for bungalows in the area and it is suggested that not more than 15 affordable dwellings be grouped together.
- 4.14 Arborist – found the arboricultural report to be an accurate reflection of the trees on site. The number of category A and B trees on site are limited, although when reserved matters applications are submitted every effort should be made to retain them. In respect of new planting, this should be native species and that amenity grass verges and street trees are incorporated within the design;
- 4.15 Parks and Street Care – There would be a requirement for 40,340sqm of Public Open Space (POS) to be provided on-site, which would be split between 16,136sqm of play areas and 24,204sqm of amenity open space. The details as submitted and as shown on the indicative layouts would appear acceptable; however, greater detail would be required at the reserved matters stage to ensure that the requirements are met. Furthermore, it is indicated that parts of the POS would include Sustainable Urban Drainage (SUD's) and, if that is the case, there would be a need to ensure that it is usable POS e.g. no steep gradients etc. and has some amenity value. A contribution of £999,600 would be required for the future maintenance of the POS.
- 4.16 Linby Parish Council – have submitted representations on two specific key areas; firstly the policy backgrounds to the application site, which is covered later in this committee report. Secondly, a number of concerns have been raised in respect of the highway information submitted; these include concerns over the reliability of the Transport Assessment (TA) and whether the background information supporting the application is robust enough in terms of age and reliability; they feel that the increase in vehicle movements,

which could be up to 589 in the peak hour, are being under played when overall movements are predicted to be 70. Furthermore, the modal shift in terms of moving away from single occupancy car-use to other means of transport is being overplayed, particularly during development where links to public transport is going to be limited.

- 4.17 Papplewick Parish Council – Express concern about the application, in particular with regard to how the development will impact on the village in terms of traffic movements that would be generated from the proposal. They also draw attention to the fact that Papplewick have an adopted Neighbourhood Plan which outlines some of their concerns and, in particular, attention is drawn to the appendix therein which outlines ways to mitigate possible negative impacts, which would include improving pedestrian safety at the junction with the Griffins Head, reducing speed limits and introducing weight restrictions.
- 4.18 Ashfield District Council – raise no objection to the application in principle, noting that it is allocated for development in policy 2 of the Aligned Core Strategy. However, given the sites relatively close proximity to the boundary with Ashfield and, in particular Hucknall, they ask that careful consideration of possible impacts on the town are taken into account when the application is determined. In terms of infrastructure this should include contributions toward secondary education in Hucknall; transport works e.g. on the A611 and means to improve sustainability such as footway and cycleways; healthcare provision through contributions toward local GP surgeries and contributions toward Hucknall town Centre, including toward leisure centres.
- 4.19 Natural England – Raise no objection in respect of impacts on the development to the Linby Quarries SSSI. Furthermore, following receipt of an updated 'Shadow Habitat Regulations Assessment' (dated June 2020) they raise no objection in regard to protecting the habitats for breeding woodlark and nightjar. With respect to possible impacts on the integrity of Sherwood Forest potential Special Protection Area they raise no objection subject to conditions for a 'Noise Mitigation Plan' and 'Recreational Disturbance Mitigation Plan'. A number of informatives are also recommended to ensure that possible impacts on particular species are mitigated against and that there should be an overall biodiversity net gain from the development.
- 4.20 Nottinghamshire Wildlife Trust – Note that the Local Wildlife Site is characterised by valuable calcareous grassland and there are three hedges of ecological importance. Question whether full impact in respect of otters has been considered and also the need for mitigation in respect of badgers that are identified in proximity to the site. They suggest that a Construction Environmental Management Plan is secured via condition and also a Biodiversity/Landscape Environmental Management Plan is approved.
- 4.21 Nottingham City Council – Support the safeguarded corridor for the Nottingham Express Transit Route. They question whether more detail is required in terms of its feasibility and also whether or not it could link into a site being promoted at Whyburn Farm to the west, which falls within Ashfield District Council.

- 4.22 Historic England – make no observations on the application
- 4.23 Planning Casework unit – make no observations on the Environmental Statement submitted.

## **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’.

## **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), 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), 15 (conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly pertinent.
- 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 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 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.
  - ☐ Policy 11: The Historic Environment – sets out the criteria for assessing application affecting the historic environment and heritage assets and their settings
  - ☐ Policy 17: Biodiversity – sets out the approach to ecological interests
  - ☐ Policy 19: Developer Contributions – sets 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:



- LPD3: Managing Flood Risk – identifies the thresholds whereby particular developments may be considered acceptable in a particular flood zone and mitigation that may be required in terms of a site specific flood information e.g. a flood risk assessment.
- LPD4: Surface Water Management - sets out the approach to surface water management.
- LPD5: Managing water quality – identifies that planning permission will be granted for development that does not have an adverse effect on water quality through pollution of surface water.
- LPD6: Aquifer protection – identifies that development will be granted for proposals that do not cause contamination of ground water aquifers.
- LPD7: Contaminated land - sets out the approach to land that is potentially contaminated.
- LPD10: Pollution – notes permission will not be granted for development which result in pollution and may impacts sites allocated in the ACS or LPD or detrimentally impact the historic or natural environment.
- LPD11: 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.
- LPD18: Protecting and enhancing biodiversity - sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.
- LPD19: 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.
- LPD21: 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.
- LPD26: Heritage assets - highlights the criteria against which applications that affect heritage assets will be assessed along with the need to consider wider public benefits and other mitigation that may be advanced.
- LPD27: Listed Buildings – identifies the need to consider impacts to listed buildings from the development proposed, as well as on their setting.
- LPD28: Conservation Areas – identifies that applications should preserve or enhance the character of a Conservation Area, and identifies a number of criteria against which to assess applications.
- LPD29: Historic landscapes, parks and gardens – identifies that such features should be retained and not be detrimentally impacted by a development, including the setting of the Heritage Asset.
- LPD30: Archaeology - sets out the measures to protect sites with archaeological potential.

