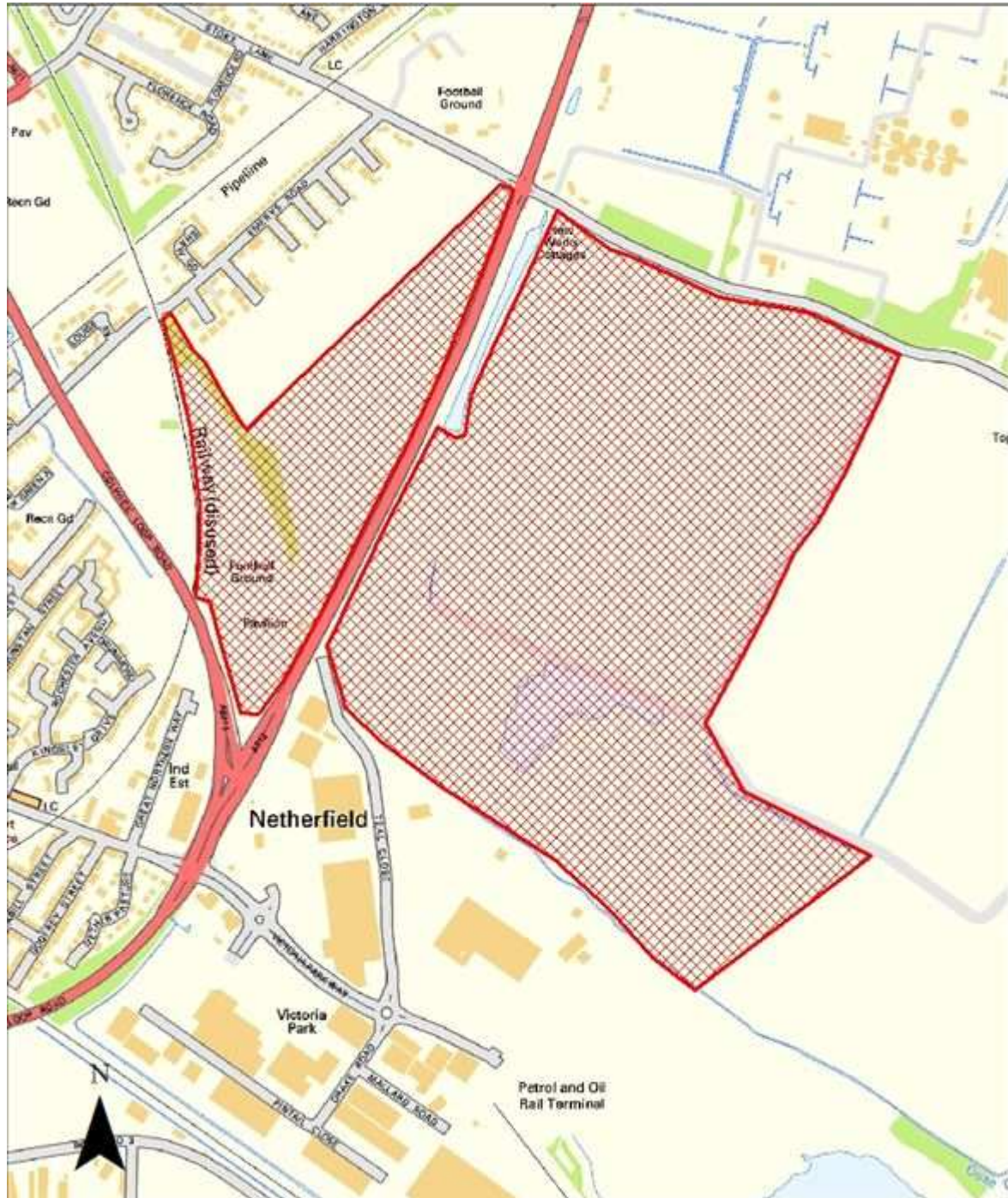




**Application Number:** 2013/0546  
**Location:** Land off Teal Close, Netherfield



**NOTE:**  
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## Report to Planning Committee

**Application Number:** 2013/0546

**Location:** Land off Teal Close, Netherfield

**Proposal:** Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures

**Applicant:** Northern Trust Company Ltd

**Agent:** Mr Stephen Bell

### Background to Report

Members may recall that this application was reported to the meeting of the Planning Committee on 8<sup>th</sup> January 2014, when it was resolved to support the grant of outline planning permission subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority. Although work on the S106 Agreement is well advanced, it has yet to be completed, so the decision notice has not been issued.

Since the Committee resolution, however, a High Court judgement handed down in March 2014, and arising from a judicial review against a separate planning decision, has affirmed a position taken in an earlier High Court judgement in September 2013 with regard to interpretation and application of the National Planning Policy Framework's (NPPF) policy on Green Belt.

In summary, both judgements have confirmed that any material change of use in the Green Belt that constituted development not specifically listed under paragraph 90 of the NPPF could not be regarded as appropriate development.

As such, in applying the judgements to this planning application, it follows that the change of use of agricultural land to recreational open space and biodiversity enhancement is by definition harmful to the Green Belt and must be treated as inappropriate development in the Green Belt.

Accordingly, by reference to paragraphs 87 and 88 of the NPPF, this planning application must not be approved except in very special circumstances, which will

not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Borough Council has therefore been asked to reconsider its original resolution in light of the above judgements and the submission of a Supplementary Planning Statement to address these issues.

As a consequence, elements of the following sections on 'Proposed Development' (particularly with regard to the Supplementary Planning Statement) and 'Planning Considerations (particularly with regard to Planning Policy), together with references to the Aligned Core Strategy have been updated.

This report also takes the opportunity to consolidate the changes circulated at the previous meeting, which formed part of the resolution and, at the request of the applicant's agent, includes amendments to the wording of conditions 32 to 35 to define precise trigger points or thresholds as to when the specified works must be put in place.

### **Site Description**

The application site comprises approximately 63 hectares of generally flat agricultural land, with a slight fall towards the south and east towards the River Trent. It is situated between Stoke Lane to the north and Victoria Park to the south. The site is bisected by the A612 extension and is predominantly a mixture of arable farmland and fields, lined with trees and hedgerows. The land is used to grow crops for the Severn Trent Water Treatment Works anaerobic digestion facility. There are marshy areas in the centre of the site.

The BRSA (Teal Close) recreation ground, which is within the ownership of the Borough Council, is located on the elevated westernmost part of the site. The recreation ground is bounded to the west by the Colwick Loop Road and the former Gedling Colliery railway line and to the north and east by a large group of trees. There are allotment gardens to the north-west of the site, between the recreation ground, Emerys Road and Stoke Lane. To the east and south-east are open fields, the new National Grid sub-station and Netherfield Lagoons Local Nature Reserve.

The Severn Trent Water Treatment Works and PDM (Chettles) pet food processing plant are located on Stoke Lane directly to the north and north-east of the site.

Stoke Bardolph village lies approximately 1 kilometre away from the site boundary to the east.

A public right of way (Carlton Footpath 9A) runs from Emerys Road, past the Recreation Ground and over the Loop Road. It then continues along the southern boundary of the site, adjacent to the Ouse Dyke, to the Netherfield Lagoons. At this point it splits into two footpaths, one of which (Stoke Bardolph Footpath 5) heads northwards across the fields to Stoke Lane, passing near to the south-eastern most part of the site.

The western part of the site is allocated primarily for residential development in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), although a small portion at the north-eastern end is currently allocated as protected open space.

The eastern part of the site is currently allocated, in approximately equal portions, for employment uses, as safeguarded land (treated as Green Belt) or as protected open space within the Green Belt. The site contains approximately 16.2 hectares of land within the Green Belt, which is presently in agricultural use.

Small pockets of the site, towards the eastern and southern edges, are located within the high risk flood zone (Flood Zone 3). Most of the remaining part lies within the medium/low risk Flood Zones 2, although those parts comprising the BRSA (Teal Close) recreation ground and the north-east corner adjacent to Stoke Lane fall within Flood Zone 1, where flooding is very unlikely.

### Relevant Planning History

The application site comprises a number of elements allocated in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

This includes land for residential development under Policies H2 and H5, land for employment under Policy E1, safeguarded land under Policy ENV31 and land within the Green Belt, which is also designated as protected public open space, under Policy R1.

These elements are discussed in more detail later, under Planning Policy & Sustainability Considerations.

### Proposed Development

Outline planning permission is sought for the quantum, general land use layout and other specified parameters for a mixed use development, comprising the following components:

- Residential development - up to 830 units (Use Class C3)
- Employment uses – up to 18,000 square metres\* (Use Classes B1/B2/B8)
- Local Centre – up to 2,800 square metres\* of retail, financial and professional services, food and drink, takeaway, non-residential institutions and leisure uses (Use Classes A1/A2/A3/A4/A5/B1/D2)
- Community building – up to 500 square metres (Use Classes D1/D2)
- Hotel – up to 150 beds (Use Class C1)
- Care home – up to 60 beds (Use Class C2)
- Primary school – on 1.1 hectares of land (Use Class D1)
- Sports pitches and changing facilities – on a minimum of 4.2 hectares
- Public open space – including landscaping, children's play areas and allotments.
- Ecology Park - on a minimum of 10 hectares
- Access arrangements – including new junctions on the A612 and Stoke Lane

\*The employment uses and local centre would comprise no more than 4,500 square

metres of B1 office use.

The proposed development also includes the demolition of the existing changing facility on the BRSA recreation ground, which would be replaced within the proposed Community Building.

All matters, apart from access, are reserved for subsequent approval.  
The application is supported by the following drawings and documents:

### Illustrative Masterplan

Due to the site being bisected by the A612, it can be divided into two parts; the smaller part to the west of the A612 and the larger part to the east.

The Masterplan envisages two parcels of land exclusively for residential development on the western part of the site, with existing areas of woodland around the recreation ground largely retained and a landscaping buffer to be provided along the A612 frontage. Access to this part of the site would be from two new junctions on the A612, with an internal road cutting through the wooded strip to access the recreation ground part of the site.

The main part of the proposed development is on the eastern part of the A612, where a landscaping strip would again provide a buffer along the A612 and along the primary access road into the site. The north-western corner of this part of the site, at the corner of the A612 and Stoke Lane, would comprise an employment park bounded by new woodland planting. To the south of this, fronting the A612 and providing a 'gateway' into the site, would be the proposed new local centre and hotel. The proposed primary school and community building, which it is envisaged would include a sports changing facility, would be situated opposite this, across the internal access road.

A large part of the site to the east of these uses is then envisaged for residential use, although an area for new allotments is proposed adjacent to Stoke Lane to provide a buffer for the residential areas from the Severn Trent Water Treatment Works and PDM (Chettles).

The southern part of the site between the above uses and Victoria Park are proposed to be used for public open space in the form of new playing fields to replace the existing recreation ground adjacent to the proposed community building and primary school. Further to the south-east, a minimum of 10 hectares of land would be used to provide informal open space in the form of an ecology park. It is proposed that the ecology park would include dual purpose wetlands to provide sustainable urban drainage solutions and ecological habitats. The proposed ecology park would connect with the Netherfield Lagoons Local Nature Reserve.

### Indicative Phasing Plan

This indicates a phasing schedule for the proposed development, consisting of two phases and an open phase, as follows:

Phase 1 – Approximately 500 dwellings, sports pitches, community building, children’s play, public open space, buffer planting, drainage and Ecology Park. This phase would have an approximate build out of 4 – 6 years.

Phase 2 – Approximately 330 dwellings, allotments and public open space. This phase would have an approximate build out of 3 – 4 years.

Open Phase – Employment/commercial uses and the school would remain an open phase, enabling development to come forward in response to the site and market requirements. The local centre and school would require critical mass to support and deliver the required infrastructure. The build out for the school and local centre would be within approximately 4 years; and for the employment uses, approximately 8 years.

Completion of the proposed development would be in approximately 8 years (end of 2022), based on an assumed start date of 2015.

### Parameters Plan

This defines the proposed development and sets a framework for the Reserved Matters, alongside the Schedule of Development, the components of which are outlined above.

The Parameters Plan addresses land use locations; maximum building heights; access locations and indicative routes; structural landscaping areas; and key ecological features to be retained/enhanced.

Maximum building heights parameters are outlined as follows:

Residential – up to 3 storeys, with a maximum height of 11 metres

Residential (eastern & southern edges) – up to 2.5 storeys, with a maximum height of 10 metres

Employment/Commercial – up to 2 storeys, with a maximum height of 12 metres

Local Centre – up to 2 storeys, with a maximum height of 9 metres

Hotel – up to 3 storeys, with a maximum height of 12 metres

Care Home – up to 3 storeys, with a maximum height of 12 metres

Community Building – 1 storey, with a maximum height of 9 metres

School – up to 2 storeys with a maximum height of 10 metres

The residential development would be predominantly 2 storeys in height, with occasional 2.5 to 3 storey buildings to create local landmarks, define the site entrances and add variety to the roofline. 3 storey development would be precluded from the eastern and southern rural/parkland edges.

### Ecology Park - Concept Design

The Ecology Park is a key component of the Illustrative Masterplan, extending to at least 10 hectares on the south-easternmost part of the site, adjacent to the existing Netherfield Lagoons Local Nature Reserve.

The Concept Design drawing shows the retention of species rich grassland, new



hedgerows and tree planting, attenuation ponds and mounding to deter access into the western side of the Ecology Park.

Footpaths are indicated passing into the Park from the proposed residential development to connect with the existing public footpaths and to provide a link it to the adjacent Netherfield Lagoons.

### Detailed Access Arrangements

Detailed approval is sought to establish the locations and design of the principal vehicular access points into the site.

The proposed access arrangements are off the A612 and Stoke Lane. The primary access would be via a new signalised junction on the A612, with arms entering both the western and eastern parts of the site. This would be aligned with the proposed community hub.

A secondary left-in, left-out access on the A612 would also serve the western part of the site, between the new primary access and the existing Stoke Lane junction.

The proposed employment uses would be accessed via a new dedicated access from Stoke Lane, to prevent employment related traffic from entering the residential areas and providing an emergency access point within land to the east of the A612. traffic.

The application is accompanied by an Environmental Statement, including all technical assessments such as Flood Risk Assessment, Air Quality and Odour Assessment, Ground Investigations, Transport Assessment, Ecological Assessment and Ecology Surveys and a Landscape and Visual Impact Assessment.

In addition to the above, a Design and Access Statement, Planning Statement, Schedule of Development (which details the proposed land uses and maximum quantum of development), Sustainability and Energy Statement, Initial Utilities Information and a Statement of Community Consultation have been submitted.

### Revised Plans & Additional Information

The following additional details have been submitted during processing of the application:

An Ecological Addendum to the Environmental Statement, containing the results of additional surveys for great crested newts, bats and breeding birds.

A statement of Ecology Design Principles, containing ecological habitat design aims and objectives.

A revised Flood Risk Assessment.

Technical Notes regarding highway matters & mitigation measures.

A revised Parameters Plan, with an additional note stating that the residential, recreation ground and parkland zones together are to accommodate a minimum of 4.77 hectares of play area/sports facilities, inclusive of 1 NEAP and 2 LEAPs,

and a minimum of 4.2 hectares of playing pitches.

Odour Report Review.

Supplementary Planning Statement (see below).

### Supplementary Planning Statement

The contents of this document can be summarised as follows:

#### 1. Introduction

##### ***Green Belt Matters***

In order to address the implications of the High Court judgements and to justify the 'inappropriate development' proposed in the Green Belt, it is necessary to prove that very special circumstances exist. That is the principal purpose of this statement, which was submitted in April 2014.

Within the Green Belt it is proposed to create parkland (to include a minimum 10 hectares Ecology Park and drainage infrastructure requirements) and recreation ground (including playing pitches). No buildings are proposed within the Green Belt, but the proposal would entail a material change of use and engineering works for the drainage infrastructure.

The proposed engineering works involved in realising the recreational use and biodiversity enhancement, and the proposed drainage infrastructure works, would represent appropriate development under paragraph 90 of the NPPF, as they would constitute 'engineering operations'. Such works, which would entail only limited land remodelling and extraction to create ponds for Sustainable Urban Drainage Systems (SUDS), would preserve openness and would not conflict with the purposes for which the land is included in Green Belt.

