



Planning Report for 2020/1255



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Report to Planning Committee

Application Number:	2020/1255
Location:	Land At Chase Farm (former Gedling Colliery), Adjacent to Arnold Lane And Land off Lambley Lane Gedling
Proposal:	Hybrid application seeking permission for a balancing Lagoon (Full Application) and Outline permission for the Local shops, access and associated parking.
Applicant:	A.C. Holdings Limited and Aldi Stores Limited.
Agent:	Pegasus Planning Group
Case Officer:	Nigel Bryan

This application has been referred to Planning Committee to accord with the Constitution as a deed of variation amending an existing Section 106 Legal Agreement is required.

1.0 Site Description

- 1.1 The application site relates to an area of land within the large scale major residential development fronting Arnold Lane which falls within the previously approved 'Chase Farm' development (Planning Reference 2015/1376), currently under construction.
- 1.2 The site is currently vacant and largely flat land. At the time of the officer visit the site was not accessible to the public in that building work was underway on an adjacent parcel of land.

2.0 Relevant Planning History

- 2.1 On the 3rd March 2017 Conditional Permission was granted for the "Demolition of existing structures and phased development of 1,050 dwellings, local centre with retail units and health centre, and new primary school. Full planning permission for phase 1 to comprise the erection of 506 no. dwellings (2, 3, 4 and 5 bedroom houses and flats), vehicular access from Arnold Lane, internal roads and all associated infrastructure. Outline planning permission for subsequent phases, all matters reserved except for indicative access to the sites from phase 1, and future accesses from Gedling Access Road." *app ref: 2015/1376.*

- 2.2 In September 2017 a Non Material Amendment was granted for Plots 218 – 228 substituting brickwork and plots 38 – 47 window alterations. Ref: 2017/0927NMA
- 2.3 In September 2017 a Non Material Amendment was granted for changes to external elevations of plots 112, 114 and 156. Ref: 2017/0928NMA.
- 2.4 In December 2018 planning permission was granted for the 'Re-design of the balancing pond' (ref: 2018/0813)
- 2.5 In January 2019 Full Planning Permission was granted to replace plots 01, 02, 03, 169, 170 and 171 with alternative house types (ref: 2017/1018).
- 2.6 In January 2019 Full Planning Permission was granted for the repositioning of plots 5, 6 & 7(rotation through 90 degrees). (ref: 2017/1076).
- 2.7 In January 2019 Full Planning Permission was granted for the re-elevation of 71 no. plots (ref: 2018/0392).
- 2.8 In January 2019 Full Planning permission was granted for the substitution of house types in respect to 30 plots (329 – 358) with amended house types and layouts, (ref: 2018/0684).
- 2.9 In August 2020 Full Planning Permission was granted for the substitution of the house type to plot 329, (reference 2019/0586).
- 2.10 In August 2020 Full Planning Permission was granted for a 3 plot re-plan of plots 229, 230 and 231 (reference 2019/0304).
- 2.11 In August 2020 Full planning permission was granted for replacement houseypes of 204 dwellings (ref: 2019/0759).
- 2.12 In August 2019 Full Planning Permission was granted for 'construction of an access junction off the Gedling Access Road' (ref: 2019/0500).
- 2.13 In June 2020 a resolution to grant permission to (2019/0696) 'remove condition 2 of planning permission 2015/1376 to remove the construction cap of 315 dwellings and to allow building within Phase 1B prior to the completion of the Gedling Access Road' was agreed. The decision notice was issued on the 20th August 2020.
- 2.14 In September 2020 a resolution to grant planning permission for the 're-design of the landscaping for the Urban Square' was approved (2020/0545), subject to a deed of variation to the S106.
- 2.15 In October 2020 a resolution to grant planning permission for the erection of 31 dwellings (2020/0667) was approved subject to a deed of variation to the S106. The approval is a re-plan of a similar scheme for the erection of 29 dwellings approved under reference 2018/0684.

3.0 Proposed Development

- 3.1 The application is submitted as a hybrid application in that full planning permission is sought for the creation of a balancing lagoon with outline permission sought for the local centre, which is intended to include shops, a nursery, access and parking.
- 3.2 For the avoidance of doubt, on the original masterplan for Chase Farm the local centre was proposed to be adjacent to the urban square and school with the balancing lagoon to the north, adjacent to the Public Open Space. However, the current application is to switch the location of the local centre and balancing lagoon so that the lagoon is central to the site with the local centre adjacent to the public open space and next phase of residential development.
- 3.3 Furthermore, amended plans have been submitted that have altered the indicative layout of the local centre to demonstrate how it could be designed so that it faces on to the balancing lagoon. Additional drawings have also been submitted that include greater detail for the layout and periphery of the lagoon, which includes an informal footway around the lagoon and benches.