- LPD32: Amenity - planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.
- LPD33: Residential density - outlines the level of residential density that is likely to be acceptable in various locals within the Borough.
- LPD35: 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.
- LPD36: Affordable Housing - sets out the thresholds whereby affordable housing will be required on a scheme.
- LPD37: Housing type, size and tenure - states that planning permission will be granted for residential development that provides for an appropriate mix of housing.
- LPD48: Local Labour Agreements - identifies the threshold for seeking Local Labour Agreements.
- LPD57: Parking Standards - sets out parking standards for developments.
- LPD61: 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.
- LPD71: Employment allocations – identifies employment allocations in the Borough, along with the types of uses and amount of land that are allocated.

#### Linby Neighbourhood Plan

- Policy HSG1: Housing – identifies that for developments of 15 or more dwellings there would need to be a suitable housing mix, including a mix tenure, demand for smaller housing and elderly/disabled people,
- Policy DES1: Place – identifies a number of design principles that would need to be adhered to including a suitable layout, scale, attractive form of development; appropriate parking and a distinction between public and private space.
- Policy CBH1: Designation of Local Green Spaces – identifies areas that are protected from development, save for under very special circumstances.
- Policy CBH2: Historic Character – recognises that application would need to respect the historic character of the area through the design use of appropriate materials e.g. Bulwell stone
- Policy NE1: Habitats, Trees and Hedgerows – There should not be a net loss of habitat and where existing vegetation is removed this would need to be mitigated with appropriate new planting.
- Policy NE2: Landscape and Rural Character - Development should respect its rural and landscape character through Sustainable Urban Drainage features incorporated within the landscape and appropriate boundary treatments.
- Policy TRA1: Traffic and Transport – new development should have sustainable transport provision through roads that have capacity and the encouragement of public transport modes, including cycling and walking
- Policy EMP1: High Speed Connectivity – residential and commercial development must have access to a high speed broadband connection.

- Policy EMP2: Employment and Infrastructure – identifies that on the Top Wighay Farm Site an overall masterplan for the site should be approved prior to individual applications being approved.
- Policy COM1: Community Facilities and Assets – identifies the criteria against which new application for community facilities will be assessed along with those that are to be protected.
- Policy DC1: Developer Contributions – recognises that through CIL and Section 106 Legal Agreements contributions should be sought to improve education, health, footpath provision and public transport.

## 6.5 Other Guidance

Parking Provision for Residential Developments Supplementary Planning Document (May 2012) and Requirement for Parking Provision in Residential and Non Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan set out parking standards for residential uses;

Affordable Housing SPD;

Papplewick Neighbourhood Plan;

Open Space Provision for New Housing Development SPG;

Air quality and Emissions mitigation

## 7.0 Planning Considerations

### **Principle of development**

- 7.1 The application site is identified as a strategic allocation under policy 2 (3bii) of the ACS. The policy recognises that up to 1,000 homes could be erected on the land whilst noting that the site is available for housing or other development where specified. Subsequent to the adoption of the ACS, Gedling Borough Council (the Council) adopted the LPD, with policy 71(E3) allocating the employment land and the Top Wighay Farm Development Brief SPD, which guides the overall development of the site, was adopted in February 2017.
- 7.2 Having regard to the above it is accepted that the principle of development is supported in that the site is allocated for development under policy 2 of the ACS as well as the Council having a Development Brief to guide future development of the site. As a result the principle of development is supported in that section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise. Concern has been expressed by local residents about whether the site should be allocated at all and if the site is too large; however, the site's suitability has been extensively investigated through the local plan process and is considered to be acceptable, this being reflected in the adoption of the Wighay Farm Development Brief SPD.
- 7.3 Whilst the principle of development is supported there are numerous facets of the development that need to be considered and these are considered in turn later in this report.

- 7.4 Chapter 5 of the Environmental Statement, and a separate economic benefits report, look at the various economic and social impacts that the development would have, during construction this will be in the form of up to 424 temporary jobs. Once occupied the development is likely to support an estimated 664 net additional jobs in the Gedling economy, generating an estimated £0.7 billion of gross value over its first 10 years since occupation, as well as in the region of £1.1million per annum in business rates. As a result the scheme is considered to have significant economic benefits in the long-term. In respect of social impacts it is considered that the possible negative impacts on education and health can be mitigated against through the contributions sought as well as social benefits in terms affordable housing to be provided. Whilst these figures have not been verified by Gedling Borough Council, there are considered to be significant economic benefits from the development, as well social benefits too.