##### ***Other Changes in Circumstances***

Beyond the matters raised in relation to the two High Court judgements, and since the Committee resolution, the final version of the National Planning Practice Guidance (NPPG) has been published. This provides guidance on how to apply policy contained within the NPPF, rather than setting policy itself. It is considered that the NPPG does not introduce any material changes that would directly influence consideration of the application or alter the original recommendation.

More notably, and also since the Committee resolution, the Council has published its proposed Main Modifications to the submitted Gedling Borough Aligned Core Strategy for public consultation. The Modifications arise from discussion and comments raised by the Inspector within the Examination in Public of the Aligned Core Strategy (ACS), which included concerns expressed as to the distribution of proposed housing allocation and the absence of a strategic site allocation of the Teal Close site.



The proposed Main Modifications include for the Site Specific New Strategic Allocation of the land at Teal Close for a mix of uses consistent with this planning application. Whilst the Green Belt land is excluded from the proposed allocation boundary, proposed changes and additions to the ACS make specific reference to the quantum of green infrastructure required, including an Ecology Park in the location proposed and the use of the Green Belt land, where necessary, to accommodate Green Infrastructure.

Whilst the Main Modifications are subject to consultation and do not yet carry the full weight of development plan policy, the advanced stage of the Plan and the fact that this Modification arose directly from comments made by the Inspector during the Examination means that significant weight can be attributed to it. This accords with the direction provided in paragraph 216 of the NPPF.

## 2. Degree of Harm

It is now accepted that the proposed change of use of agricultural land to recreational open space and biodiversity enhancement is inappropriate development in the Green Belt.

Inappropriate development is by definition harmful to the Green Belt and very special circumstances must be proven to exist to justify this harm. However, for very special circumstances to be proven, the full extent of any harm beyond reason of being inappropriate must be clearly outweighed by other considerations. It is therefore important to identify any harm caused, beyond the harm which arises from it being inappropriate development. In doing so, it is necessary to have reference to the aim of Green Belt policy, its fundamental characteristics and its purposes. These are considered below:

### **a) *Fundamental aim: to prevent urban sprawl by keeping land open***

The proposed development in the Green Belt comprise only green infrastructure. No buildings or urban features are proposed within this Green Belt land. With the absence of any built form, and no material change to land formation in terms of unnatural obstacles to visibility, the land would remain open. It would by no means be construed as part of the urban fabric and the fundamental aim would be satisfied.

### **b) *Essential Characteristics: Openness and permanence***

The proposed uses in the Green Belt would cause no harm or reduction to openness. By introducing uses that the NPPF acknowledges at paragraph 81 are beneficial to the Green Belt, the function of the Green Belt in this location would be enhanced rather than harmed. This affords greater prospect of a long term future for this Green Belt land, enhancing its permanence

### **c) *Purposes***

- *To check unrestricted sprawl of building areas*

The proposal would not introduce any built form into the Green Belt and would not diminish its role in restricting sprawl. Rather, by enhancing its use, the proposed development would reinforce its beneficial Green Belt function.

- *To prevent neighbouring towns merging into one another*

By introducing only uses that maintain openness and have no urban character, the proposed development would cause no reduction in the role of separation.

- *To assist in safeguarding the countryside from encroachment*

The proposed uses are compatible within a countryside character, relating as they do to recreational and biodiversity purposes.

- *To preserve the setting and special character of historic towns*

This is not of relevance to this particular location, but no harm would be caused to this purpose.

- *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

By directing built development to those parts of the site that are already identified for development in the adopted Replacement Local Plan (RLP), and location open uses in the Green Belt land, the urban form is encouraged to consolidate within existing defined boundaries. No harm is caused by the uses proposed, which are clearly compatible with a Green Belt function, as recognised by the NPPF.

### ***Summary of Harm***

The above evaluation confirms that beyond the harm caused by reason of being inappropriate development, the proposal would cause no harm to the fundamental aim, essential characteristics and stated purposes of the Green Belt. Indeed, the opposite is true, as the proposal would enhance the beneficial use of the Green Belt by the creation of an Ecology Park and the laying-out of playing fields.

It follows, therefore, that for very special circumstances to be proven, it is necessary for other considerations to clearly outweigh only that harm caused by reason of being inappropriate by definition.

### **3. Very Special Circumstances**

The other material considerations that are to be balanced against the identified level of harm to the Green Belt are set out below:

#### ***Paragraph 81 of the National Planning Policy Framework***

The provision of outdoor sport and recreation and the enhancement of biodiversity are both identified by the NPPF as means by which local planning authorities can serve to enhance the beneficial use of the Green Belt. The uses are therefore explicitly recognised by the NPPF as functionally suitable for location within and consistent with the aims, objectives and purposes of the Green Belt.

Indeed, the first High Court judgement makes specific reference to this paragraph as being capable of being a material consideration relevant to a decision as to whether very special circumstances have been made out.

### ***Housing Needs and Supply***

The original Committee Report acknowledged that the Council cannot identify a five year supply of deliverable housing sites. Within the identified deficient supply are 400 homes on the Teal Close site, reflective of the adopted Local Plan allocation. It is therefore critical for the existing identified contribution to be realised. There is also a pressing need to identify further housing sites that can fulfil the NPPF's direction to local planning authorities at paragraph 47 to 'boost significantly the supply of housing'.

In order to realise all of the 400 homes contained within the identified five year supply and allocated in the RLP, existing playing fields need to be relocated. This was explicitly recognised in the RLP and it was anticipated that this relocation would take place on the Green Belt land within the current application site. Therefore, to preclude the relocation as envisaged within the RLP would put at risk the delivery of housing land already identified within the Council's deficient supply.

The balance of the Teal Close site, east of the A612, provides further opportunity to accommodate additional housing, to meet needs and help to address the significant deficit in provision. As the original Committee Report recognised, the Teal Close development would be sequentially preferable in terms of the hierarchical approach to the housing distribution (compared to peripheral locations), accords strongly with the policy of urban concentration, and is needed to meet the identified housing need. This suitability and the need for the site to be brought forward to provide the most sustainable means of meeting housing requirements is now reflected in the emerging ACS.

In order to best accommodate this housing need, alongside meeting other development needs (see below), the development potential of land outwith the Green Belt must be maximised. There is a need to accommodate the necessary relocation of existing playing fields, additional playing space requirements generated by the proposed development, and ecological enhancement to mitigate for the development of the wider site. If this could not be accommodated on the Green Belt land, as currently proposed, the capacity of the balance of the application site would be significantly reduced, with a notable reduction in the number of homes that could be delivered. As such, the site would not make as great a contribution to meeting what is a pressing need for new housing, and

other less sustainable locations would need to be released for housing, including potential Green Belt land. This has been documented in the ACS Examination process, whereby the identification of the Teal Close site as a Strategic Site within the Main Modifications to the ACS has led to the reduction in housing identified for lower order settlements, in turn reducing pressure (to some extent) for Green Belt release in those locations.

### ***Existing Local Plan Allocation***

The Green Belt land is also designated in the RLP as Protected Open Space, under Policy R1. This derives from the intention at the time of adoption of the RLP for the existing playing pitches on the allocated housing site to the west of the A612, and included within the current application site, to be relocated to this land. Policy R1 sought to protect the land for public open space purposes, and hence set a positive policy context for this use of the land.

Whilst this policy has to be read against the Green Belt policy set within the NPPF, which post-dates the approach taken in the RLP and hence reduces the weight to be applied, it is still material that the land has long been identified as suitable to accommodate public open space in order to facilitate development within defined settlement boundaries.

### ***Emerging Local Plan Allocation***

The Main Modifications to the ACS propose the strategic allocation of the Teal Close site (excluding the Green Belt land) for the uses and quantum of development proposed in the current application. Equally, it is recognised in the Modifications that there is a need to compensate for the loss of existing playing fields, to provide significant Green Infrastructure to serve the development, to position a 10 hectares Ecology Park adjacent to the Netherfield Lagoons LNR and that use of the Green Belt land for these purposes may be necessary.

Whilst the ACS remains subject to consultation and potential change, it is at a very advanced stage and substantial weight can be afforded to it. As noted above, without the ability to accommodate the recreational space and ecological enhancements within the Green Belt land, the development capacity of the wider site would be substantially reduced and the scale of development envisaged in the ACS (as modified) could not be achieved.

### ***Employment needs and social contribution***

The current application contains a significant employment component, which would generate significant employment opportunities for the local population, helping to address high levels of deprivation and worklessness in the local area. The submitted Environmental Statement identifies that approximately 472 net jobs would be created by the development.

As with the housing dimension referred to above, without the ability to accommodate the recreational space and ecological enhancements within the Green Belt land, the development capacity of the wider site would be

substantially reduced and the scale of development as proposed could not be achieved. In such circumstances, the employment contribution would by no means be a significant, and the same level of social and economic benefit would not be achieved.

### ***Sound Design Principles***

The distribution of uses has sought to direct those uses that would have the least impact on openness to the Green Belt land, and to bring development adjacent to the existing urban area in order to enhance integration. The retention of the playing fields on the land to the west of the A612 would not achieve the optimal distribution of uses from a design perspective. This is documented in the Design and Access Statement and is consistent with the distribution originally envisaged in the RLP. The disposition of uses, including those proposed in the Green Belt, represents the most suitable approach and conveys the greatest benefit in terms of design.

### ***Affordable Housing***

The development as proposed is only capable of viably sustaining 5% affordable housing. This would equate to up to 42 affordable homes. Whilst it is acknowledged that this is below policy aspiration, the level has been established through detailed viability appraisal, and it would still convey benefit in terms of addressing affordable housing need. If the quantum of housing that could be delivered on the site was reduced as a consequence of being unable to use the Green Belt land for the intended purposes, there would be at least a proportionate reduction in the number of affordable housing the development would deliver. However, with a number of the costs (e.g addressing ground conditions; provision of a primary school) to the development being fixed, such a change would serve to further limit the viability of the development, which may in turn lead to a reduction in the percentage of affordable housing that can be sustained.

### ***Recreational Benefit***

The proposed development not only proposes to replace the playing fields presently located to the west of the A612, but to provide additional playing fields to serve the new and existing community. The use of the Green Belt land for these purposes would therefore convey significant recreational benefit. The importance of such provision is recognised in the NPPF, where it is acknowledged that such spaces can make an important contribution to the health and well-being of communities.

### ***Biodiversity Enhancement***

The use of the Green Belt for the intended purposes would not only enable the impact of the development on biodiversity to be mitigated, but for net enhancement to be achieved. This is specifically addressed in the Environmental Statement and has not been contested by the principal ecological consultees. The location of the proposed Ecology Park is also important, as it provides a

means of integration with and complementarity to the Netherfield Lagoons LNR. This has been identified as a key benefit of the proposed arrangement, which could not be achieved without use of the Green Belt land.

### ***Sustainable Development***

The presumption in favour of sustainable development is to be seen as a golden thread running through plan-making and decision-taking, and paragraph 14 of the NPPF sets out how this is to be applied.

The submitted Planning Statement identifies how the development would convey significant benefits, how those benefits would outweigh the limited harm caused, and how the proposal overall responds positively to the principles of sustainable development set out within the NPPF. Comparable conclusions were drawn in the original Committee Report. That the proposals represent sustainable development for which there should be a presumption in favour is clearly a material consideration to be afforded significant weight.

#### **4. Conclusions**

It is now accepted that in strictly applying the terms of paragraph 90 of the NPPF, as required by recent judgements, the proposals involve material change of use which constitutes inappropriate development.

It has been demonstrated that beyond harm by reason of being inappropriate, no other harm is caused to the aim, characteristics and purposes of the Green Belt.

Balanced against this harm are a number of highly material considerations, all of which weigh in favour of the proposals. The number and materiality of those considerations is such that the applicant's agent firmly concludes that the harm caused to the Green Belt by the proposals is clearly outweighed. Therefore, very special circumstances are proven to exist.

All other matters remain as set out in the original Committee Report, with the exception of the publication of the NPPG, which is material but of limited relevance and effect to the matters under consideration, and the publication of the Proposed Modifications to the ACS, which affords greater support to the proposals.

Therefore, a reiteration of the original Committee recommendation and repeat of the Borough Council's positive determination of the application is appropriate. It remains the case that the proposals are in large part consistent with development plan policy, limited conflict with development plan policy arises, but in any event material considerations outweigh this conflict and weigh strongly in favour of the grant of planning permission.

### **Consultations**

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 1 letter and 7 emails of representation from local residents, which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the proposals as originally submitted.

Local residents were ~~have~~ not been re-consulted on the revised plans and additional information submitted, as these relate to technical issues. However, a further round of consultation has been undertaken following submission of the Supplementary Planning Statement and any comments will be reported verbally.

### Greenfield Issues

The proposed development is on a greenfield site and there are more than enough brownfield sites within a reasonable distance.

### Highway Issues

The proposed development would increase the existing heavy traffic and noise on Stoke Lane, reducing the quality of life and enjoyment of the area. The proposed employment site with its connecting road onto Stoke Lane would make this situation even worse. The current A612/Stoke Lane junction is unsuitable for existing traffic, as evidenced by a recent load spill from a HGV.

The increase in traffic on Stoke Lane from the west of Gedling, coupled with having to wait for trains at the level crossing, would jeopardize the overall calming effect of traffic around the area to the north-west of Stoke Lane.

The regulations for the Bus Plug on Stoke Lane are totally ignored by the majority of drivers, who drive straight through, sometimes at great speed, with little regard as to whether the lights are on red or not. Despite numerous requests to various persons and bodies, this is still not enforced.

The extra traffic that will be created will join the new part of the Colwick Loop Road and use Stoke Lane as a rat run to make a short cut, rather than travel all the way round to Burton Joyce and join Burton Road, if their destination is Mapperley, Arnold or Carlton. This happens on a daily basis, and unless action is taken before this application is approved, such as installing camera's, everyone will continue to abuse the Bus Plug and ignore the red lights.

Drivers from Burton Joyce will revert back to the old route of the A612 through Gedling as a consequence of the additional traffic on the new road.

The A612 is already congested for hours at a time; the buses serving Netherfield and Burton Joyce will not serve this new area and the trains do not regularly and reliably stop at Netherfield, Carlton or Burton Joyce, so the commuter load on the A612 will not be reduced.

The two additional road junctions to the west of the site will increase the risk of accidents for cyclists. With the left turn in and left turn out proposal, the speed of motorists turning the corners will cause anxiety and additional risk.



## Infrastructure Issues

There is insufficient infrastructure in place to support the additional demands which this level of additional population would generate in terms of health and educational facilities, as all local schools are full.

A new primary school is welcomed, but local secondary schools are full.

Will the additional sewage be dealt with adequately.

## Flooding Issues

The proposed development is nearer the river and flood plain.

The large field adjacent to the A612 is drained by a network of pipes linking to the Severn Trent works, and if this has to be disconnected and dismantled before development, the whole site is liable to a flood risk, irrespective of the line of the flood plain.

Drainage of the area could make Stoke Bardolph more at risk of flooding.

## Design & Development Issues

The scale of the proposed development is too vast and bungalows would be more in keeping with existing dwellings on Emerys Road, which would reduce the overall increase in population, merge into the existing community better, increase the value of the site with the sense of open space and have less burden on the surrounding road network.

At up to 830 units, there are too many houses proposed; it would be better to reduce this figure to 350 houses, which would be more acceptable.

A hotel is not required in this location, as the site is not near a motorway.

The proposed employment development should be adjacent to Colwick Industrial Estate and use the existing road network.

There is a strip of Green Belt proposed near the Colwick Industrial Estate, which should be next to Stoke Lane with the industrial area either re-located here or omitted due to the proximity of the Netherfield Lagoons.

More office and storage space is not required in this location, as there are many empty employment units in Colwick already.

The masterplan shows the sports pitches at the bottom of the proposed development and the houses at the top; if this were to be reversed, the proposed houses would be away from Stoke Lane.

A care home is not required in this location, as there is an empty one on Spring Lane.

Overall, the proposed development should be reduced in order to retain the existing character of Stoke Bardolph as a pleasant, crime free, village.