4.0 Consultations

- 4.1 Highway Authority – seek clarification on the boundary treatment proposed to the lagoon, in the interest of highway safety. Raise no objection to the indicative layout but the road would need to be subject of a S38 agreement with the Highway Authority and adequate parking and turning provided within the site.
- 4.2 Environment Agency – raise no objection but request a condition in respect of contamination given the previous use of the site.
- 4.3 Environmental Health – note that there have been numerous investigations with regard to possible contamination on the site; however, this largely focused on the residential aspects of the scheme. As a result a condition would be required in respect of this particular phase of development. Furthermore, conditions would be required in respect of EV charging points and the need to approve a Construction Emission Management Plan.
- 4.4 The Lead Flood Authority does not object to the application.
- 4.5 Parks and Street Care make no observations on the application.
- 4.6 A site notice was displayed near to the application site. As a result of consultation undertaken, no responses have been received from local residents.

5.0 Relevant Planning Policy

- 5.1 With respect of the National Planning Policy Framework 2019 (NPPF) the following chapters are considered to be most pertinent to the determination of the application;

- 2 – achieving sustainable development;
- 4 – decision making;
- 5 – Delivering a sufficient supply of homes;

6 – building a strong, competitive economy and
12 - achieving well-designed places.

5.2 The Aligned Core Strategy (part 1 Local Plan) (ACS) was adopted in September 2014, the following policies are considered most pertinent to the determination of the application;

A: Presumption in favour of sustainable development;
1: Climate change;
2: The Spatial Strategy;
10: Design and Enhancing Local Identity.

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

- LPD4 – Surface Water Management
- LPD7 – Contaminated Land
- LPD11 – Air Quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD32 – Amenity
- LPD61 – Highway Safety
- LPD64 – Housing allocations – Urban Area and edge of Hucknall

6.0 Planning Considerations

6.1 The main planning consideration in respect of the current application is what impact switching the local centre and balancing lagoon would have on the immediate character of the area and wider chase farm development as a whole. As well as a need to consider impacts on highway safety, drainage and possible contamination.

Principle of development and impact on the character of the area

6.2 Following the grant of planning application 2015/1376 it is clear that the principle of development of a balancing lagoon and local centre is supported on this site allocated for development under policy LPD64. From the layout as originally proposed under the masterplan it would no doubt have been deliberate to have the urban square, school and local centre as a focal point for the site, with the balancing lagoon to the north. Re-locating the lagoon to the centre of the site may, to some degree, impact the permeability and usability of the site in that the three key uses would not now be immediately adjacent to one another. However, it is understood that due to contamination issues which may exist on the site there is a desire to switch the lagoon and local centre. As initially proposed, the balancing lagoon was considered to be a barrier between the important three key sites. However, following the submission of updated details in terms of how the balancing lagoon will function, the scheme as amended is considered to have improved markedly. A footway is proposed around the lagoon periphery, as well as benches, so that the feature will be more accessible and a focal point to the site. Furthermore, such Sustainable Urban Drainage (SUD) features can, if

appropriately designed, have ecological advantages. It is indicated that there will be landscaping to the lagoon periphery, although final details of species will need to be approved through the submission of a detailed landscaping scheme, which can be secured via condition. Therefore, as updated, it is considered that, on balance, the switching of the balancing lagoon and local centre would be acceptable in that the lagoon would, in its own right, become a green, permeable and central feature of the site that would respect the character of the area. The application is, therefore, deemed to comply with policies ACS10, which requires development to respect the character of the area, and LPD18, which requires development to protect and enhance biodiversity, and guidance within the NPPF.

Other considerations

- 6.3 There is no overriding concern in respect of highway implications in that the highway network will be the same as identified on the approved masterplan. The layout of the local centre is not under consideration as part of this application, although following alterations to the indicative layout, so the local centre now faces the lagoon, it is considered to be acceptable. No boundary treatments have been identified around the lagoon; it is recommended that a condition can be added to the decision notice to ensure that something appropriate to the Highway Authority can be secured. Adequate parking provision is something that would need to be approved through the reserved matters process but the scheme as submitted is not considered to be detrimental to highway safety and is deemed to comply with policy LPD61.
- 6.4 Given the previous use of the site and previous contamination work that has been undertaken there is not considered to be any overriding concern in respect of contamination. However, this is a standalone planning application and to ensure that the contamination remediation for this particular phase of development is acceptable the Environmental Health Officer has requested a condition to ensure that additional exploratory works are undertaken. Furthermore, a condition would be required to ensure that appropriate electric vehicle charging points are secured on the site. Subject to such a condition being added the application is deemed to comply with policies LPD7, which requires development to ensure land is not contaminated and fit for the end user, nor lead to contaminated water, and LPD11, which requires development to consider possible adverse impacts on air quality.
- 6.5 Consultation has been undertaken with the Environment Agency and Lead Flood Authority and no objections have been received from these bodies in respect of the ability of the balancing lagoon to adequately drain the area, which in terms of functionality is the same as approved 2018/0813. As a result the application is deemed to comply with policy LPD4, which requires development to appropriately manage surface water, including through the use of Sustainable Drainage Systems.
- 6.6 It is not considered that the application as proposed would have a detrimental impact on residential amenity and any possible impacts on residential units that may be adjacent to the Local Centre in phase 2. Any potential impacts from possible noise would be considered on its own merits when the various phases of development come forward but there is no reason to consider that