#### Highway considerations

- 7.5 The application is submitted in outline with only access committed at this stage. In terms of vehicular access there are proposed to be two access points, one from the existing roundabout that is used to access the farmstead at the junction of the A611 and Annesley Road, and a second new access further along Annesley Road to the north. The newly created access from Annesley Road has been designed and will be a signalised junction allowing a right lane filter for traffic heading north and wanting to turn right into the site; there will also be a left lane filter for vehicles heading in a southerly direction along the A611. The highway layout as proposed is shown on drawing (TWF-BWB-GEN-XX-DR-TR-101) and is included within the Transport Assessment. A fourth arm is also proposed to access the site from the A611/Annesley Road roundabout, which is currently used for the existing farmstead. From the roundabout a new footway 3m wide is proposed along the northern edge of Wighay Road, which will link into the footway to the front of the new dwellings recently erected to the north of Wighay Road. Furthermore, a puffin crossing is proposed across Top Wighay Road that will allow pedestrian access to Hucknall and associated services to the south.
- 7.6 In addition to the physical works identified to allow access to the site a safeguarded route for Nottingham Express Transit (NET) to access the site would need to be secured, as identified in the Top Wighay SPD; this will be secured via a condition. A route some 14m would need to be retained and whilst NET have identified that the line could be extended into Ashfield at Whyburn Farm, the land is not currently allocated for development and, therefore, it's not possible to secure a further safeguarded route to a development of land that may not come forward. For the avoidance of doubt, the internal highway network to the site is something that would be finalised at the reserved matters stage; however, an updated masterplan plan has been submitted that shows linkages from the current application site to the safeguarded land to ensure that this land could be suitably accessed in the future if required; an indicative road hierarchy is also identified within the Design and Access Statement.

- 7.7 One of the key concerns highlighted by Linby Parish Council and their advisors has been over the quality of the data within the Transport section of the Environmental Statement. Discussions have taken place direct with the Parish Council over highlighted concerns and an updated 'Highways Technical Note' has been submitted in support of the application, which is publicly available on-line, and looks to address a number of the concerns highlighted. Some of the concerns raised include the volume of traffic related from the development and its impact and on the village, public transport links and the actual access to the site itself. In respect of traffic movements through Linby and Papplewick there are capacity issues and, therefore, whilst the development will generate extra traffic the vast majority will re-route to alternative routes so the impact on these two villages will not be significant. Contributions are sought towards public transport provision and, whilst in the short-term, buses will not access the site, there are stops nearby and, in the longer-term buses will re-route to access the site. Furthermore, the capacity of the junctions to access the site have been assessed and are considered able to absorb the vehicle movements that will be generated. It should be noted that notwithstanding the Highways Technical Note', Linby Parish Council still raise a number of reservations about the reliability of the technical data submitted in support of the application in respect of highway safety and where displaced vehicles will be absorbed. However, following receipt of additional information, the Highway Authority have raised no objection to the application and are content with the information submitted and do not object to the application, subject to the imposition of conditions. It is considered that, notwithstanding objections received, there is no reason to dispute the conclusion reached by the Highway Authority who raise no objection to the information contained in the TA, and as updated by the Highways Technical Note.
- 7.8 It should also be noted that an updated Framework Travel Plan (rev P4) has been submitted in support of the application, which has been reviewed by the County Council. The document will seek to improve the uptake of public transport and alternatives to the private motor vehicle as well as reduce single occupancy car travel. A monitoring fee is sought along with the need to appoint a Travel Plan co-ordinator, which can be secured via condition. It is considered that this should be sufficient, alongside contributions sought toward public transport provision, to ensure that alternative transport modes to the private motor vehicle are encouraged. Concern has also been raised about possible impacts on the park and ride at Hucknall but this is not a matter that has been raised by the Highway Authority and it is not considered that the development would lead to any significant increase in demand for parking, particularly if, in the longer term, the tram line is extended into the site.
- 7.9 Having regard to the above it is considered that the application as submitted, and following clarification received from the agent and observations from the Highway Authority, is acceptable. There would be highway improvements to facilitate the development, a toucan crossing and other enhancements in terms of footways, along with contributions toward public transport. As a result, the application is deemed to comply with policies LPD57 and LPD61, TRA1, along with guidance within the NPPF.