### Ecological Issues

The land is a local rural feature, offering historical open space, wildlife and brings a tranquil setting to the area, which appeals as a local tourist attraction. The proposed development would destroy the natural unaltered habitat of the site and the local flora and fauna, especially along the Ouse Dyke and the Netherfield Lagoons.

The proposed development is too close to the Netherfield Lagoons Local Nature Reserve, and will adversely affect wildlife. It will exacerbate the recent decline in bird species.

### Other Issues

There would be an increase in people queuing for bus services on Emerys Road, which would disrupt the peaceful nature of the area.

Victoria Retail Park is already heavily used at weekends and would become overcrowded due to the increase in population, which would reduce its attractiveness.

Part of the proposed development is adjacent to the Stoke Lane allotments and provision must be made for adequate security fencing to ensure the security of the allotment site.

It is unlikely that anyone would want to buy a home in an area which is subject to intensive odour emissions from the existing works on Stoke Lane and Colwick Industrial Estate, depending on the wind direction. Emissions appear to increase at weekends, when regulations are less likely to be enforced.

Toxic waste was dumped on part of the site during the war, and there is a ban on growing crops for human consumption. It is difficult to understand why this is not now a problem for the proposed houses, a school and employment area.

The site should be described as the A612 not Teal Close.

Publicity and consultation about this proposal has been inadequate.

The proposed development is driven by Severn Trent Water's pursuit of shareholder value, without proper consideration of environmental factors, the site's suitability for expanding housing availability and additional employment capacity.

I have also received an email from the solicitors acting on behalf of Chettles Ltd (part

of the PDM Group), requesting that comments made in a letter dated 29<sup>th</sup> April 2013, and submitted at the time of the EIA Scoping Request, be taken into account as part of the current application. This can be summarised as follows:

### 1. The Company

Chettles Ltd operate an animal by-product plant, under local authority permit.

The company has a good and constructive working relationship with the neighbouring community and the Environmental Health Officers in connection with the permit and running of the plant. The company has an unblemished record of permit compliance, since its introduction.

### 2. Neighbouring Vicinity

The Severn Trent Water (STW) treatment plant is directly adjacent to Chettles Ltd. Recently, STW developed an Anaerobic Digestion Plant (ADP), which is thought to have come into production in autumn of last year.

Chettles Ltd is in discussions with STW with regard to odours emanating from that site and seeking to engage in clarifying discussions with STW, their Compliance Officers and the permitting authority, with regard to odours attributable to the ADP.

Chettles Ltd has concluded as a result of recent investigations, that there is a risk of increased odour from the STW site, which will impact on their locus, its business and, more importantly, due to the prevailing wind, over the full extent of the proposed development area.

The particular concerns of Chettles Ltd. have been heightened by the possibility of incorrect attribution of odours to their site, which operates entirely within permit, as a result of odours experienced in the local vicinity from the STW ADP.

There is a clear risk that appreciation of odour from STW will be exponentially increased as a result of the development of any or all part of the proposed area, certainly for residential or mixed use purposes.

There is a risk of erroneous attribution of that odour emanating from STW, specifically the ADP, to Chettles Ltd and their permitted and compliant business activities.

It is essential that any planning process properly takes account of the odours emanating generally in the area from a variety of commercial sources, but specifically STW, as this will impact on the amenities offered to prospective purchasers and residents and/or tenants.

### 3. Highways

Chettles Ltd is concerned about the impact of the proposed development on the usage of the Colwick Loop Road, the A612, Stoke Lane and neighbouring tributary roads.

Chettles Ltd has an operation vehicle licence, which has been run entirely successfully and without threat of enforcement or inquiry in conjunction with the business for many years.

In addition to Chettles Ltd light vehicle usage, there are stock movements by way of deliveries numbering approximately 30 per day, by way of HGV Class 1 and LGV transportation. In addition to Chettles Ltd, there is a significant of other commercial enterprises which use the Colwick Loop Road. The proposed development will inevitably:

- a) Significantly increase the traffic on the foregoing identified routes.
- b) Impact on the local amenities.
- c) Impact on the proposed residences and amenities in the development area to the adverse effect of all concerned.

This information should be considered in the context of current vehicle movements. When the site [Chettles] runs at full capacity, this could easily increase to 60 to 70 vehicle movements a day.

In addition to the above environmental objections, it is imperative that a full highway study with regard to traffic movements specific to Chettles Ltd and other potential and current users is commissioned.

I received a further letter in October 2013 from the solicitors acting on behalf of Chettles Ltd., referring to the above letter and reserving their position with regard to the Transport and Transportation content of the application.

With regard to Air Quality, their clients concerns have not been assuaged by the responses received to date and it is believed that the Planning Committee will need further advice and assistance in understanding the complex issues in relation to the long existing industrial sites adjacent to the proposed development.

The local air quality monitoring referred to in the Air Quality Report is limited in that it essentially identifies potential effects with regard to site preparation earth works and the construction phase.

Coupled with residual effects, the qualitative consideration takes no account of the issues raised in relation to:

1. The proximity of the Severn Trent and Chettles sites.
2. The prevailing wind ascertainable from Met Office data.
3. The odour attributable to Severn Trent's AD plant and other operations (see above).
4. The appreciable odour dependant on weather conditions or other factors attributable to their clients own site, notwithstanding operation within permitted

levels.

5. Most crucially, the combined effect of 3 and 4 on the neighbouring residential site post completion of development works.

It is considered that no final decision should be taken until Severn Trent and/or Chettles have been given the opportunity of making further written and/or verbal submissions.

In support of this, their clients are progressing jointly and/or in conjunction with Severn Trent, Odour Dispersion Modelling from their respective emission points to review the potential (and current) impact.

Their clients have been open in their discussions with the relevant officers at Severn Trent and indicated willingness and obtained their confirmation that it is sensible to action Odour Dispersion Modelling for the respective plants by way of combined effort.

Subsequent to the above, a further letter was received in November 2013, advising that their clients have commissioned modelling work which supports their initial view that the proposed development is very likely to become a source of increased odour appreciation and consequential complaint to the Borough Council in relation to the adjacent commercial sites.

The atmospheric dispersion modelling has been prepared specifically to deal with the evidence currently submitted in Chapter 9 of the Environmental Statement [Air Quality] and the two potential sources of odour from the petfood plant at Chettles Ltd and the STW waste water treatment works.

The ES concluded that these odour sources would only have a negligible or slight adverse impact on sensitive receptors in the new development. However, the air quality assessment was based on the physical detection of odour on three site visits, during which there was either very little wind or the wind was blowing away from the proposed development area.

Chettles Ltd considered that this was insufficient evidence and have therefore carried out Atmospheric Dispersion Modelling to predict and quantify the potential odour levels perceptible at ground level in the area of the proposed development. The odour sources modelled have been the Chettles site and estimates have been made for odour emissions from the STW water treatment works.

The conclusions from the modelling work are:

The combined odour releases at permitted levels from the Chettles site would give rise to detectable odours in the area of the proposed development, which could lead to complaints from individuals living and working in the north-eastern corner of the proposed development area.

The estimated odour releases from the STW site could be of a similar magnitude to those from the Chettles site.

Whilst the prevailing south-westerly winds will carry odour from Chettles and STW away from the proposed development, the meteorological data from 2012 shows that odours from these sources would be blown towards the development area for approximately 15% of the year.

The predicted odour concentrations in the development area attributable to emissions from the Chettles site are up to 6 Ou/m<sup>3</sup>, based on the 98<sup>th</sup> percentile of hourly averages.

Odour from the STW site could potentially double this value.

The changes required to the equipment and operations on the Chettles site to reduce the predicted odour concentrations in the proposed development area to negligible levels would be above Best Available Techniques (BAT).

Although this initial modelling assessment suggests that the filter beds on the STW site are a significant source of odour, the perception on the Chettles site is that odour from the anaerobic digestion plant area is more noticeable and unpleasant.

Any additional comments on the Supplementary Planning Statement will be reported verbally.

Stoke Bardolph Parish Council – understands the need for housing and associated amenities in Gedling Borough. However, the scale of the proposed development is far greater than expected and its impact on already stretched road infrastructure and healthcare facilities, the Parish believes, has not been fully explored. The following comments are made, in no particular order:

1. It was stated at the public meeting that developments would not be approved if they had a detrimental effect on the services and infrastructure available to existing residents. Have primary and community healthcare services in the area been consulted to ascertain if GP and other healthcare professional's time and resources can meet the potential demand created by this large influx of population? This is particularly relevant as there is a care home being considered, which will undoubtedly be a large consumer of such services. This also applies to the emergency services serving the Borough, who should be consulted and have any concerns addressed before any building commences. It also seems that there are no definite answers as to how a school will be funded to be built and staffed.
2. It would be more sensible to site the proposed industrial units nearer to the existing industrial and retail units on Victoria Park and the car auction site. Residents of existing housing in the area of the site have already suffered extra noise and pollution from the construction of the new road, which has effectively destroyed their rural living environment. In addition, there is the road from these proposed units exiting directly in front of houses, onto Stoke Lane. Although this has been explained by way of negating the need for it to pass near a school, it is another reason to site the proposed industrial development elsewhere.

3. What measures have or will be taken to ensure that the land and soil is no longer contaminated by a number of pollutants, such as heavy metals, diseased animal carcasses and human processed sewage waste. All of these materials have been deposited in the area in the past when agricultural use and Severn Trent sewage works by product disposal occurred. This is of particular concern now with the proposed allotment provision.
4. One of the main issues concerning Stoke Bardolph residents is the naming of the new development as Stoke Bardolph, when the site is stated as Netherfield on the application and Council's website. The loss of another village's identity, one maintained since 1086, in a country where such communities are already being swallowed up would be tragic and unnecessary. The effect of an over ten fold increase in house numbers and even more than that of population would undoubtedly mean the end of their small but strong community. There is reason enough for this development to be classified as Netherfield.
5. The proposal to build on a flood plain, or at least adjacent to one, is worrying in light of heavy rainfalls in recent years and clear and distinct waterlogging of this site. There are other more suitable sites that would not suffer this problem, but strong objections have made them not an option. Planning policy does say that flood plains should not be developed if other sites are available.
6. The design plans for the proposed ecology park are very vague, with no detail of such things as planting regimes to ensure only native species are cultivated or the maintenance and monitoring of any landscaping. A commitment of at least 5 years is required to ensure healthy on-going vegetation that will continue to thrive and be sustainable. There is also no mention of mitigating the development by creating areas of undisturbed land which is appropriate to the species recorded in the area. Indeed, the proposals show a footpath running across the park, encouraging access by the public and therefore defeating the object of creating habitat for wildlife. The loss of agricultural fields for artificially created grassed areas will deter use by some species such as golden plover and it is more likely that this 'park' will encourage an extension of the anti-social behaviour already in evidence regularly at the adjacent lagoons.
7. The public meeting showed a display board of UK protected species claiming that the enhancement of the area would protect these, regardless of the fact that many do not even reside here. This shows a lack of importance being put in the ecology and biodiversity of the local area, making claims that cannot be backed up with detail.
8. It is undeniable that light pollution will occur as a result of such a large scale building project. As stated in an article in National Geographic Today: "The effects of light pollution cannot fail to have a detrimental effect on wildlife habitat, it threatens wildlife by disrupting biological rhythms and otherwise interfering with the behaviour of nocturnal animals and bird populations."
9. The proposal will further fragment the green corridor of the Trent Valley, isolation green areas, stopping the passage of birds and bats which currently commute and forage between the land to the north of the proposal across the fields



following hedgerows.

To conclude, most residents are not in favour of the proposed development for the above reasons. Some of the concerns can be addressed by the developers, but others cannot.

Any additional comments on the Supplementary Planning Statement will be reported verbally.

Burton Joyce Parish Council (BJPC) – limits its comments to specific areas of the proposals and its potential impact on the surrounding area. The Parish Council will make a more detailed response should a formal application for planning consent be submitted in due course.

### 1. Employment Use

BJPC would query whether the provision of industrial/commercial units on this scale is necessary, given the substantial number of 'empty' units along the Colwick Loop Road towards Nottingham and would question the viability of this. It is not considered a convincing argument that the employment pool would be significantly drawn from residents of the new housing provision and it is felt likely that it would lead to a significant increase in traffic along all approach roads at peak times. Concern is also expressed about the potential increase in 'heavy' traffic through the villages with Nottingham/Church Road in Burton Joyce providing the key link between the new development and the A46, A52 and onward to the motorway network.

### 2. Local Centre

BJPC is, again, concerned with regard to the impact of traffic on the local area and would suggest that there are already opportunities for businesses within this classification to take advantage of all of the empty retail and commercial units in Netherfield, which lies alongside the proposed development.

### 3. Residential

BJPC recognises the need to increase the availability of housing within the Borough and would welcome the provision of more affordable and social housing units as part of the overall scheme. However, the scale of the development is a concern in terms of number of units and the resulting increased traffic flow and the proposed height (at 3 storeys) of the residential units in what is primarily a 'flat' landscape. BJPC considers the size of the development would place extra pressure on parking in areas such as the Victoria Retail Park, which has already experienced problems due to limited parking at certain times of the year. The Roberts Recreation Ground in Burton Joyce, which has recently benefited from a major refurbishment to become a very popular attraction, is also suffering from limited car parking spaces. This 'free' facility may well draw a number of residents (with cars) from the development into the village. Concern is expressed about the safe access and egress of the estate's northern junction with the loop road and consideration should be given to the placement of restrictions on its

use.

4. Hotel

Providing evidence indicates that a hotel of this size on this site would be viable, the only comment to be made is once again with regard to potential issues of vehicular access, impact on traffic flows and the height of the building.

5. Care Home

Providing that evidence indicates that a care home of this size on this site would be viable and beneficial to the local community, the only comment to be made is once again potential issues of vehicular access, impact on traffic flows and the height of the building.

6. Single Form Primary School

The intention to utilise 1.1 hectares of land for a single form entry primary school, which would typically accommodate 210 pupils, is noted and welcomed.

7. Community Building

The intention to allocate up to 500 square metres for uses within Class D1/D2, to include changing rooms for adjoining playing pitches is noted.

8. Sports Pitches

The intention to provide a minimum of 4.2 hectares of Green Belt land to provide playing pitches – 2 junior football pitches, 3 senior football pitches and 1 cricket pitch and playing areas is acknowledged as a necessary concession to existing sports clubs who will be ‘displaced’ by this development.

9. Ecology Park & General Open Space

The working party set up by the Parish Council acknowledges the potential of the development to generate local employment to the area and to provide affordable housing. However, there are several areas of concern raised in this response which BJPC feel must be addressed at the outline planning stage.

In particular, the working party is concerned that:

A development of this size has the potential to ‘swamp’ local villages and, by encroaching into ‘rural’ land, bridge the urban/rural gap to adversely impact on the character and nature of adjacent villages.

The additional traffic generated by this proposal will be too heavy and cause gridlock on the A612 which provides a link to the A46, A52 and onward to the motorway network and runs through the village of Burton Joyce.

The proposed scale of the residential development at 830 residential units is too large

There is not a proven need for additional industrial/commercial units when a number of existing units remain empty along the Colwick Loop Road

There are already a number of empty retail units in Netherfield which the Borough and County Council should be encouraging occupation of in order to prevent further degeneration of a once thriving commercial centre

Any additional comments on the Supplementary Planning Statement will be reported verbally.

Linby & Papplewick Parish Councils – support the application and many of the reasons put forward by the developers for the Borough Council to grant outline permission ahead of the forthcoming public inquiry on the Aligned Core Strategy. In the opinion of the Parish Council's, the most important reasons are as follows:

### 1. Sustainable Development

The site is located in a highly sustainable location, immediately adjacent to the Principal Urban Area. As such the site affords excellent links to existing infrastructure, including public transport links, highway network, schools, medical and community facilities and shopping, thereby reducing the need to travel by car.

It is a well-established principle of national planning policy guidance, that large scale development required to accommodate Gedling's future development needs, should be located either within or adjoining the Principal Urban Area of Nottingham in the first instance, in the interests of sustainable development and also to support the role of Nottingham City as a regional centre. The proposals will assist in ensuring that the development needs of the Greater Nottingham area are deliverable.