the proposed retail use could not sit alongside residential units. As a result the application is deemed to comply with policy LPD32.

Planning Obligations

- 6.7 The application site falls within the wider Chase Farm development which is subject to a Section 106 agreement which secured planning obligations towards affordable housing, open space, healthcare facilities, highways, educational, air quality, a local labour agreement and library facilities. There are triggers within the agreement that relate to the provision of and maintenance of public open space including the balancing lagoon and therefore a variation to the original Section 106 agreement is required to ensure that the obligations secured via that Section 106 agreement bind this permission, if approved.

7.0 Conclusion

Having regard to the above it is noted that the principle of the development is supported by policy LPD64. Re-siting the balancing lagoon and local centre would not be detrimental to the character of the area; nor is it considered that there would be any negative impacts on highway safety, ecology, contamination or amenity. As a result the application is deemed to comply with policies LPD4, LPD7, LPD18, LPD32, LPD61 and LPD 64 of the Local Planning Document; policies A, 1, 2, 8 and 10 of the Aligned Core Strategy and guidance within the NPPF.

- 8.0 Recommendation: Grant Full Planning Permission: Subject to the owner entering into a deed of variation amending the original Section 106 Agreement to planning approval: 2015/1376 with the Borough Council as Local Planning Authority and with the County Council as Local Highway and Education Authority for the provision of, or financial contributions towards affordable housing, open space, healthcare facilities, highways, educational, air quality, a local labour agreement and library facilities; and subject to the conditions listed for the reasons set out in the report.**

Conditions

1. Development of the balancing lagoon shall commence no later than 3 years from the date of this permission and shall proceed in accordance with the details as approved under condition 2 and in accordance with details as may be approved under conditions 3, 5, 6, 7, 9 and 10.
2. This permission shall be read in accordance with the application form and following list of approved drawings:

17057E - P100 rev - - Location plan
17057E - P101 rev A – Existing site masterplan
17057E - P103 rev B - Proposed site plan
17057E - P105 rev A - Site Sections
Deign and Access Statement (Updated received on 30 March)

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

3. Prior to above ground works commencing on the balancing lagoon, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be completed no later than the first planting season once the earthworks for the lagoon have been substantially complete. These details shall include a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. Details of any hard surfacing materials would also need to be identified.
4. Application(s) for approval of all reserved matters for the local centre shall be made to the Local Planning Authority no later than 3 years from the date of this permission, and the development thereby authorised for the Local Centre shall be begun no later than 2 years from the date of this permission or 2 years from the date of the approval of the final reserved matter, whichever is the later.
5. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:

Site Characterisation

An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.

Submission of Remediation Scheme

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

6. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a

Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
8. Prior to the occupation of either building(s) hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority as to the position within the development of three (3) Electric Vehicle Recharging Points; with appropriate cable and infrastructure provision to allow this to increase to five (5) points in total in future years.

The Electric Vehicle Recharging Points shall be in a prominent position on the site and shall be for the exclusive use of zero emission vehicles. The Electric Vehicle Recharging Points shall be installed prior to occupation of any part of the development and shall be thereafter maintained in the location as approved for the lifetime of the development.

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 be undertaken in accordance with the approved CEMP.
10. Prior to the commencement of development, details of any boundary treatment to be erected around the lagoon shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be in situ, and retained as such thereafter, prior to the lagoon holding water.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. For the avoidance of doubt.
3. To ensure that the character of the area is respected and ecology enhanced and to comply with policy ACS10 and LPD18.

4. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
5. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
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7. To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 178 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan.
8. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
9. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
10. In the interests of highway safety and respecting the character of the area and to comply with policies LPD61 and ACS10.

Notes to Applicant

The applicant is encouraged to consider upgrading the EV charging facilities to incorporate additional Mode 3 Smart charging capability as this will help future proof the development and improve its sustainability. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

For the avoidance of doubt, whilst the layout of the shops is indicative, the Council would encourage a layout that follows the broad parameters identified on the site layout with a frontage on to the balancing lagoon.

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