### Amenity and noise

- 7.10 The application is submitted in outline form so the impacts on residential amenity in respect of possible overlooking and overbearing impacts is something that would be considered at the reserved matters stage. In respect of noise chapter 12 of the Environmental Statement considers noise and vibration impacts and identifies a number of existing key receptors, notably the dwellings recently erected to the north of Top Wighay Road, the existing farmstead to the north and dwellings to the south of Top Wighay Road. It is clear that the main source of noise for the site is existing traffic along the main roads of Top Wighay and Annesley Road. Given existing noise levels it is predicted that the actual increase in noise generated from the development would be negligible. However, the main impacts are considered to be on the site itself and ensuring that proposed uses are not detrimentally impacted by the noise levels from the adjacent highway network. Mitigation can come forward through design e.g. noise barriers along key boundaries, or through the actual built form creating a barrier and mitigating the specific buildings on pertinent elevations.
- 7.11 It is noted that noise levels are highest along Annesley Road, 74 La10 18hr(dB), compared to 68 La10 18hr(dB) on Top Wighay Road. In terms of layout of the site the more sensitive receptors e.g. residential, are largely adjacent to the Top Wighay Road with the employment uses adjacent to Annesley Road. Given that the application is submitted in outline form it is not clear the scale or form of buildings proposed to be erected along these key frontages and the likely impacts on these buildings; however, the impacts are not likely to be significant or a barrier to overall development. Therefore, to ensure that the amenity of specific users of the site are protected, it is recommended that each application for reserved matters that is adjacent to Top Wighay Road or Annesley Road is accompanied by a site specific noise impact assessment that will identify noise levels and mitigation, if any, required on the units proposed to be erected, with particular regard to those facing the main road.
- 7.12 Having regard to the above, the application is, subject to conditions, considered to be acceptable in respect of impacts on noise and amenity and is deemed to comply with policies LPD32 and ACS10.

### Impact on heritage assets and archaeology

- 7.13 Chapters 8 and 9 of the Environmental Statement address the impacts on Cultural Heritage and notes that there are no designated heritage assets that lie within or in the immediate area of the site. The nearest heritage assets are the Grade II\* Registered Annesley Hall Park and Gardens, which is some 270 north-west of the site and Linby Conservation Area, which is 320m to east of the site and contains the Grade II\* Listed Church of St Michael. With regard to Annesley Hall Park it is the setting of the park and gardens that are most important and to this end large parts of the heritage asset are made up of agricultural land, and it is this setting of isolation that contributes to the heritage asset. However, it is not considered that the setting of the asset would be unduly impacted by this development should it be approved given the distance, topography and planting between the two.

- 7.14 In respect of Linby Conservation Area it is noted that the development would be some distance from the heritage asset and that the railway line, and its associated earthworks, runs between the two. As a result it is unlikely that the development would have a negative impact on the setting of the heritage asset, although there would be a need to ensure that boundary treatments and lighting are appropriate, details of which will be considered at reserved matters stage.
- 7.15 With the application being in outline form there is limited detail in terms of the physical built form that is proposed; however, no objection has been received to the application from our Conservation Officer or Historic England. Concern has been raised by Nottinghamshire County Council in respect of possible impacts from highway works close to the Griffins Head; however, these works are already in the build program for the County and are not directly linked to the current application and have been paid for by money received from a separate planning obligation for residential development in the locality at Papplewick Lane.
- 7.16 In respect of archaeology a desk based and geophysical survey has been submitted in support of the application. There are a small number of areas of interest to the east of the site, which date from medieval periods, and a more significant crop-mark feature to the immediate north-western boundary. Both are of archaeological interest and prior to the commencement of development in either of these areas it is recommended that an archaeological watching brief is undertaken to ensure that any potential finds are fully explored and recorded, something that can be secured by an appropriately worded condition.
- 7.17 Having regard to the above, it is not considered that the development would have any undue negative impact on above ground heritage assets, nor mitigation necessary, save for consideration of boundary treatments and lighting. However, there would be a need to ensure that below ground archaeological features of interest are fully explored. Having regard to the above, and subject to appropriate conditions, the application is deemed to comply with policies ASC11, LPD26, LPD27, LPD28, LPD29, LPD30, CBH2 and guidance within the NPPF.

#### Drainage and flood risk

- 7.18 The existing site is greenfield and there is a general reduction in levels heading roughly west to southeast, with the highest point being 122 AOD and the lowest at 96 AOD. There are currently two watercourses and numerous dry ditches on the site that drain the land from west to east in line with the natural topography of the site. A Flood Risk Assessment (FRA) and drainage strategy has been submitted in support of the application and identifies that the application site falls within flood zone 1 with opportunities for the site to discharge surface water at pre-development greenfield rates, utilising SUD techniques.

- 7.19 The drainage strategy identifies that there will be four above ground water storage areas, which will have restricted outfall rates. The ultimate outfall for the water will be an existing water course, which heads in an easterly direction just to the south of the proposed local centre and exits the site close to pond four, to the eastern most edge of the site. The watercourse ultimately feeds into the stream that runs through the centre of Linby. The drainage strategy identifies that pre-development greenfield rates can be achieved, taking into account the modelled 1 in 100 year plus 40% climate change storm event. As a result, and subject to final approval of the detailed drainage strategy, the development should ensure that both the site and those downstream of it, would not be at risk of flooding.
- 7.20 Foul water will be discharged to the main foul network and the applicant is in discussion with Severn Trent over capacity and improvements that may be required. There are links to the existing network along Top Wighay Road and such a means of disposing of foul water is appropriate for a development of this scale and is something that can be controlled by a suitably worded condition.
- 7.21 Having regard to the above it is considered that the site is at low risk of flooding and a development that accords with the drainage strategy and incorporates SUD's should ensure that the site and adjacent land will not be at risk of flooding. Furthermore, the means of disposal of foul water to the existing mains network is acceptable. The application is, therefore, deemed to comply policies LPD3, LPD4, LPD5 and LPD6.