Part of the site has a long history of use for the disposal of sewage sludge, including the formation and subsequent infilling of lagoons. This has left the site with a legacy of high levels of potentially toxic elements in the top soils, precluding their use for the growth of crops for human consumption. This is an overriding limitation, restricting the agricultural classification of the land to Sub grade 3b. The absence of the land falling within the grades forming 'best and most versatile agricultural land', therefore determines that the development of the site would not be in conflict with the National Planning Policy Framework (NPPF), as regards to the loss of high quality agricultural land.

The mixed-use nature of the proposals also enables best use of this land, whilst avoiding the need to use Greenfield and/or Green Belt locations in other, less sustainable, areas of the Borough that have a poorer relationship to the Nottingham Principal Urban Area.

### 2. Housing Supply

The NPPF requires local authorities to provide a wide choice of high quality

homes and boost significantly the supply of new housing. Central to this is a requirement to maintain a 5 year supply of specific and deliverable housing sites. Local authorities should plan for housing which meets the needs of current and future populations of their area. These proposals would ensure that the Borough Council is both able to demonstrate a 5-year supply of housing and would also make a significant contribution to the provision of land for housing in relation to overall housing requirements.

By granting permission for this development, some of the uncertainty regarding other sites and whether they are likely to come forward or not will be avoided. The Teal Close site is more sustainable than any of the current sites proposed to be allocated in the ACS and should be developed instead of these other less sustainable sites, especially those which are much lower in the settlement hierarchy or where the economic justification of these sites may be in doubt.

The site is closer to the existing population of Gedling and is therefore much better suited to meet the needs of existing residents in the Borough than sites on the periphery of the Borough, much further away from the Principal Urban Area and Nottingham City Centre. The site would provide 830 new dwellings for local people and assist the Borough Council in achieving a 5 year housing land supply. The proposals comprise an uplift of 400 dwellings from the ACS figures for the site, which would not only help towards achieving the 5 year housing land supply, but would also meet an immediate housing need and reduce pressures on other locations in the Borough which are not currently suited to residential development or lie away from the Principal Urban Area.

### 3. Support Economic Growth

The NPPF outlines that significant weight should be placed on the need to support economic growth. The proposals would generate significant employment opportunities in this part of the Borough, where most of the population live. A substantial number of jobs would be created in an area of Gedling that suffers from above average rates of unemployment, within easy accessibility on the Principal Urban Area and Nottingham City Centre.

In addition to housing numbers, the ACS has also detailed a requirement for employment provision. A 5 year employment land supply is required at all times and the Borough Council is to provide 10 hectares of B1c, B2 and B8 uses over the plan period. This application not only helps address this requirement, but would also enable existing and/or allocated employment land to be developed for housing, thereby maximising housing development on brownfield land within the urban area.

### 4. Conclusion

The Teal Close site meets all of the ACS objectives and, in the opinion of Linby and Papplewick Parish Councils, outline permission for development of this site should be granted by the Borough Council.

The site is suitable for development of the scale and range of uses proposed, is

in large part allocated for development in established development plan policies, is consistent in locational terms with those same established policies, accords with the provisions of the emerging ACS, and is consistent with the principles of sustainable development within the NPPF. The presumption in favour of sustainable development applies, and outweighs technical conflict with what are now out-of-date policies of the Replacement Local Plan. The principle of development is therefore afforded the Linby and Papplewick Parish Council's considerable support and should be considered acceptable.

The site is far better suited to accommodate the development needs of Gedling Borough than existing sites in the emerging ACS and indeed those currently proposed to be allocated for development in the ACS. It is for this reason the application has both Parishes support.

Any additional comments on the Supplementary Planning Statement will be reported verbally.

Environment Agency (EA) – initially observed that in the absence of an acceptable Flood Risk Assessment (FRA), the EA objects to the grant of planning permission and recommended refusal on the basis that the FRA submitted with the application did not comply with the requirements set out in the Technical Guide to the National Planning Policy Framework. The submitted FRA did not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In summary, the submitted FRA failed to:

1. Consider the residual risk of breach of the River Trent flood defences.
2. Take an appropriate allowance for climate change, in accordance with the National Planning Policy Framework Technical Guidance for peak rainfall intensity.
3. Consider varying techniques for measuring appropriate greenfield runoff rates.
4. Consider the purpose of an open drain section. According to the masterplan, the school and 'Local Centre' could be built on or near to this drain. The EA would not advise that any development takes place on top of a culverted section of watercourse and/or drain.
5. Consider the requirement for flood emergency planning, including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

The EA advised that this objection could be overcome by submitting an FRA which covers the above deficiencies and demonstrates that the development will not increase risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, the EA is likely to maintain its objection to the application.

Following re-consultation on the revised FRA, the EA comments as follows:

## 1. Land Drainage & Flood Risk

The development is located within an area at risk of flooding from a number of sources. Part of the site is located within the high risk zone (Flood Zone 3) and the remaining part of the site is located within Flood Zones 2 and 1. The Flood Zones do not take into account the presence of flood defences.

The EA has required the development to consider the risk of flooding from all sources, including additional hydraulic modelling of the Ouse Dyke (Main River) and the risk of flooding from overtopping and breach of the flood defences of the River Trent. Considering all sources of flooding the maximum flood level expected on site was from the risk of breach from the River Trent's flood defences. Given the scope of the proposed development (including significant 'more vulnerable' development (NPPF)) and the likely lifetime of the development, the EA requires mitigation measures against this extreme event.

The development has not proposed to provide the same level of protection to the 'less vulnerable' development. The floor levels for this use range from 20.1m AOD to 20.66m AOD. The River Trent modelled breach level is 20.66m AOD, which will pose a significant risk to the developments with lower finished floor levels and their users. Therefore, the EA recommends that the LPA and their Emergency Planner determine whether this level of risk to the users can be safely managed during the lifetime of the development.

All 'more vulnerable' development has proposed finished floor levels set above the highest modelled flood level, plus additional incorporation of flood resilience measures.

The EA is not able to confirm that it will continue to maintain all flood risk management assets in the area, this is with particular reference to the Ouse Dyke embankments. The EA will continue to take a risk based approach for all flood risk management systems. Therefore, future maintenance of these assets may be offered to the development if the same level of protection is desired to be maintained.

Therefore, the EA considers that outline planning permission could be granted to the proposed development, subject to the imposition of planning conditions regarding the following matters:

The raising of finished floor levels to specified levels for 'More Vulnerable' and 'Less Vulnerable' development within different parts of the site.

A scheme to provide a minimum of 300mm flood resilience measures for all 'More Vulnerable' development.

A scheme to provide an appropriate level of flood resilience measures for 'Less Vulnerable' development.

A scheme to provide a minimum of 8 metres unobstructed easement from all watercourses and flood defence structures, including the Ouse Dyke and any

ordinary watercourses within the site.

A scheme to provide appropriate access and egress arrangements for the development, including the raising of access roads for 'More Vulnerable' development and the production of an evacuation plan for all 'Less Vulnerable' development at risk of flooding.

A scheme to demonstrate that there will be no ground raising or permanent built structures within the modelled floodplain of the Ouse Dyke.

A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (specific details of the required components has been provided)

Although the EA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to future occupants of the proposed development and to adjacent areas.

## 2. Groundwater & Contaminated Land

The imposition of the following planning conditions is requested with regard to groundwater and contaminated land:

A remediation strategy that includes components to deal with the risks associated with contamination of the site (specific details of the required components has been provided)

A scheme to dispose of foul drainage.

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both oil, fuel or chemical and water.

A scheme to treat and remove suspended solids from surface water run-off during construction works.

Advice is also provided on appropriate pollution measures being incorporated within the design of the employment development.

## 3. Biodiversity

The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect and enhance the ecological value of the site, including the Ouse Dyke, the newly created ponds and scrapes and the wetland area.



The imposition of the following planning condition is therefore requested with regard to biodiversity:

A detailed landscape management plan, including long- term design objectives, management responsibilities and maintenance schedules for all landscaped areas (specific details of the required elements has been provided).

Advice is also provided on the design of ponds, so as to provide optimum amphibian and Great Crested Newt habitat.

Trent Valley Internal Drainage Board – has no objection to the proposals, but makes the following comments:

The site is located within the Board's district and is served by the Board maintained Ferry Drain, which is an open watercourse.

The Board notes the applicant's intention to discharge surface water at a restricted rate to the Ouse Dyke, which is controlled by the Environment Agency.

In relation to Ferry Drain, the Board's written prior consent will be required for any works within 9 metres of the bank top. The Board will however seek to retain an unobstructed 9 metres wide access strip along both banks of the watercourse.

Severn Trent Water – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Public Protection (Ground Conditions & Contamination) – make the following comments:

With regard to the construction phase, Public Protection would agree that mitigation measures are required; with regard to dust it is recommended that the outputs of the air quality assessment are followed, as per Chapter 9 in the submitted EIA document (Mitigation Measures, pages 9–43).

With regard to the operation phase, whilst Public Protection would agree that remedial measures, in the form of a capping system (particularly in the residential zones), could be used to ensure the sites suitability for use, it would not wish to comment on the specific mitigation proposals, as outlined in Section 12.77 and 12.91 of the Environmental Statement, until a full assessment has been made and a remediation strategy submitted.

On a more general note, regarding the EIA chapter as a whole, Public Protection would agree with the conclusions; that provided that adequate remedial measures are carried out to ensure the land is suitable for its end use, the development will have a negligible effect.

Going forward, Public Protection would recommend that the site should be assessed in a zoned fashion based on the proposed land use i.e. residential, commercial etc.

The conclusions of the Curtins Phase 1 report (page 20) recommends that further investigation works are carried out over the entire site to assess the nature and extent of any potential contamination (including ground gases, asbestos etc.). Public Protection would agree that further work to refine the Conceptual Model is required and based on this a remediation proposal should be submitted for approval.

As such, Public Protection would recommend that specific conditions are imposed on any planning permission to ensure that issues relating to land contamination are fully assessed in the future. Details of the necessary conditions to secure this have been provided.

Public Protection (Air Quality) – make the following comments:

Having reviewed the Air Quality Assessment submitted as part of the EIA, Public Protection confirm that generally the assessment has been carried out to best practice. It is difficult to predict how air pollution will change over the next ten years and so, whilst recognising that the consultants have carried out a sensitivity test (as requested), Public Protection would err on the side of caution and request that some mitigation is considered to offset the likely increases in emissions; the following comments are made, therefore, regarding the assessment and the need for mitigation:

#### 1. Assessment

As this is a major development, Public Protection would expect that the change in emissions (NO<sub>x</sub> and PM<sub>10</sub>) would be monetised using the pollutant damage costs (per tonne) specified by the Defra Inter-Governmental Department on Costs and Benefits (IGCB).

The calculation uses the most current Emissions Factor Toolkit to estimate the additional pollutant emissions from a proposed development. This will provide the relevant pollutant emissions outputs for the mitigation calculation, which is then multiplied to provide an exposure cost value. This value is used to inform costing the required emissions mitigation for the development (see below).

#### 2. Mitigation

Section 9.181, 9.182 'Operational Phase' indicates that some mitigation measures, based around the Framework Travel Plan, would be sufficient to offset any increases of pollution concentrations. Public Protection would consider that a development of this scale would lead to an increase in road transport emissions and, as such, some additional mitigation would be required to ensure the development is sustainable from an emissions point of view.

Paragraph 35 of the National Planning Policy Framework states, amongst other things, that plans should protect and exploit opportunities for the use of

sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Paragraph 39 of the NPPF goes on to state, amongst other things, that if setting local parking standards for residential and non-residential development, local planning authorities should take into account an overall need to reduce the use of high-emission vehicles.

Therefore, Public Protection would recommend that for each part of the indicative master plan an individual Mitigation Statement should be produced, outlining the emissions mitigation proposals. The following is recommended as a minimum:

Formalising of the Construction Phase mitigation measures, as per Section 9.176–180 of the report.

Electric Vehicle (LEV) Charging Points (specific details are provided in relation to each of the proposed uses).

Detailed Travel Plan(s) should include mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies.

Designation of parking spaces for low emission vehicles.

All commercial vehicles servicing the site should comply with either current or previous European Emission Standards, to be progressively maintained for the lifetime of the development.

Fleet operations should provide a strategy for considering and reducing emissions, including possibilities for the take up of low emission fuels and technologies.

The assessment for air quality impacts, as carried out as part of the application has been based on a model that predicts air quality impacts and, as such, is an estimate of the atmospheric emission impacts. As mentioned, modelling the potential impacts 10 years in advance is additionally difficult.

Public Protection would wish to confirm these impacts through monitoring once the development commences and the site becomes occupied. As such, it is requested that a Section 106 contribution is made to undertake 5 years of low cost monitoring at affected areas, commencing during the construction phase. The contribution amount to be agreed should permission be granted.

Public Protection (Odour & Noise) – express concerns at the proximity of the development site to the animal rendering process, Chettles Ltd., and to the Severn Trent Sewage Treatment Works.

Despite both sites being deemed to operate in accordance with applicable pollution control legislation and guidance, they present a real risk of future residents being exposed to odours (and to a lesser extent noise), which will lead to a significant

increase in complaints received by this department.

The National Planning Policy Framework (NPPF) replaced previous planning policy guidance documents. However, Planning Policy Statement 23: Planning and Pollution Control [now superseded] gave advice pertinent to the proposed development, in that:

“Pollution issues should be taken into account as appropriate in planning decisions (having regard to development plan documents and all material considerations). Where, for example, new housing is proposed close to a source of potential pollution, the risk of pollution from the normal operation of the process or the potential impacts and the extent to which the proposals address such risks will influence whether or not development should proceed, as will the availability of sewerage and the drainage infrastructure.” (PPS 23 page 5).

The NPPF now states at paragraph 109, amongst other things, that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

The NPPF further states at paragraph 120 that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Whilst Public Protection does not object to the development, it is also not deemed possible to impose any conditions to prevent loss of amenity to residents.

Public Protection is satisfied that the noise assessment submitted with the environmental statement is sufficient, and that the mitigation measures proposed are satisfactory.

Any specific concerns associated with more detailed aspects of the development will be addressed when those applications are made.

The further views of Public Protection were sought in respect of the Atmospheric Dispersion Modelling undertaken and submitted on behalf of Chettles Ltd. After reiterating the above references to planning policy, the following additional comments have been made:

#### 1. Complaints

Public Protection considers that it would be prudent to elaborate on its experience of regulating the sites and investigating complaints of offensive/nuisance odours. Public Protection has responded to hundreds of odour complaints by residents, from those nearby on Stoke Lane, to those further afield in Netherfield and Burton Joyce. It has also received a number complaints from

residents in the Rushcliffe areas of Shelford and Radcliffe-on-Trent.

Whilst Public Protection cannot vouch for all complaints received, it has witnessed on many occasions smells which would justify the complaint and could be described as offensive. Odours from Severn Trent tend to be more localised, so would feasibly affect the development area. Smells from Chettles can be both local (for fugitive emissions) and long-range for those emitted from their various stacks.

Complainants often confuse the two processes, with one being blamed for the other, and there are occasions where the process odours are mixed. Chettles is especially complex as there are different odours associated with different aspects of the process. These odours vary in strength and offensiveness. There are also external factors, such as meteorological conditions, which affect dispersal and so the strength of the odours.

Odour modelling is useful, but limited in quantifying the effect of a process odour, as only point-source (stack) emissions are used, no account is taken for fugitive (unknown) emissions. It is these which are most likely to affect the development area. Therefore, Public Protection's concerns are based on its experience rather than on more scientific methods, and this experience is that these sites emit odours at levels which would lead to justified complaints.

## 2. Regulation of the sites

Severn Trent Water is regulated by the Environment Agency as it is a waste site, although the Council does have powers to investigate Statutory Nuisance. To date, no odour investigation has determined that a Statutory Nuisance is occurring from the site as the odours witnessed have not been the result of unreasonable activity on the site; it is Public Protection's opinion that the site is well run and employs Best Practicable Means of dealing with the smells it generates.