#### Landscape impacts

- 7.22 The application site falls within the Magnesium Limestone Ridge Landscape Descriptor, as identified in the Nottingham Landscape Character Assessment, which is further broken down to the Linby Wooded Farmland. Such areas are characterised by flat undulating natural land, including some restored mineral workings; field sizes are medium to large and usually irregular in shape with pockets of woodland interspersed; large redbrick isolated farmsteads are dispersed through the landscape. There are no public rights of way that cross or are immediately adjacent to the site, although the National Cycle Network is further to the east and there are footpaths to the west, which run into Annesley Lane. A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application and looks at the various view points from where the site is theoretically visible; however, viewpoints are largely from nearby receptors rather than long range views, primarily due to the local topography.
- 7.23 There are opportunities to retain landscape features such as hedgerow boundary treatments and feature trees, which are the key landscape features of the site currently, and these are largely to be retained in the masterplan and is something that would need to be considered in more detail when individual reserved matters applications come forward. The overall conclusion of the LVIA is that the effects on landscape character are not considered to be significant, save for a small number of receptors immediately adjacent to the site, and any impacts on the wider landscape in visual terms is likely to be acceptable. Having regard to the localised impacts of the



development there is no reason to dispute the conclusion reached in the LVIA and it is considered that there will be opportunities through the various reserved matters applications to incorporate additional planting and mitigate any possible negative impacts. Having regard to the above it is deemed that the application complies with policies LPD19, ACS10, NE2 and guidance within the NPPF.

### Ecology

- 7.24 Within the application site there is one local wildlife site, Top Wighay Farm Drive, which is characterised by calcareous grassland. To the immediate south of the application site, and bound by Top Wighay Road and the 38 dwellings recently erected, is another Local Wildlife Site, Wighay Road Grassland. An Ecological Impact Assessment and Phase 1 Habitat Survey have been submitted in support of the application along with an updated Shadow Habitat Regulations Assessment and have looked at the various ecological benefits of the site and protected species that may be present.
- 7.25 The main ecological features of interest are the Local Wildlife Site and, with the site being intensively farmed, the majority of other areas of note are toward the field peripheries in terms of hedgerows and trees. The Local Wildlife site will be retained as green space and it is identified that the majority of trees and hedgerows will be retained within the landscape scheme, save for those that need to be removed to create access within the site.
- 7.26 With regard to specific protected species it is noted that badgers are present to the periphery of the site and additional surveys would be required when the particular parts of the development come forward that may impact on these animals. There is an open ditch with water on the site but there are no records of Great Crested Newts in the area. Concern has been raised about possible impacts on otters and additional surveys, which can be secured via condition, would be required in this regard to determine whether or not they are present and identify any possible mitigation. Some of the trees on site have potential for bat roosts and it is noted that the site is largely used for foraging. Additional surveys would be required prior to the commencement of development in respect of site specific mitigation when reserved matters applications come forward with regard to trees and vegetation that is to be retained.
- 7.27 Specific concern was raised in respect of the Sherwood Forest potential Special Protection Area, in particular impacts on breeding nightjar and woodlark. An updated 'Shadow Habitat Regulations Assessment' (SHRA) was submitted in support of the application to address highlighted concerns. By way of policy background, paragraph 3.17.3 in the Council's ACS 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. The application site is not in the core breeding area and the buffers, as noted above, are currently unknown. Following submission of the updated SHRA, Natural England confirmed that they raise no objection to the application subject to the imposition of conditions in respect of a 'Noise Mitigation Plan' and 'Recreation Disturbance Mitigation Plan' (RDMP). However, it is not considered necessary to add the condition in respect of the RDMP in that there are no direct routes from the site to the core breeding areas and such a condition is unlikely to meet the conditions test as outlined in paragraph 55 of the NPPF. Therefore, subject to conditions, it is considered that the impact on the Sherwood Forest potential Special Protection Area has been suitably assessed.

- 7.28 Through various conditions, including the approval of Landscape Environmental Management Plan (LEMP), there are opportunities to ensure that the green spaces are suitably managed and continue to have ecological benefits. Having regard to the above the application is deemed to comply with Policy LPD18, ACS17, NE1 and guidance within the NPPF.

#### Planning obligations

- 7.29 Given the number of dwellings to be erected there is a need to seek contributions to make the development acceptable in planning terms. A viability assessment was submitted in support of the application, and this was independently assessed on behalf of the Council. The viability assessment submitted with the application and the revised position is appended to this report. There have been extensive discussions between the applicant's agent and Local Planning Authority in respect of what level of contributions the scheme could return, whilst still being viable. The original offer from the applicant of 10% affordable housing has since been increased to 17.64%. By way of summary, the figures sought by the statutory consultees are summarised below, along with the justification for the proposed contributions:
- Affordable housing – a full policy compliant scheme would return 30% affordable dwellings, or 241 properties. However, due to the schemes viability, the actual figure proposed is 17.64% of the units, or 99 affordable rent and 43 shared ownership. Housing Strategy have been consulted on the conclusions of the independent assessment and it is accepted that full policy compliant affordable housing would make the development unviable. Paragraph 11.2.6 of LPD 36, referencing the Affordable Housing SPD confirms that a lower requirement of affordable housing contribution may be justified provided that there is sufficient evidence provided which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. As identified in the submitted viability appraisal, which has been independently verified on behalf of the Council, all funds in terms of grant funding have been explored. As a result, and on balance, a return of 17.64% affordable dwellings is considered to be acceptable and is supported by policy LPD36 and the Affordable Housing SPD.
  - Education – as identified in the Top Wighay SPD there is a requirement to provide a 1.5 form entry primary school, it is intended to secure this via a

financial contribution of some £4.75m and a transfer of the land.

Contributions toward secondary education will be secured through the Council CIL Infrastructure list. The contribution is supported by policy 19 of the ACS and evidence provided by Nottinghamshire County Council.

- Highways – in total £802,500 is sought toward highway improvements. This would equate to £500,000 toward highway and bus provision. More specific contributions of £150,000 toward a toucan crossing and £150,000 toward cycle ways are also sought. An additional fee of £2,500 will be secured toward the monitoring of the agreed Travel Plan. The highway and transport contributions as outlined above are supported by policy 19 of the ACS and Nottinghamshire County Council.
- NCC Libraries have indicated that the application will generate greater demand on their services and that additional books would need to be bought at Hucknall library. A contribution of £28,373 towards increased stock is sought. However, given that the development is not viable it is considered that the affordable housing takes precedent over the library contribution. Therefore, this contribution is not sought.
- The Primary Care Trust (PCT) request a contribution of £436,209 towards enhancing capacity at any of four practices that will be affected by the development, this request is supported in that it will alleviate pressures on services that may be generated from the proposed development. The contribution sought by the PCT is supported by policy 19 of the ACS.
- The Secondary Care Trust (SCT) have sought a contribution of £719,859 toward Nottingham University hospitals but this is not considered to be directly linked to the application in that the PCT request fills this local function and, therefore, the SCT request is not supported as the suggested obligation is not considered comply with regulation 122 of the Community Infrastructure Levy Regulations 2010.
- There is a requirement for Public Open Space and final details of the POS to be provided on-site would be agreed through the reserved matters applications and be based around the masterplan. In terms of future maintenance of this space, if the POS is to be adopted by the Council a contribution of £999,600 would be sought, calculated in accordance with the Council's New Housing Development Supplementary Planning Guidance for Open Space Provision (November 2001). Although the space could alternatively be under the control of a management company. The final area of POS is not yet clear, save for a minimum figure, although it is anticipated as being in the region of 4-4.5 hectares given the need to take into account the Local Wildlife Site, sports pitches, play areas, allotments, general amenity areas and drainage features; therefore, the contribution sought is considered to be an appropriate figure and compliant with LPD21 and the New Housing Development SPG for Open Space Provision.

- A local labour agreement would also be sought and secured through the s106 agreement, although this would not require the transfer of any monies, and the request is supported by policy LPD48.
- A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which is a figure of £315 per trigger, although final payment is not known until such time as the legal agreement has been completed.

- 7.30 It should be noted that difficult decisions have been made about where best to allocate resources with an acknowledged short fall in affordable housing within the District. In this instance, it is noted that other organisations, including the County Council and Secondary Care Trust, have also not achieved all contributions sought. Negotiations are ongoing over the various triggers for delivery of the planning obligations to ensure that the development is delivered in a comprehensive manner e.g. delivery of the education contribution in respect the number of dwellings being occupied. These matters will be outlined in the s106 agreement so all parties are aware of their obligations in respect of delivering requisite contributions and will be addressed prior to the issuing of any planning permission. For the avoidance of doubt, the contributions sought are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 7.31 In addition to the above, with the affordable housing being below the policy threshold identified it is proposed to include a review mechanism whereby upon specified triggers, such as occupation or completion of a set number of dwellings, then the viability assessment as agreed will be re-assessed to determine whether or not the scheme will generate a greater revenue. If additional revenue is generated this will be split 60%/40% between the Local Planning Authority and developer, in the Council's favour. Such additional revenue paid to the Council would be utilised to address the shortfall in contributions, which would be directed toward affordable housing and libraries. Any additional contributions achieved would need to be capped so as to ensure that only a full policy compliant scheme is delivered.

#### Other matters

- 7.32 A condition is required in respect of achieving Electric Vehicle Charging points on site, and this would need to be identified when reserved matters applications are submitted, or through the approval of details reserved via condition. This would increase the sustainability of the site and have benefits in terms of climate change and air pollution and is deemed to comply with policy LPD11, ACS1 and the Air quality and Emissions mitigation guidance.
- 7.33 With regard to public open space (POS) there would be a requirement for at least 10% of the site to be POS. The main space would be to the north of the site, adjacent to the existing farm house and is identified as having two sports pitches, green space and allotments. There would be a central landscape

corridor based around the Local Wildlife Site, as well as smaller pockets of POS that would have drainage features in them, and provide linkages to the Wighay Road Grassland site, another Local Wildlife Site immediately adjacent to the site on the south adjacent to the 38 dwellings recently erected. In addition to the above 3 equipped areas of play are to be provided and four SUD's features are proposed to be within the POS and can create attractive features in their own right if suitably designed. The level of provision identified complies with the policy requirements and final details would need to be approved through subsequent reserved matters applications and triggers for delivery of the POS and equipment would be stipulated in the s106 Agreement. As a result the level of provision is considered to be acceptable and comply with policy LPD21 and Open Space Provision for New Housing Development SPG.