Chettles is regulated by the Council, under the Environmental Permitting (England and Wales) Regulations. This requires the company to employ Best Available Techniques (BAT) to comply with their permit (which is based on a guidance note drawn up by Defra). Routine inspections and complaints investigations by Public Protection have not evidenced that BAT is not being employed. Odours are usually the result of normal operating conditions, and sometimes as a result of equipment breakdown; this is allowed under the permit as it is an unavoidable occurrence from time to time. Specifically, the Council is not allowed to take action against the company if offensive odours are detected beyond the site boundary, but the company has taken 'all reasonable steps and exercised all due-diligence' to prevent their occurrence (permit condition 1.3).

Therefore, Public Protection will continue its duty to investigate odour complaints and regulate the site to ensure that BAT is employed, but experience shows that odours will be emitted during normal operation and that justified complaints will be made by residents purchasing homes on the new development site.

Concerns are also raised for the impact these odours would have in the proposed school and employment units, as these developments would be occupied by people for hours at a time.

### 3. Wind Data

The developer's odour assessment predicts that the development site will be downwind of the sewage works and the rendering plant for 9-10% of the year (based on wind data from Watnall weather station 2012). This makes it feasible that odours of some degree will affect users and residents of the development for more than a month each year, or 1 day in 10, or over 2 hours a day, depending on the frequency and duration of the North Easterly wind events. In Public Protections experience, it takes far less than 2 hours of odours for residents to make a complaint.

Whilst Public Protections comments are not to object to the development, it is also not deemed possible to impose any conditions to prevent loss of amenity to residents. The only foreseeable mitigation is that future investigations reveal failures on the part of the sewage works or rendering plant which have so far not been evidenced, or that technology/BAT improves to such an extent that odours are significantly reduced to levels that would not cause a complaint or loss of amenity to residents.

With regard to noise, Public Protection has subsequently advised that it is satisfied that the noise assessment submitted with the Environmental Statement is sufficient and that the mitigation measures proposed are satisfactory. No further comments are made on the Odour Report Review, which was submitted in response to the Indicative Odour Assessment submitted by Chettles Ltd.

Nottinghamshire County Council (Strategic Planning) – comments that the principle of housing development in terms of strategic, national housing and economic growth is supported. The County Council has no significant concerns over the impact of a proposal of this scale and in this location on the landscape and openness of the Green Belt, and consequently does not raise any objections in these terms. Detailed comments on highway, ecology, archaeology, landscape and other matters are outlined separately below.

Any additional comments on the Supplementary Planning Statement will be reported verbally.

Nottinghamshire County Council (Highway Authority) – notes that this is an outline application and that only 'access' is being considered at this stage. Having considered the Transport Assessment submitted in support of this application, together with the associated traffic models, Travel Plan and further information received from the consultants acting behalf of the applicant, the Highway Authority made the following initial comments.

It is understood that the proposed development will generate an additional 581 traffic movements in the morning peak and 952 in the evening peak on the existing adjacent highway network. As a result of these additional development traffic flows,

it has been found that there will be significant impacts of the proposed development on the existing highway network.

A detailed assessment of each of the proposed accesses and existing junctions affected within the County's highway network by the proposed development has been provided, but can be summarised as follows:

1. Proposed Site Access from A612 – Traffic Signalled junction

The Highway Authority is content that a suitable access can be provided to accommodate the proposed development traffic flows, subject to approval of a detailed design.

2. Proposed Secondary Western Site Access (Drawing no. 90372\_002)

No objection to the proposed access, although the applicant has been advised to review the signal operation at the existing signalised junction with Stoke Lane and to consider the provision of a central refuge.

3. Proposed Employment and Bus Access – Stoke Lane

No objection to the proposed access, although the applicant has been advised to comply with the gradient requirements in the 6C's Design Guide; of the need for a Traffic Regulation Order to extend the speed limit and to make a binding application to process this Order; and to review the street lighting scheme along this section of Stoke Lane.

Impacts of the Proposed Development on the Existing Highway Network Junctions

This considers the impacts of the development on the following existing junctions:

A612/Victoria Parkway  
A612/Colwick Loop Road  
A6211/Shearing Hill  
A612/Stoke Lane  
Main Road/Arnold Lane Mini-Roundabout  
Arnold Lane/Lambley Lane Priority Junction  
A6211 Arnold Lane/Mapperley Plains/Plains Road/Gedling Road Traffic Signal Junction  
A6097/A612 Lowdham Roundabout  
A612/Road No.1 Traffic Signal Junction  
A612/Mile End Road Traffic Signal Junction  
A612/Vale Road Traffic Signal Junction  
A612 Daleside Road/Racecourse Road Roundabout

Apart from the A612/Stoke Lane and the A612 Daleside Road/Racecourse Road Roundabout, the Highway Authority considers that the proposed development will have a significant impact on the above junctions.

In the opinion of the Highway Authority, there is little that can be done to these junctions to mitigate the impact, due to existing highway constraints and the availability of land to consider wider mitigation measures. However, mitigation works may be possible to the A6097/A612 Lowdham Roundabout and to A612/Road No.1 traffic signalled junction.

It is evident that if planning permission is granted, the development flows will have a severe impact on the existing highway network and there will be a significant increase in traffic flows through Gedling village.

However, having reviewed the proposals in line with the potential Gedling Access Road (GAR) and the Southside Growth Corridor (SGC) development, the Highway Authority makes the following comments.

The County Council as local highway authority has in the past recommended to Gedling Borough Council that development of the land adjoining Teal Close should not proceed unless and until the GAR has been provided. This recommendation has been made to protect residents in Gedling Village from the otherwise detrimental impacts that would be suffered from additional traffic generated by the Teal Close development.

The County Council has reviewed this historical position and has considered afresh the likely traffic implications of the current Teal Close proposals on Gedling Village, as demonstrated in the applicants' Transport Assessment. Although the current Transport Assessment shows a predicted increase of vehicular traffic on the A6211 Shearing Hill, Main Road and Arnold Lane through Gedling, the volumes are relatively small. It should also be noted that the Homes and Communities Agency and Gedling Borough Council are working to deliver redevelopment of the former Gedling Colliery and supporting highway infrastructure; namely the delivery of the GAR.

The County Council has made a successful bid for funding for part of the GAR to assist in the delivery of the necessary transport infrastructure. In view of this, it is considered a reasonable prospect that the GAR will be forthcoming in the foreseeable future, which would offer traffic relief to the existing road network through Gedling village. Consequently, any increases in traffic volumes in Gedling Village arising as a direct consequence of the Teal Close development should be only very short-lived and would be resolved once the GAR is provided. On this basis, the County Council would accept a short term increase of traffic in Gedling Village.

The Local Transport Body comprising Derbyshire County, Derby City Council, Nottinghamshire County Council and Nottingham City Council has met to consider the funding mechanism for the GAR and Nottingham City Council's SGC schemes, and has approved part funding of GAR.

It is the Highway Authority's opinion that there is sufficient support to enable the GAR to go ahead and, further to this, would look to extend the City Council's SGC by way of mitigation to Teal Close, to address the highway issues identified at the junctions listed above.



In view of the above, the Highway Authority recommended that the mitigation measures required on the SGC, together with junctions through Gedling Village, be calculated and that the cost of these mitigation works be secured by way of a Section 106 Agreement, rather than the undertaking of any physical construction works.

Comments have also been made on the Illustrative Masterplan, regarding road and footway construction, the bus only route and bus link; the Framework Travel Plan; Integrated Transport Contributions; Accessibility by Bus; and recommended conditions and notes to secure satisfactory access arrangements.

Following the submission of cost estimates by the applicant's highway consultants for potential highway mitigation works associated with the proposed development, the Highway Authority commented as follows.

As no detailed design or supporting information from Statutory Undertakers for any of these works was provided, it was not considered possible for the consultants to provide an accurate estimate of the potential highway mitigation works. However, having discussed the submitted cost estimates with its Highway Design section, the Highway Authority was able to recommend where these estimates should be reconsidered and indicated the sum which it considered should be secured by way of a Section 106 Agreement towards the implementation of the GAR.

It is the Highway Authority's opinion that the provision of public transport by re-directing of route number 5 and 73 into the site would only serve to make the proposed development sustainable for its residents, which is essential for the development. This provision would not address the impact of the development adding to the congested A612 corridor. It is clear that bus routes serving the development were accounted for in the Transport Assessment and yet significant traffic issues due to the development remain along the A612 corridor. Indeed, existing users of the bus services being diverted would experience longer journey times due to the development in the absence of infrastructure improvements. Having considered that the provision of public transport as detailed above would not provide any benefit to the existing corridor and that no physical measures were being considered to improve effectiveness of public transport, the Highway Authority did not consider it appropriate to deduct public transport contributions from the Integrated Transport Contribution originally requested, which was sought towards providing an extension of the Nottingham City Councils 'Southside Growth Corridor' Major Bus Priority Scheme. However, following further internal discussions, the level of contributions requested for the diversion of bus services was reduced to 450,000 pounds and this has been agreed by the applicant.

The Highway Authority had no further comments to make on the amended Framework Travel Plan and confirmed that this was satisfactory. It was also noted that the applicant had agreed in principle to the payment of approximately 29,000 pounds towards travel plan monitoring for 10 years.

Following the submission of a further Technical Note (the second of three) by the applicant's transport consultants, the Highway Authority commented that agreement

had been reached on the cost estimates for the highway mitigation works at two of the six junctions in question, which needed to be secured by way of a S106 Agreement. Further information and clarification on the Highway Authority's cost estimates for the outstanding junctions was provided.

With regard to sustainable transport, the Highway Authority maintained its position with regard to the original sum of approximately 1.4 million pounds requested for the Integrated Transport Contribution.

The Highway Authority also noted that Nottingham City Council was seeking 680,000 pounds towards the City Link 2 bus service and that in addition they were also requesting a contribution of 30,000 pounds towards administration for Kangaroo passes. The Borough Council was advised that any such contributions for the City Council should also be secured by way of a Section 106 Agreement. This sum has been discounted from the County Highway Authority's Integrated Transport Contribution, which stands at approximately 693,000 pounds.

After further discussions and correspondence between the Highway Authority and the applicant's transport consultants, agreement has now been reached on all highway contributions, including the estimate for the potential works to Junction 5 (Arnold Lane/Lambley Lane) and the removal of the request for contributions towards sustainable transport measures (the SGC extension).

Nottingham City Council (Highway Authority) – recognises that the majority of the impact of the proposed development would be felt on the parts of the local highway network which fall under the jurisdiction of Nottinghamshire County Council.

However, it is considered that there is sufficient demand from the application site to warrant consideration of the subsequent impact and need for respective mitigation on the City highway network, as it is inevitable that future residents would need to travel on the City network to access employment, shopping, higher education and leisure facilities within the City boundary. As such, the following specific comments are made:

#### 1. Framework Travel Plan

It is considered that there needs to be more evidence of the travel plan management process and how ownership would be transferred and secured. Details of committed schemes should be provided in the full travel plan, as opposed to a list of possible measures.

The proposed time limited transport discounts to be part of the home movers pack do not go far enough as an incentive to try public transport. As a minimum, each new household should have access to a free 6 month Kangaroo Pass. This would require the outer limit of the existing Kangaroo boundary to be extended. However, it is not envisaged that this would be an issue. Ultimately, it is considered that if the target of a 20% reduction in single occupancy vehicle trips is to be achieved, then the travel plan needs to go further, with bolder measures and greater incentives.

## 2. Transport Assessment & Bus Services

Bus services would need to be significantly improved if site users are to rely on this as a viable means of transport. The public transport package needs securing at the earliest opportunity and should not be left to the operators alone to provide the desired services. The current proposals to 'improve' the 73 and 5 services, does not go far enough in creating attractive public transport options for the site. Neither service provides a link to the City Centre, where a significant proportion of employment, retail and recreational facilities would be a draw for residents of Teal Close and those travelling in the opposite direction for employment opportunities. At present, their only means of access to the City Centre by bus is the Citylink 2, which services Victoria Retail Park. Contributions would be expected if this NCiC funded service is to serve Teal Close and operate on weekends, which it currently does not.

There is one junction within the Transport Assessment (TA) which falls within the City jurisdiction; the A612 Daleside Road/Racecourse Road. A review of the TA suggests that there are some discrepancies in the numbers used for the future years' operational assessments. Notwithstanding this matter, the TA has gone on to suggest some remediation works in the form of what is effectively the addition of a left turn lane for the Daleside Road (outbound) approach. This left turn is about 5% of the outbound flow and so most left turners would be caught in the outbound queue until it gets to within about 60 metres of the roundabout.

In view of the above, the City Highway Authority would instead like to enter into a Section 106 agreement with regard to two matters concerning bus service provision:

A contribution of £250,000 towards the City Council led major bus priority scheme, known as the Southside Growth Corridor, which would provide enhanced bus services from Daleside Road, through to Beeston via the Racecourse Park and Ride site, the Waterside Regeneration Zone, the Creative Quarter, the Southern Gateway Regeneration Zone (Broadmarsh and Turning Point South), the Station Hub, Queens Drive Park and Ride and Boots Enterprise Zone.

A contribution of £170,000 per annum to enable extra weekday services to maintain frequency as well as Saturday service enhancements on the current Citylink 2 bus service which is wholly funded by the City Council and operates every 15 minutes during the day on Mondays to Saturdays.

To summarise, whilst the City Council appreciates that the majority of the impact would be felt outside of its jurisdiction, the future residents of Teal Close would need to travel on its network to access employment, shopping, higher education and leisure facilities, it would appreciate the applicant's consideration of the above representations.

After consultation on the subsequent submissions by the applicant's transport consultants, the City Council has refined its request, as follows:

A contribution of 680,000 pounds towards extending the City Link 2 service.

The provision of Kangaroo passes to encourage new residents to try public transport.

A contribution to deliver the Southside Growth Corridor extension.

The latter contribution towards the SGC extension is incorporated within the outstanding sum requested by the County Council for Integrated Transport Contributions.

Natural England (NE) – makes the following comments:

1. Statutory Nature Conservation Sites

This proposal does not appear to affect any statutorily protected sites or landscapes. No objection.

2. Protected Species

NE advised that further information and survey effort was required for bats and great crested newts in order for NE to advise the Borough Council of the potential impacts of the proposed development on these species. However, the proposed development would be unlikely to affect otters.

3. Green Infrastructure

The proposed development is within an area which could benefit from enhanced green infrastructure provision, which is encouraged by NE.

4. Local Wildlife Sites

If the site is adjacent to a Local Nature Reserve, the Borough Council should ensure that it has sufficient information to understand the impact of the proposal on the local wildlife site.

5. Biodiversity Enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife. The Borough Council should consider securing measures to enhance the biodiversity of the site, if minded to grant permission.

6. Landscape Enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for

example through green space provision and access to and contact with nature.

Following re-consultation on the additional survey information provided in the Ecological Addendum, July 2013, NE does not object to the proposed development and advises that the proposed development would be unlikely to affect bats and great crested newts.

Following re-consultation on the comments made on the ecological consultee responses and the Ecology Park Design Principles, NE comments that the additional information is unlikely to have significantly different impacts on the natural environment than the original proposal.

Nottinghamshire County Council (Nature Conservation) – makes the following detailed ecology comments on the application as originally submitted:

1. The proposals do not directly affect any statutorily or locally designated nature conservation sites. The nearest Site of Special Scientific Interest (SSSI), Colwick Cutting (designated for its geological interest), lies approximately 2.7km to the south-west, whilst the nearest Site of Importance for Nature Conservation (SINC)/Local Wildlife Site (LWS), Netherfield Dismantled Railway Sidings 5/210, abuts the site to the south-east.
2. The planning application is supported by up-to-date and fairly comprehensive ecological information.
3. Overall, it is evident that the site is of relatively limited nature conservation value, being dominated by intensively farmed arable fields, although small areas of higher-value habitat do exist.
4. In terms of protected species, the results of a number of surveys are outstanding (relating to great crested newts, bat emergence and breeding bird surveys), and therefore final comment on these surveys and associated mitigation (see below) is reserved until the results of these surveys have been submitted. In addition, it should be noted that no bat activity survey has been carried out.
5. An impact assessment has been carried out, and having reviewed this, the County Council is content that the impacts have been assessed correctly (but see below in relation to public access impacts on Netherfield Lagoons Local Nature Reserve).
6. A range of mitigation measures are proposed, and these should be secured through conditions (with the submission of detailed measures where required).