- 7.34 Concern has been raised that the local centre will not be constructed; however, to deviate from the approved masterplan would require a planning application in its own right, which would be considered on its own merits. Furthermore, Ashfield District Council have not identified that what contributions they would seek toward leisure or town centre improvements but given the on-site play provision and local centre it is not considered that such contributions are necessary.

## **8.0 Conclusion**

- 8.1 The principle of development is supported in that the site is allocated for a mixed use development under policy 2 of the aligned Core Strategy and is supported by guidance within the Top Wighay Farm Development Brief SPD. Contributions are sought to make the development acceptable in planning terms with regard to affordable housing; education; health, highways and public open space. Details with regard to final layout will be secured through subsequent reserved matters application and, subject to conditions, the development is not considered to have an adverse impact on highway safety; drainage/flooding; ecology, heritage assets, the landscape, noise or the amenity of neighbouring properties.

- 8.2 The application is, therefore, deemed to comply with policies A, 1, 2, 10, 11, 17 and 19 of the Aligned Core Strategy; policies 3, 4, 7, 11, 18, 19, 21, 26, , 32, 35, 36, 39, 48, 57, 61, 64, 71 and Appendix D of Local Plan Document; policies HSG1, CBH2, NE1 TRA1 and DC1 of the Linby Neighbourhood Plan; Parking Provision for Residential Developments Supplementary Planning Document (May 2012); Affordable Housing SPD, Air quality and Emissions mitigation; and guidance contained within the NPPF;

- 9.0 Recommendation: Grant Planning Permission: Subject to the owner(s) entering into planning obligations with the Borough Council as Local Planning Authority; the County Council as Local Highway and Education Authority; for the provision of, or financial contributions towards, affordable housing, education, highway improvements, health, public open space including management arrangements for the open spaces/drainage feature 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") for each phase of development shall be obtained from the Local Planning Authority before the commencement of development of that particular phase.
2. Application(s) for approval of reserved matters shall be made to the Local Planning Authority no later than 5 years from the date of this permission, and the development thereby authorised shall be begun no later than 7 years from the date of this permission or 2 years from the date of the approval of the final reserved matter approval, whichever is the later.

3. This permission shall be read in accordance with the application form and following list of approved drawings:

Illustrative Masterplan: P19-0346\_007 Revision K (submitted 21st July 2020)  
Parameter Plan: P19-0346\_005 Revision D (submitted 21st July 2020)

Transport Assessment: TWF-BWB-GEN-XX-RP-TR-003-TA-S1-P2

o Including signalised junction drawing: TWF-BWB-GEN-XX-DR-TR-101\_S2-P3

TA Addendum: TWF-GEN-XX-RP-TR-005-TAA-S1-P1 (submitted 12th June 2020)

o Including highway improvements to Wighay Road: TWF-BWB-GEN-XX-DR-TR-105-S2-P3.

Travel Plan: TWF-BWB-GEN-XX-RP-TR-004-FTP-S1-P4 (submitted 12th June 2020)

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

4. No reserved matters application shall be submitted until such time as a phasing plan has been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
5. The development shall comprise no more than 805 dwellings; no more than 49,500m<sup>2</sup> of buildings used for employment purposes and a local centre not more than 2800m<sup>2</sup>.
6. No above ground works shall commence on site until such time as the highway improvements to Wighay Road, as shown on drawing TWF-BWB-GEN-XX-DR-TR-105-S2-P3 have been completed.

7. No above ground works shall commence on the employment aspect of the development until such time as the highway improvements to Annesley Road, as shown on drawing TWF-BWB-GEN-XX-DR-TR-101\_S2-P3 have been completed.
8. No dwelling granted permission under subsequent reserved matters applications shall be occupied until the drive and parking area to serve that dwelling is surfaced in a bound material (not loose gravel). The surfaced drive and parking area shall then be maintained in such bound material for the life of the development.
9. No dwelling granted permission under subsequent reserved matters applications shall be occupied until the drive and parking area to serve that dwelling is constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking area 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.
10. The safeguarded route of the Nottingham Express Transit line shall be identified on any reserved matters application that it affects and shall be not less than 14m wide.
11. Development shall proceed in accordance with the approved Framework Travel Plan (rev P4 dated 26/05/2020).
12. Prior to the occupation of any business (excluding businesses employing less than 20 employees who shall submit a Travel Plan Statement) the owner and the occupier of each business unit shall appoint and thereafter continue to employ or engage a travel plan coordinator and within 3 months of occupation the owner and occupier shall commission a detailed travel plan that sets out the final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Travel Plan Framework and in conjunction with the site-wide travel plan coordinator to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future site-wide travel plan initiatives including implementation dates.
13. No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times 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.

14. No development within a phase shall commence until drainage plans for the disposal of foul sewage within that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented strictly in accordance with the approved details prior to occupation of that phase of development.
15. No phase of development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Your attention is brought to the informative below outlining detailed requirements of the surface water drainage scheme. The scheme shall subsequently be implemented strictly in accordance with the approved details before occupation of that phase of development and shall be retained for the life of the development.
16. Prior to commencement of any phase of development a Construction Environment 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. Furthermore, impacts on wildlife would also need to be considered. All works on site shall be undertaken in accordance with the approved CEMP.
17. No development shall commence in the areas identified on drawing archaeological plan, until such time as an Archaeological Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body.

Within 3 months of completion of the excavation works, a summary report shall be submitted to the Local Planning Authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's 'Sites and Monuments Record'.

18. Prior to the commencement of development a Noise Mitigation Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall identify how the impacts on the natural environment through noise that would be generated during the construction phase of development is mitigated. The Noise Mitigation Plan as approved shall be implemented. - Natural England



19. No development shall be commenced until a Landscape and Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The Landscape and Ecological Management Plan shall thereafter be carried out in accordance with the approved details.
20. Prior to the commencement of development in any phase a statement identifying means by which Electric Vehicle charging points are to be supplied on site shall be submitted and approved in writing by the Local Planning Authority. The details as approved shall be installed prior to the occupation of any units that benefit from permission within that particular phase of development.
21. 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.

22. The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
23. Prior to the commencement of development in any phase approved under condition 4, there shall be submitted to and approved in writing the submission of an Arboricultural Assessment that will identify any trees to be retained and mitigation measures therein. The details as approved shall be implemented prior to the commencement of development.
24. Each reserved matters application that is adjacent to either Annesley Road or Top Wighay Road shall be accompanied by a site specific noise report that should be completed by a suitably qualified individual/firm. Any mitigation that may be approved shall be implemented prior to the occupation of the particular unit.
25. The ecological mitigation measures identified in table 7.2 of the Environmental Statement shall be complied with. Each reserved matters application shall be

submitted with a statement detailing how development within that particular phase of development complies with the mitigation identified therein.

26. Prior to the commencement of development, additional surveys in respect of potential otter on the site shall be undertaken by a suitably qualified ecologist. The report shall be submitted to and approved in writing by the Local Planning Authority and any mitigation identified therein shall be implemented.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
3. For the avoidance of doubt,
4. To ensure that the development comes forward in a comprehensive way and to comply with policy 2 of the Aligned Core Strategy and The Top Wighay Farm Development Brief SPD.
5. To ensure the parameters of the planning permission are known and any variances can be suitably assessed and to comply with the Top Wighay Farm Development Brief SPD.
6. In the interest of highway safety and to comply with policy LPD61.
7. In the interest of highway safety and to comply with policy LPD61.
8. To ensure adequate parking provision is provided on site and to comply with policy LPD57.
9. To ensure adequate parking provision is provided on site and suitably drained and to comply with policies LPD57 and LPD4.
10. To ensure the site is developed in a sustainable way and to comply with guidance within the Top Wighay Development Brief SPD and guidance within the NPPF.

11. To ensure that alternative modes of transport to the private motor vehicle are encouraged and to comply with guidance within the NPPF.
12. To ensure that alternative modes of transport to the private motor vehicle are encouraged and to comply with guidance within the NPPF.
13. To ensure adequate highway safety and to comply with policy LP61.
14. To ensure foul water is suitably disposed of and to comply with policy LPD4.
15. To ensure surface water is suitably disposed of and to comply with policy LPD4.
16. To ensure that possible pollution and disturbance from the development during construction is mitigated against and to comply with policies, LPD10, LPD11 and LPD18.
17. To ensure possible impacts on archaeological features of interest are mitigated against and suitably assessed and to comply with policy LPD30.
18. To ensure that the impacts on ecology, notably breeding night jar and sky lark, are mitigated against and to comply with policy LPD18 and LPD19.
19. To ensure that public open space and ecological features of interest are suitably managed and maintained and to comply with policy LPD18.
20. To comply with policy LPD11 and paragraph 110 of the NPPF.
21. To ensure possible contamination, if found, is mitigated against and to comply with policy LPD7.
22. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
23. To ensure that protected species are respected and to comply with policy LPD18.

24. To ensure that the amenity of proposed occupiers is respected and to comply with policy LPD32.
25. To ensure that protected species are respected and to enhance ecology and comply with LPD18.
26. To ensure that protected species are respected and to enhance ecology and comply with LPD18.

### **Notes to Applicant**

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank.

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

EV charging facilities should, where possible, incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability and allow 'Smart' charging. All electrical circuits/installations shall comply with the electrical requirements of relevant British Standards as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the

Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

All correspondence with the Highway Authority should be addressed to:-  
NCC Highways (Development Control, Floor 3)  
Nottinghamshire County Council, County Hall  
Loughborough Road, West Bridgford  
Nottingham, NG2 7QP

Please note that development shall proceed in accordance with the masterplan, as outlined in condition 3; however, should there be a variance in the approved plan that would alter the use of land currently identified as the Local Centre, there would be a need for any subsequent reserved matters application to be accompanied by an updated Contaminated Land Survey to ensure that the land is fit for what may be the identified end user.

Please note that in respect of compliance with regard to the condition which identifies mitigation in respect of table 7.2 in respect to ecology, the Council would expect an up to date survey if those originally submitted are out of date. Furthermore, additional information would need to be supplied in respect of badgers, which are known to be in close proximity to the site, to the extent that they would impact on development within it.

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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)