These in particular relate to:

- a) The production of a Construction Environmental Management Plan (see section 15.103 of the Ecology Chapter)
- b) The implementation of 'Actionable Mitigation Measures' (section 15.104) to include:

The creation of an Ecology Park area, and production and implementation of a detailed management plan (based on the draft management plan submitted

as Appendix 15.4)

The submission of a detailed landscaping scheme to include details of species mixes, establishment methods and maintenance regimes.

Opportunities for nesting birds and roosting bats, to include where possible the incorporation of nesting/roosting features into the fabric of buildings

Signposting to control access in and around Netherfield Lagoons LNR

The setting up and support of a local community group

7. In addition to the mitigation measures proposed, the County Council would request that a condition is also used to require the submission of a lighting scheme, which should seek to minimise impacts on nocturnal wildlife (particularly bats).
8. Of particular note is the proposed creation of an Ecology Park, which has the potential to be an important wildlife feature. In previous contact with the applicant's ecologist, the County Council requested that Defra's Biodiversity Offsetting metric be used to demonstrate that the value of this proposed area would be sufficient to mitigate against the impact of habitat loss elsewhere on site, and the County Council would again request that this is done, to give confidence in the proposals.
9. Following on from this, the County Council queries whether the layout of the Ecology Park could be altered slightly, such that the area with more public access and the attenuation ponds is sited on the western part of the Park, and the main habitat area on the eastern part (i.e. flipping the two around). This would have the benefit of bringing the main habitat area in closer proximity to Netherfield Lagoons LNR, and moving the main focus of public activity away from the LNR.
10. It appears likely that the development will give rise to increased visitor pressure on the Netherfield Lagoons LNR (despite the Ecology Park absorbing some of this). On that basis, it can be expected that there will be increased wear and tear on site infrastructure (path surfaces, access control furniture etc), and the County Council would suggest that it may be appropriate to require this development to provide a commuted sum to Gedling Conservation Trust (who manage the LNR) to account for this.

Following re-consultation on the additional survey information provided in the Ecological Addendum, July 2013, the County Council is satisfied that this provides all outstanding ecological survey and assessment work. In summary:

No evidence of great crested newts was found, and this species is not considered to be a constraint on development

No bats were found emerging from the sports pavilion, although foraging bats were recorded in the wider area (see below)

The breeding bird surveys have been completed, although it is noted that these comprise two visits, rather than three (which is the norm). However, the nature of the site is such that I do not consider this to be a significant constraint.

The Ecological Addendum concludes that none of the additional residual impacts will result in a significant adverse impact, subject to mitigation measures being put in place. These are that:

1. Lighting is controlled during both construction and operation phases. A condition should therefore be used to require the submission of lighting schemes for both construction and operation phases, with the aim of avoiding and minimising light spill around the development onto areas of hedgerows, trees, woodland and wetland such that impacts on nocturnal species such as bats are reduced as far as possible.
2. A precautionary approach relating to the demolition of the sports pavilion should be followed. A condition should therefore be used to ensure that the approach set out in Appendix B of the Addendum report ("Procedure to follow if bats are discovered during work") is adhered to.

Following re-consultation on the comments made on the ecological consultee responses and the Ecology Park Design Principles, the County Council makes the following additional observations:

1. Biodiversity Off-setting Metric

Whilst it appears to be the case that the Ecology Park would deliver an increase in the overall biodiversity value of the site, this has not been demonstrated and quantified by a biodiversity offsetting metric. However, no objection is made on these grounds.

2. Gedling Conservation Trust Objection (see below)

Whilst not previously making any comments on this issue, the County Council has been reminded of the scale of proposed habitat creation which was being suggested when this development was first proposed around 10 years ago. It would be useful to know why the scale of habitat creation suggested then is no longer deemed to be appropriate/feasible now.

3. Monies for Lagoons Maintenance

The County Council is disappointed to the applicant considers that monies for the maintenance of the existing LNR are not considered necessary or directly required as a result of the proposed development. It would appear that the development would inevitably lead to increased use of the Netherfield Lagoons site, albeit mitigated by the proposed Ecology Park. The maintenance of the Lagoons falls to the Gedling Conservation Trust, which is a small charity, and it seems unreasonable to expect them to have to bear the financial burden of dealing with increased visitor pressure caused by the development. From a nature conservation perspective this is important, as poorly maintained paths cause people skirt round muddy areas and puddles onto adjacent habitat, causing paths to widen and leading to habitat damage.

4. Ecology Park Layout

The Design Aims and Objectives appear to be sound. However, the County

Council previously raised a query which has not been addressed. This related to the layout of the Ecology Park and whether the zonation of uses could be switched, with public access focussed on the western part of the Park (i.e. closer to the development and existing urban edge), and the main habitat area focussed on the eastern part of the Park (i.e. closer to Netherfield Lagoons). Whilst I appreciate this is an outline application and that more detailed design would happen at the reserved matters stage, it would be useful to know, in principle, whether such a change can be made.

Nottinghamshire Wildlife Trust (NWT) - made the following initial comments on the application and Chapter 15 of the Environmental Statement:

## 1. Chapter 15: Ecology

### *General Habitats*

It is noted that approximately 37% of existing hedgerows would be lost, together with a number of trees. The NWT accepts that the compensatory habitat creation proposed, including new woodland and hedgerow planting and the 10 hectares Ecology Park, would go some way to mitigate losses, although it is recommended that stronger habitat linkages are included through the centre of the proposed development to provide more Green Infrastructure linkages between the north and south of the site.

## 2. Ecology Assessment

### *Existing Habitats*

The NWT would like to highlight that even a species-poor hedgerow has value to local populations of breeding birds, invertebrates, bats and other small mammals, which use these places to roost, nest and forage, regardless of the age or composition of the hedgerow. This is borne out by the fact that the majority of bird species on this site were recorded along the hedgerows and woodland edges.

### *Water Voles*

Limited evidence of water vole was found along the banks of the off-site water body, therefore an 8 metres stand-off from all watercourses and water bodies would be required to ensure that water voles and their habitats are not damaged or disturbed during construction activities.

### *Great Crested Newts*

The NWT notes that the amphibian survey visit did not record any great crested newts in either of the water bodies off-site. Smooth newts were recorded in the water body 150 metres from the site. Although the results of further surveys are still awaited, the NWT is pleased to see the Great Crested Newt FCS Assessment (April 2013), which states the proposed mitigation and compensation required should great crested newts be found in either of the ponds. However, the NWT would request that the completed survey results are made available to



enable us comment further.

### *Bats*

No evidence of roosting bats was recorded during the daytime survey of the existing sports pavilion, although their absence cannot at this time be confirmed. The NWT therefore strongly supports the recommendations that, due to the lack of access and inspection of the roof void, a single dusk survey would be required in order to conclusively establish its use by bats.

### *Birds*

The majority of the birds recorded on both the wintering bird survey and breeding bird's survey were recorded along the hedgerows and woodland edges of the site. The wintering bird survey confirmed that no golden plover were recorded on site. The NWT is therefore disappointed that a number of hedgerows within the site will be lost to the development.

In order to avoid impacts to nesting birds, the NWT also requests that all tree/shrub removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time, then a suitably qualified ecologist should be on site to survey for nesting birds.

### *Mitigation and enhancement*

The NWT fully supports the ecology assessment that the potential of the site for use by bats can be maintained and enhanced by incorporating bat roosting features into the new build. Further enhancements can be achieved by installing bird boxes on future proposed buildings to provide nesting opportunities for birds. The NWT would prefer the installation of bat roosting and bird nesting features into the fabric of the new build, the incorporation of which would provide a good example of how biodiversity gains can be made through the planning system.

### 3. Ecology Park Concept Design

The NWT is supportive of the principle of the proposed Ecology Park as mitigation for the loss of hedgerow within the site, but would like to highlight the following points which it feels are essential to maximise the nature conservation value of the park:

The attenuation ponds should retain water throughout the year to a minimum of 0.5 metres.

The ponds should be created with various depths and have shallow margins to enable them to vegetate naturally.

It is important that any planting in both the Ecology Park and the site as a whole should consist of plant stock of guaranteed native genetic origin and

ideally of local provenance from the Trent Washlands area landscape guidelines.

The NWT feel that the mounds to form a buffer within the park on their own will not be enough to deter public access into the western part of the park. Therefore, the use of ditches rather than mounds to direct people is recommended. Alternatively, a species rich hedgerow could be planted around the eastern side of the bunds and then continue to meet up with the proposed hedgerow along the north west boundary of the park. This would strengthen the buffer between the public access and the scrapes/wet grassland in the western part of the park.

The NWT also feel that the scrapes in the western part of the park could be increased in size and the proposed trees in this central area could be replaced by a small amount of shrub planting to give a more open aspect for wading birds.

These amendments included within the landscaping works and planting plans should form part of the reserved matters application. This should also include the provision of trees, shrubs and wildflower meadow planting, in addition to the habitats and species included within the Ecology Park.

#### 4. Ecology Park Draft Landscape Management Plan

The NWT is pleased that its pre-application comments have been taken on board with the production of the 10 year management plan. This document should enable the future management of the proposed park to be maintained. The finance for this management should be fully secured by a Section 106 Agreement, should the application be approved.

In summary, for a development of this size, the NWT would expect that the outstanding surveys for great crested newts, bats and birds are made available before the application is determined. The NWT would also hope that its comments can be used to modify the development design and therefore maximise its green infrastructure and nature conservation value.

Following re-consultation on the additional survey information provided in the Ecological Addendum, July 2013, the NWT comments as follows:

##### 1. Amphibian Surveys

The EMEC Ecology survey (2013) concluded that no great crested newts were present. Smooth newts, common toads and frogs were found within the two ponds off site ponds. These are widespread species that, although reasonably common, are declining in abundance; Common toad is also a UK BAP Priority Species (UK BAP 20071). Common amphibian species (i.e. common frog, common toad and smooth newt) are afforded partial legal protection under UK legislation, i.e. Schedule 5, Section 9 (5) of the WCA 1981 (as amended) and the

Countryside and Rights of Way (CRoW) Act 2000. This legislation prohibits sale, transportation and advertising for sale.

The NWT therefore has no further comments relating to amphibians.

## 2. Bat Emergence Surveys

The EMEC Ecology report (2013) states that two evening activity surveys were carried out and no bats were recorded emerging from the building. Around the building and the north eastern hedgerow, regular foraging and commuting was recorded by both common and soprano pipistrelle bats. The NWT fully support the following points made in this report:

- a) As the north eastern hedgerow and the surrounding habitat provide suitable commuting routes and foraging opportunities for bats, some mitigation will be required. It is recommended that any vegetation removed as part of the development works should be replaced with compensatory native planting to ensure no overall loss of foraging habitat.
- b) It is also recommended that no lighting should be included along the hedgerow located north east of the sports pavilion. This is to avoid the regular commuting route and foraging habitat for bats being disturbed. If any lighting is considered necessary then further survey work and/or mitigation is likely to be required.
- c) In the extremely unlikely event of a bat(s) being found during the works, all work should stop immediately and the procedure outlined in the Appendix of the latest EMEC report is followed.

## 3. Breeding Bird Surveys

The final Breeding Bird Survey Report (TEP 2013) made the same conclusions about breeding birds on the site as the previous report and therefore the NWT has no further comments to make.

Following re-consultation on the comments made on the ecological consultee responses and the Ecology Park Design Principles, the NWT comments as follows:

### 1. Response to Ecological Issues

#### Gedling Conservation Trust Objection

Having seen the objection by Gedling Conservation Trust (GCT) and comments by the County Council, the NWT has also been reminded of the scale of proposed habitat creation which was being suggested when this development was being mooted around 10 years ago. The NWT would also like to know why the scale of habitat creation suggested then is no longer deemed to be appropriate/feasible now.

#### Monies for Lagoons Maintenance

Having further considered the wider impacts of the new development, the NWT

support the comments made by the County Council, which indicates that monies should be made available to GCT towards the existing infrastructure of Netherfield Lagoons.

### Ecology Park Layout

The NWT recommends that an appropriately worded condition is used to secure the inclusion of the Ecology Park at no less than 10 hectares, as indicated in Chapter 15 Ecology Section 15.102. The NWT also supports the comments made by the County Council relating to the layout of the Ecology Park and whether the zonation of uses could be switched, with public access focussed on the western part of the Park (i.e. closer to the development and existing urban edge), and the main habitat area focussed on the eastern part of the Park (i.e. closer to Netherfield Lagoons).

## 2. Ecological Habitat Design Aims and Objectives

The NWT is satisfied with the ecological design principles and objectives and also recommends that this is secured by an appropriately worded condition.

The NWT has also indicated that it would welcome connectivity between the eastern and western sides of the development (either side of the A612) in the form of a tunnel at the new A612 junction. This could provide a valuable habitat link for existing populations of frogs, toads, water vole and other small animals from the existing habitats on the east to the new habitat creation to the west of the A612.

Gedling Conservation Trust (GCT) – make the following comments:

### 1. Background

The current proposal differs from the original Policies H5 (Teal Close/North of Victoria Park) and E1 (Allocation of Employment Land) contained in the Gedling Borough Replacement Local Plan (Adopted July 2005) that cover the area concerned. Both these policies are retained in the Aligned Core Strategy, but E1 is to be replaced by a site specific Development Plan Document.

During the Local Plan Inquiry (2003) a number of objections were raised concerning this proposed development. Some of these concerned the damage that would be caused to the local habitat which at the time was important for, amongst other species, golden plover which used the site in winter.

Gedling Borough Council (GBC) responded, in part, to one representation (Rep 201404, Para 4.9, Page 70) by stating that ‘Severn Trent Water Limited recognises the opportunity to enhance the ecology of the site through habitat replacement, creation and management.’

As part of GBC’s proof of evidence (GBC16), para 11 (ix), it stated: ‘in relation to the land lying between the allocated sites, the River Trent, the Netherfield Pits and Stoke Lane/Stoke Bardolph Village:-

Proposals for improving its passive recreational value through enhanced pedestrian access and detailed proposals for the enhancement of its ecological value in line with the principles to be established in an Ecological Enhancement Brief.'

This specific large area of land is now not being considered as part of the current application, which is highly regrettable.

A map, drawn up by Gillespies on behalf of Severn Trent in January 2003 shows the Ecological Enhancement Objectives envisaged at the time. In mitigation for the development, a substantial area of land was going to be given over to become a 'priority area for wet grassland creation and temporary flooding in combination with water retention'.

Since that time, the area has now been given over to the production of maize and a significant part of it is being built on by National Grid.

Therefore the character of the area between the proposed development and the River Trent has been changed and the opportunities for the large scale habitat mitigation have been lost.

With this in mind, the current proposal's suggested mitigation and protection or enhancement of biodiversity seem entirely inadequate.

## 2. Proposed development

The current proposal contains residential development of up to 830 units, whereas the original Housing Policy H5 referred only to 400 dwellings. The increase in the number of units anticipated has significant potential impacts on any ecological measures proposed as well as on the Netherfield Lagoons Local Nature Reserve (LNR), which adjoins the proposed site.

Such a large number of new houses means that large numbers of people, cats and dogs will reside in close proximity to an important site for wildlife which is also Gedling's largest and most important LNR.

## 3. Ecological Assessment and mitigation

The Ecological Assessment records six UKBAP bird species, one red list and nine amber list species, on the site. Some of these are likely to be using the site to breed. In total 39 species of bird were recorded.

Para 5.3 of the Ecological Assessment refers to the site lying adjacent to the Netherfield Dismantled Railways Sidings LWS. Although a designated SINC, the owners of part of the site (Railtrack) have recently bulldozed much of their area destroying a significant area of important bird habitat. This, along with the construction of a large electricity substation in an area previously earmarked for mitigation for the Teal Close development, increases significantly the impact of any development on the remaining area.

The development site comprises 63 hectares and includes an area (10ha)

projected to become an Ecological Park. The site links to the Netherfield Lagoons Nature Reserve (Ecological Assessment 6.0).

Para 5.4 of the Ecological Assessment states 'There may be implications with regard to the Netherfield Lagoons LNR...'. These implications are likely to be negative, serious and significant unless strong measures are taken to mitigate for them and to incorporate designs and plans in the development to prevent them.

The LNR has been subject to a long history of neglect and abuse which has included motorcyclists, shooters, campers, jetskis and flashers. Litter is a constant problem. Increased incursion onto the site, without steps being taken to prevent irresponsible use, will negatively impact on its value for wildlife and will, in any event, increase the levels of wear and tear, requiring increased management and maintenance by the GCT.

The suggestions made in the Assessments Recommendations regarding hedgerows and open water habitats are welcome, but do not go far enough to mitigate for the total loss of the area envisaged. The Ecological Park covers less than 16% of the proposed development.

It is difficult to see how the development complies with the duty of public authorities to conserve biodiversity.

#### 4. Conclusion

In the absence of seeing a more detailed management plan for the area and with the mitigation plans in their current form, the GCT has no alternative than to oppose the proposed development at Teal Close.

Nottinghamshire County Council (Archaeological Advice) – observes that the proposed development site is known to contain extensive archaeological deposits, which date to the Iron Age and Roman periods. There is a high likelihood that any development at the site will severely impact the survival of any archaeological remains.

Due to the archaeological interest of this site, as well as the nature and extent of the proposed development, it is recommended that if planning permission is to be granted this should be conditional upon two things:

1. That details of an archaeological scheme of treatment of the site is submitted for the Borough Council's approval prior to development commencing.
2. The subsequent implementation of that scheme to the Borough Council's satisfaction.

The scheme should begin with further post determination evaluation in the form of a geophysical survey and possible trial trenching, followed by open area excavations and/or strip map and sample excavations. Any archaeological scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation.

The County Council would be happy to advise on the nature and extent of such a scheme, or to provide further advice or comment as required.

Nottinghamshire County Council (Landscape Advice) – notes that the two parcels of land comprising the application site lie within Policy Zone TW05 Stoke Bardolph of the Greater Nottingham Landscape Character Assessment and makes the following comments:

### 1. Impact on Landscape Character

The landscape action for this policy zone is 'create'; landscape condition is very poor and sensitivity low. Suburban development, industry and transport infrastructure have fragmented the landscape, which lies on the eastern fringes of the conurbation.

Key actions are:

Seek opportunities to restore the historic field pattern and create visual unity through small scale tree and woodland planting.

Focus development around the settlement of Stoke Bardolph.

Contain urban development with advance woodland planting.

Visibility is generally considered moderate within the policy zone as a whole, but the development site comprises open agricultural land which facilitates long sweeping views between Colwick and the Trent Valley.

The masterplan shows a configuration of structure planting i.e. woodland and hedging containing the various uses proposed and providing buffer zones between the different land uses. The area designated flood plain is to be retained and enhanced for sport, amenity and habitat use. These proposals are generally consistent with the landscape policy and although the long views would be lost, a more coherent landscape should be created as long as the design of employment sites and housing is sympathetic and makes a positive contribution to a local vernacular.

Overall, it is considered that the proposals, although reducing the area of open space within the policy zone, would have a neutral, or possibly minor beneficial impact on landscape character; the creation of a new landscape matrix would offset and compensate for the loss of other characteristics, and create some screening and containment for the industrial and retail sites on the periphery of the development site.

### 2. Visual Impact

The Landscape and Visual Impact Assessment outlines the process underlying the selection of viewpoints and provides a systematic assessment for each viewpoint. However, the methodology appears to deviate from that outlined in the LI guidelines, so each viewpoint has been assessed by the County Council

using standard methodology.

The assessment depends very heavily upon the presumption that the detailed design of the site would allow sufficient space for woodland buffer zones and substantial hedgerows to contain and screen the development; concept and masterplans regularly show viable woodland and planting strips that then become severely reduced in extent at the detailed design stage, often to a degree that they become nothing more than a few token trees. The woodland planting around the employment site is shown at 30 metres on the masterplan and it is recommended that these dimensions are carried forward should the scheme receive outline approval.

### 3. Layout – Open Space

There does not seem to be any information provided regarding proposed design of the buildings or layout. However, there are no obvious conflicts in the broad use allocation shown and the open space and habitat areas are necessarily located adjacent to the Ouse Dyke.

### 4. Conclusion

Although the existing open land east of Victoria Park is a welcome expanse after the sprawling industrial and retail developments along Colwick Loop Road, the proposals are in line with the Greater Nottingham Landscape Character Area policy and, if implemented as shown on the masterplan, would provide a positive contribution to landscape character and have some beneficial visual impact. Consequently, there are no grounds for objections at this stage.

Nottinghamshire County Council (Arboricultural Advice) – the County Council is satisfied that the survey aspect of the Arboricultural Impact Assessment is a factual representation of the trees on the site and offers appropriate methodology for ensuring safe and satisfactory tree protection.

It is suggested that the proposed methodology for tree protection be utilised as a non-standard condition of development to enable safe tree and hedge retention.

Tree loss on this site should be kept to an absolute minimum and any tree loss that does occur should be mitigated adequately.

Nottinghamshire County Council (Education Authority) – the County Council as Education Authority comments that both the primary and secondary catchment schools are at capacity. Due to site constraints, the catchment primary school (Netherfield Primary) cannot be extended, so a new primary school is requested. Whilst a contribution towards the provision of additional secondary places at Carlton-Le-Willows Academy was originally requested, this is no longer being sought in light of viability issues on the site.

As a consequence, the Education Authority is seeking a site of 1.1 hectares and a financial contribution, originally estimated at 3.5 million pounds, towards the provision of a single form entry primary school. However, a subsequent costings



analysis for an actual phased school has given an overall development cost of approximately 3.6 million pounds, which could be reduced slightly should the developer offer the Education Authority a clear, level and serviced site.

As there is no spare capacity in other local schools, the timely provision of additional places is critical to ensuring that there are adequate places available. Following negotiations, the Education Authority has confirmed that it would be happy to accept trigger points for any agreed sum to be payable in phased instalments, based on the commencement and occupation of the new dwellings at different stages.

NHS Nottinghamshire County – advises that current NHS England local policy does not support the development of single handed GP Practices and, therefore, the NHS would require further discussions/negotiation over the provision of suitable space within the proposed community building or supporting the expansion of neighbouring services.

A Section 106 financial contribution of £788,500 was initially requested towards the provision of health facilities.

In response to a request for further justification of this figure, the NHS has provided the following additional information:

#### 1. Justification

The 'NHS England Call to Action' was published on 11th July 2013, setting out the national context within which the NHS is now working.

This reinforced the message that the NHS is in an extremely financially constrained environment and cannot continue to do things the way it has done previously in terms of further investments.

In response to this, the Derbyshire and Nottinghamshire NHS Area Team has embarked on a programme of work with each of its 10 Clinical Commissioning Groups (CCG's) to define a primary care strategy for each locality that will sustainably meet these national challenges together with meeting local needs, such as population growth associated with new housing developments.

In the absence of this primary care strategy, the original consultation response in July provided a high level indication of contribution based on a Primary Care Trust (PCT)/local authority pre-agreed formula which calculated a total contribution of £788,500 based on a cost per dwelling of £950. The cost per dwelling had been calculated using a formula by the predecessor PCT to reflect the average costs of providing primary health services to local populations in Nottinghamshire.

At the time, the Area Team confirmed that it was unlikely that the emerging primary care strategy would support a single handed GP development as the solution to sustainably meet the needs of the proposed Teal Close housing development and that the £788,500 would ideally be invested in enhancing

capacity/infrastructure with existing local practices.

The primary care strategy is still emerging. However the Area Team is already in receipt of an expression of interest from one local practice to progress a new premise development in order that they may better meet the needs of their current registered population and to provide them with the flexibility to expand services to meet the needs of the projected growth associated with Teal Close.

Whilst it is still early days, this is a positive development and one that the Area Team would wish to explore further in conjunction with the CCG and other stakeholders, including what options are available to realise such a development and ensure value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with Section 106 contributions.

## 2. Capacity

The Area Team has assessed capacity in 5 local GP practices (within 2.5 miles) and they are all operating at or over what is considered a reasonable and safe patient/GP ratio. The benchmark used is 1800 patients per whole time GP. It also depends on a support workforce within the practice (e.g. practice nurses, administration). Given the above assessment it is simply not possible to absorb a population of around 2000 residents with local practices which are already at capacity.

Furthermore, the ageing population and increasing burden of disease (e.g. long term conditions), together with increasing expectation, has put practices under further pressure, so for a given list size many are now telling the Area Team that the workload is becoming unmanageable. This is echoed in the results of the national GP patient survey which indicate a deterioration in overall patient experience for practices in this area with a particular issue being access to a GP. Even a small increase in the population registered with any of these practices is likely to impact negatively on existing patients.

The practice in Netherfield is particularly close to the proposed Teal Close development and it is therefore most likely that the majority of residents would register with this practice. Not only is this practice at capacity in terms of patients per GP, but it is also at capacity in relation to its building infrastructure. To service the increased population this practice would need to recruit an additional 1–1.5 GPs and associated support staff and provide clinical/administrative space to house them. This is not possible within the constraints of the current GP premise.

It is therefore welcome that this practice has approached NHS England to express interest in replacing their current outdated premise with a new larger premise. This would enable them to increase the number of GPs and support workforce and therefore accommodate an increased patient list.

The proposed developer contribution of £950 per dwelling is based on a PCT/local authority pre-agreed formula assuming 2.3 persons per household and reflecting the wider costs of meeting healthcare needs. The Area Team does however believe that the potential GP practice development offers opportunities to contain costs for all stakeholders.

An approximate overall development cost appraisal has subsequently been provided for a new build GP premise of this size to support the increase in patient numbers due the proposed development. This gives an overall development cost of between 2.8 - 3.3 million pounds. The Area Team would only expect the developer to support the increased population element of this, so a reasonable contribution would be 426,000 pounds. The Area Team believes that contributing to a larger practice development such as this provides a more efficient solution with a more reasonable developer contribution.

NHS England would therefore welcome the support of Gedling Borough Council in seeking a reasonable developer contribution to ensure adequate healthcare provision for the proposed Teal Close residents and also to ensure that the health provision for the existing population is not adversely affected.

Sport England (SE) – comments that the site includes a playing field and responds with regards to its statutory role regarding the protection of playing fields and its non-statutory role with regard to the demand for sports facilities created by a development on this scale.

#### 1. Statutory Issues

SE has considered the application with regard to the proposed replacement of pitches in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

The five specific circumstances have been outlined in detail, of which E4 is relevant. This states that:

“The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of the development.”

The indicative Masterplan illustrates the intention to replace the playing field lost

and the applicant advises that, at present, there are two senior pitches, one of which is at minimum requirements, and one junior pitch at Victoria Park. Changing facilities are also present on the site. The existing Victoria Park extends to approximately 4.0 hectares, but is of a triangular shape which is not conducive to maximising pitch layouts associated with the overall area available. In addition, the existing changing facilities are understood to require improvement and/or refurbishment.

The proposal involves the replacement of the playing field area of 4.2 hectares.

The applicant advises that:

‘The space for playing pitches will be provided in an attractive and accessible location, within a wider area of open space, which will be located along the southern boundary of the site.’

‘It is clear that there could be a greater number of, and improved quality of, pitches and improved facilities as a result of the proposed development, which would contribute towards meeting Gedling’s current and future needs for football and cricket. The proposals are therefore policy compliant. Sport England’s response to the proposals (dated 19/4/13) states that, in principle; there is no objection to the replacement of pitches at Victoria Road.’

‘Overall, the proposed development has responded to policy requirements for public open space and the replacement of lost pitches. The proposals incorporate sufficient replacement, in terms of quality and quantity, to ensure there are no negative impacts arising from development on the Victoria Road pitches, to the satisfaction, in principle, of Sport England and Gedling Town Football Club Youth and Ladies teams.’

SE confirms that this was indeed its overall view at the pre-application consultation stage and that it would not object to the principle of the proposal to replace the existing Victoria Road playing field. However, the following specific issues arise:

#### *Quantity*

From the information provided, it is clear that simply in terms of the quantity of replacement provision (in terms of playing field area and changing facilities), the proposal could meet the requirements of exception E4, subject to details of any replacement changing facilities. Further investigation would be needed to establish if a greater quantity is necessary to meet unmet demand, local issues and the demand generated by the proposed development as required by local policy. As the applicant advises, the shape of the existing site limits the potential to increase pitch provision and the new site may give an opportunity for increased pitch provision within the same area.

#### *Quality*

In order to establish the quality requirements of the proposed replacement

provision and in order to provide the new site at the same or preferably better standard, the quality of the existing pitches and changing rooms, should be assessed and a report provided. The replacement pitches and any new pitches and replacement changing rooms would need to be provided in accordance with appropriate SE National Governing Body (NGB) guidance. The location and design of the changing facilities would be important, particularly if additional sports are being considered.

### *Catchment*

From the consultation carried out, it appears that the clubs currently using the site are happy with the proposed location.

### *Timing*

The replacement playing field (pitches and changing facilities, access and parking) would need to be provided and available for use prior to the loss of the existing facilities. This should include initial, post installation, maintenance to ensure that the pitches are playable.

### *Ownership*

SE queries whether ultimate ownership of the facility would rest with the Borough Council or the club's. A commuted sum, which covers maintenance, is likely to be necessary. Club ownership or a long term lease may be important in order to secure grants in the future.

SE would wish to raise an objection to this application on the basis that it will result in the loss of playing field, until a suitable Section 106 agreement, or other legal mechanism is delivered, or arrangements are confirmed on replacement provision.

SE confirms that once a suitable Section 106 agreement or other legal mechanism has been signed, it would withdraw its objection. SE would be pleased to discuss the contents of the Section 106 agreement or other legal mechanism, with a view to withdrawing the current objection.

Should the Borough Council be minded to approve the application without an acceptable Section 106 agreement or other legal mechanism in place, the application should be referred to the National Planning Casework Unit.

In other circumstances, negatively worded conditions have been used to achieve this objective and SE would be pleased to discuss this option further, if necessary.

## 2. Non-Statutory Issues

The Masterplan indicates a primary school adjacent to the pitches; there is therefore potential to share facilities with the school, including community use of school pitches and shared changing facilities.

The provision of Artificial Grass Pitches (AGP) can be an important consideration in many locations. The Football Association (FA) has recently carried out, evidence based, assessment regarding the needs for the provision of AGP. Whilst this development may not justify the provision of an APG, it may be important to consider if this is the right strategic location for such a facility and plan for the potential for such a facility, if funding becomes available. Issues such as sports lighting would be an issue in this regard.

In addition, SE has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, would generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, SE considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the National Planning Policy Framework (NPPF).

The additional population would generate additional demand for sports facilities. If this demand is not adequately met, then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, SE seeks to ensure that the proposed development meets any new sports facility needs arising as a result of the development.

SE's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that would be generated by a development for certain facility types, including sports halls, swimming pools and AGP.

In this instance, the SFC indicates that there will be a small increase in the demand for swimming, Sports Halls, Indoor Bowls and Artificial Grass pitches; totalling a contribution of just under £750,000. The Borough Council would need to establish if this increased demand can be accommodated in existing facilities or by improvement to existing facilities, as the SFC does not take account of existing facilities, just the demand created by the increased population.

SE strongly recommends further discussion with the appropriate NGB's - in this case the FA and potentially the England and Wales Cricket Board, the local Community Sports Partnership and continue the discussion with clubs. It is essential to ensure that the correct provision of sports facilities is provided, rather than providing pitches which are a match for the existing, particularly with regard to pitch sizes, but do not meet the demands required.

Parks & Street Care (PSC) – initially expressed concerns that there appeared to be a

shortfall in public open space, specifically with regard to the play area/sports facilities typology. Reassurance was sought that like-for-like replacement for the Teal Close BRSA Recreation Ground and what is required in terms of play and sport provision for the new development would be provided.

In terms of replacement of the existing facilities, PSC confirmed that the plans allow for this with the provision of changing rooms in the community hub and sport pitches.

However, following revisions to the Parameters Plan, PSC is satisfied that there would be no shortfall in play area/sport facilities provisions.

Nottinghamshire County Council (Libraries) – the County Council draws attention to its statutory responsibility to provide “a comprehensive and efficient library service for all persons desiring to make use thereof”.

In situations where a new development would create an additional need for library provision, the County Council will expect the developer to make a financial contribution, related in scale and kind, towards the cost of that additional provision.

Whilst existing libraries are considered to have adequate space to accommodate the new population, strain would be placed on the existing library stock and a financial contribution of approximately 39,000 pounds has been requested towards additional stock.

Urban Design Consultant – considers that the Design and Access Statement is a generally well thought out and presented document and framework.

The existing A612 road dividing the proposed development is the main issue, given its effect on pedestrian movement and the isolating effect it would have on the proposed new housing to the north-west of the road. In land use terms, it would be preferable to use this land for business and sport so that the new population could live around the proposed local centre, community building and school.

Dividing the proposed new community in this manner impacts on the Buildings for Life assessment, as it does not address this fundamental issue.

Nottinghamshire Police (Force Architectural Liaison Officer) – observes that the proposed development will be situated in close proximity to Netherfield and Stoke Bardolph, an area which suffers from a low to medium level of crime and disorder. It is essential that the development achieves a high level of sustainability from all matters.

This not only includes the need to use environmentally friendly materials, construction and operational methods, but also the need to raise awareness of the reduction of crime as a positive sustainability issue.

There is no reference to the development being sustainable from crime and disorder or any reference to Designing out Crime within the Design and Access Statement or other planning statements. The proposed development is very large and the potential for crime and disorder both at the construction stage and once built and occupied is high.

All measures should be taken to mitigate any future crime and disorder concerns for this development and it is strongly advised that the development is built to Secured by Design standards (SBD) to ensure the sustainability. SBD is a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in new development and to reduce the opportunities for crime and disorder.

The carbon costs of replacing windows or doors on SBD developments as a result of criminal activity is more than 50% less than that of non-SBD developments and it is estimated that the annual carbon cost of crime within the UK to be in the region of 6 million tonnes of carbon dioxide.

Attention is drawn to the 'Safer Places – the Planning System and Crime Prevention' document, published in 2004 and specific areas of concern are highlighted which need to be addressed as part of subsequent detailed layout plans.

The development of this site will have significant Policing and road traffic implications to this area both during the construction phase and when complete.

Nottinghamshire County Council (Rights of Way) – this application may impact on Carlton Public Footpath No. 9A, which runs alongside the south-west boundary and Stoke Bardolph Public Footpath No. 5, which runs alongside the south-east boundary of the site.

Whilst not an objection, the County Council requires that the availability of these public footpaths is not affected or obstructed in any way by the proposed development, that it is re-consulted in any re-surfacing issues and that the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Ramblers Association – no comments received.

### **Planning Considerations**

The key planning considerations regarding this proposal for a major mixed use development are how the proposal relates to current planning policy and whether it would meet the main principles of sustainable development; how it addresses climate change, flooding, pollution and land contamination issues and the impact of the proposed development on the highway network and road safety.

Other planning considerations which must also be assessed are the impact of the proposed development on nearby residential properties and businesses, the ecology and heritage assets; the design of the proposed development and its impact on the local landscape, arboriculture and its impact on and public footpaths.

Part of the application site extends into the Green Belt, which is also designated as public open space, where it is proposed to accommodate an ecology park and recreational uses. Consideration will need to be given to the appropriateness of these uses in the Green Belt and whether there would be any harm to the openness



of the Green Belt.

Finally, it is necessary to consider the use of appropriate planning obligations to secure the necessary infrastructure and contributions reasonably required to serve the proposed development.

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. The following core planning principles of the NPPF are relevant to this planning application:

*Achieving sustainable development*

- NPPF Section 1: Building a strong, competitive economy (paragraphs 18-22)
- NPPF Section 4: Promoting sustainable transport (paragraphs 29-41)
- NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 9: Protecting Green Belt land (paragraphs 79-92)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)
- NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

*Plan-making*

- NPPF: Ensuring viability and deliverability (paragraphs 173-177)

*Decision-taking*

- NPPF: Planning conditions and obligations (paragraphs 203-206)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF. It is considered that the NPPG does not introduce any material changes that would directly influence consideration of the application or alter the original recommendation.

The Gedling Borough Replacement Local Plan (RLP) is the adopted development plan for the area with relevant policies “saved” by way of a Direction (dated July 2008) made under paragraph 1(3) Schedule 8 to the Planning and Compulsory Purchase Act 2004. The following RLP policies are relevant:

- RLP Policy H2: Distribution of Residential Development
- RLP Policy H5: Teal Close/North of Victoria Park
- RLP Policy E1: Allocation of Employment Land

RLP Policy E3: Retention of Employment  
RLP Policy R1: Protection of Open Space  
RLP Policy R3: Provision of Open Space with New Residential Development  
RLP Policy ENV1: Development Criteria  
RLP Policy ENV3: Development on Contaminated Land  
RLP Policy ENV11: Pollution Generating Development  
RLP Policy ENV26: Control over development in the Green Belt  
RLP Policy ENV31: Safeguarded Land  
RLP Policy ENV36: Local Nature Conservation Designations  
RLP Policy ENV43: Greenwood Community Forest  
RLP Policy T10: Highway Design and Parking Guidelines  
RLP Policy C2: Community Facilities for New Development

Additionally, the following Supplementary Planning Documents (SPD) are relevant:

Affordable Housing SPD (2009)  
Parking Provision for Residential Developments SPD (2012).  
6C's Design Guide (November 2011, last amended January 2013)

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (hereafter referred to as the ACSSD), which it considers to be sound and ready for independent examination. Following the Examination hearings, the Borough Council has published main modifications to the ACSSD and together these documents set out Gedling Borough's latest planning policy position. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the ACSSD as proposed to be modified than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given).

The following emerging planning policies are relevant to this planning application:

ACSSD Policy 1: Climate Change  
ACSSD Policy 2: The Spatial Strategy  
ACSSD Policy 3: The Green Belt  
ACSSD Policy 4: Employment Provision and Economic Development  
ACSSD Policy 6: Role of Town and Local Centres  
ACSSD Policy 10: Design and Enhancing Local Identity  
ACSSD Policy 11: The Historic Environment  
ACSSD Policy 16: Green Infrastructure, Parks and Open Space  
ACSSD Policy 17: Biodiversity  
ACSSD Policy 18: Infrastructure

Relevant proposed main modification published for consultation from 17th March 2014 until 30th April 2014 includes:

- MM 9 - relating to the site specific changes to Policy 2, which include the inclusion of a strategic allocation for a sustainable urban extension at Teal Close for 830 homes.

## Planning Policy & Sustainability Considerations

### 1. Principle of Development

The application site comprises a number of elements, including development sites allocated in Policies H2, H5 and E1 of the RLP, together with land designated as safeguarded land under Policy ENV 31 of the RLP and land in Green Belt, which is also designated as protected open space under Policy R1 of the RLP.

Turning to the allocated sites, Policy H2 of the RLP allocates land at Teal Close (195 dwellings) and North of Victoria Park (205 dwellings). Policy E1 (f) of the RLP allocates 17 hectares of land for employment generating uses at Teal Close. These policies are augmented by Policy H5 of the RLP, which provides for the comprehensive mixed use development of land at Teal Close/North of Victoria Park for residential (400 dwellings), employment (17 hectares) and recreation (9 hectares of sports/recreation uses). The RLP effectively establishes the principle of development on the allocated sites.

The planning application also includes land immediately to the east of the employment allocation, which is designated as safeguarded land in the RLP, under Policy ENV31. Safeguarded land is protected from inappropriate development until a future development plan allocates it for development. The proposal also includes Green Belt land immediately to the south and east of the employment land allocation, which is currently designated as protected open space under Policy R1 of the RLP. Issues relating to the employment allocation, the safeguarded land and the Green Belt are considered below.

The principle of residential development on the RLP Policy E1 (f) employment allocation and the safeguarded land east of the employment allocation has been considered as separate sites through the Strategic Housing Land Availability Assessment (SHLAA) process. The employment allocation is assessed as having a major policy constraint because it is protected employment land under Policy E3 of the RLP and the site is at risk of flooding. In relation to the safeguarded land, the SHLAA assessment is that the site is unsuitable for residential development because it is separate from existing and proposed residential areas because of the intervening adjoining employment allocation and so may be suitable for employment uses, subject to flood risk issues being addressed.

### 2. Prematurity

The ACSSD was submitted for independent examination in June 2013, following approval by Gedling Borough Council on 13th February 2013. The ACSSD includes a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and in order to meet this target adopts a strategy of urban concentration with regeneration as identified in Policy 2 of the ACSSD spatial strategy. This means the following hierarchy will be used to identify sites:

Within or on the edge of the built up area of Nottingham

Adjacent to the sub regional centre of Hucknall  
Key villages (Bestwood, Calverton and Ravenshead)  
Other villages

The ACSSD is a strategic planning document for allocating strategic sites and the submission version originally allocated two strategic sites around Hucknall, including North of Papplewick Lane and at Top Wighay Farm. There are a number of unresolved objections to these two strategic sites.

Whilst recognising that the location of the planning application proposals would be consistent with the policy of urban concentration, at the time of the agreement to submit the ACSSD, Gedling Borough considered that there were a number of significant outstanding issues relating to this site and it could not be included as a strategic site in the ACSSD. These outstanding issues were technical in nature, relating to flood risk and transport, and the evidence needed to resolve these issues was not available at that time so as to support inclusion of the site in the ACSSD.

Since the time of submission of the ACSSD, the applicant submitted this planning application for mixed uses and 830 homes at Teal Close and the applicant considers that the issues previously raised by Gedling Borough Council relating to flooding and transport have now been resolved as part of this planning application process.

At the subsequent Examination hearings, Gedling Borough undertook to propose *modifications to the Aligned Core Strategy, which would include the allocation of the Teal Close Site (as shown in the red line planning application) as a strategic allocation which would deliver housing within the first 5 years of the Plan.* Subsequently, proposed modification 9 includes a new strategic allocation at Teal Close.

Turning to the issue of prematurity, Paragraph 17 of 'The Planning System: General Principles' (which has not been revoked by the NPPF) identifies that "it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review but has not yet been adopted". The document goes on to identify that refusal on prematurity grounds may be appropriate where the grant of planning permission could predetermine decisions about scale, location and phasing which are being addressed by the Policy in the Development Plan Document.

It is considered that a key issue that could be predetermined in this case is the location of development. The allocated housing sites at Teal Close/North of Victoria Park are for 400 dwellings and these have been taken into account in the future supply of housing in Gedling Borough, meaning that the planning application proposals would result in an additional 430 dwellings. Gedling Borough has at the ACSSD Examination given an undertaking to include the Teal Close site as a strategic allocation in the proposed modifications to the Aligned Core Strategy and also to include homes at Gedling Colliery/Chase Farm (see proposed modifications 9 (strategic allocation at Teal Close and proposed modification 10 Gedling /Chase Farm strategic location).

Even taking into account the additional dwellings arising from this proposal, together with the potential allocation at Gedling Colliery/Chase Farm, there are insufficient brownfield sites or sites in or on the edge of the urban area to meet the total housing requirements meaning that strategic sites adjacent to Hucknall and non-strategic sites in or adjoining the key settlements will be required.

Given the scale of growth required in Gedling Borough during the Plan period (7250 new homes), the limited availability of sites around the main urban area and known constraints to the scale of sites around Hucknall, sites need to be allocated around the key settlements for growth as identified in Policy 2 of the ACSSD. The delivery of additional housing in the vicinity of Teal Close would be likely to result in housing being reduced around Hucknall and/or the key settlements, which will be addressed in the proposed modifications. On the basis that the Teal Close development would be sequentially preferable in terms of the hierarchical approach to the housing distribution, accords strongly with the policy of urban concentration, and is needed to meet the identified housing need, then there is a strong case for bringing forward this site at an early opportunity. As Gedling Borough gave an undertaking during the Examination to include the site within the proposed modifications to the ACSSD, this means that it has a high level of certainty of inclusion within the final adopted Aligned Core Strategy and any implications relating to the distribution of development arising from the allocation of this strategic site are also dealt with by way of the proposed modifications to the ACSSD. Consequently, I do not consider that the proposal should be refused on prematurity grounds.

Paragraph 49 of the NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref: 2179560) have indicated that this would include policies which restrict or direct residential development. Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF.

The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

The Five Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.23 year supply of deliverable housing sites within the Borough against the East Midlands Regional Plan targets. As such, relevant policies relating to the supply of housing in the RLP are out of date and the principle of the proposal should be considered against the presumption in favour of sustainable development and the policies in the NPPF. Policies in the emerging ACS are also material to the proposal.

The site is located adjacent to the main urban area of Greater Nottingham and as such accords with the strategy of urban concentration contained in Policy 2 of the ACSSD.

### 3. The Safeguarded Land

Part of the proposed site is identified as safeguarded land on the adopted RLP Proposals Map. Policy ENV31 of the RLP states that land identified as safeguarded “shall be safeguarded from inappropriate development until a future Local Development Document is adopted that proposes it for development”. The proposal would therefore constitute a departure from Policy ENV31 of the RLP. Paragraph 1.71 of Policy ENV31 of the RLP states that “the safeguarded land identified on the Proposals Map should be treated as Green Belt and planning permission will not be granted for development which would prejudice its later comprehensive development.

The fourth bullet point of paragraph 85 of the NPPF states the following:

“[local planning authorities should] ... make clear that safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development”

Whilst, Policy ENV31 of the RLP states that safeguarded land should be treated as Green Belt, it is not Green Belt land and therefore the site in a planning policy context, is not subject to the recent Ministerial Statement (1st July 2013) which stated that Green Belt release should only take place through Local Plans reviews unless there are more very special circumstances other than the demand for housing that indicate that land should be released. A further consideration is that given Gedling Borough does not have a five year supply of housing land, then Policy ENV31 is considered out of date and should be given only limited weight. As the proposals are part of a large sustainable urban extension, they accord with the proposed modification to include a strategic allocation in the emerging ACS and therefore would not prejudice the comprehensive development of the site.

Policy ENV31 makes reference to considering development in terms of applying Policy ENV26. Policy ENV26 sets out development that is acceptable in the Green Belt. Only development which falls within the categories defined by Policy ENV26 of the RLP will be considered appropriate in Green Belt. Development falling outside of that considered appropriate should, from the Policy ENV26 perspective, only take place where there are very special circumstances. However, there is no test of very special circumstances required to release safeguarded land for development in the NPPF. Therefore, in my opinion, considering the site as if it were in Green Belt land and setting a test of very special circumstances is inconsistent with the NPPF and therefore ENV31 policy tests in relation to safeguarded land should be set aside.

Turning to paragraph 85 of the NPPF, whilst the accepted method for developing

safeguarded land would be through the preparation of a development plan document, there are particular circumstances relating to this site. The possibility of development in the longer term in this location (subject to need) is effectively established in the RLP. Gedling Borough has given an undertaking to allocate the Teal Close site as part of the proposed modifications to the ACSSD and there is a high level of certainty that this site would be allocated in the final adopted version of the ACS. I have already concluded that the proposal should not be refused on the grounds of prematurity.

In terms of suitability, the safeguarded land has been considered through the SHLAA process which establishes that it is suitable for development subject to flood risk (see Climate Change & Flooding Considerations below).

#### 4. Green Belt

The proposal also includes Green Belt land in the south eastern part of the site which is also designated public open space in the RLP. Within this part of the site it is proposed to develop recreational playing pitches and an ecology park, including drainage infrastructure works (for SUDS), to cover the area of the designated public open space.

Whilst it is accepted that the construction of the drainage infrastructure and works to realise the recreational and biodiversity proposals would constitute engineering operations and hence be considered an appropriate development in Green Belt within the terms of paragraph 90 of the NPPF, the proposal to utilise this same area for a recreation ground (including playing pitches) and an ecology park would constitute a change of use to outdoor recreation. Under the terms of Policy ENV26 of the RLP, outdoor recreational use may be appropriate development, provided it would not harm the openness of the Green Belt.

However, the more recent NPPF does not include change of use to outdoor recreational facilities as constituting appropriate development as, according to recent case law, the NPPF at paragraph 89 (which sets out certain exceptions in terms of whether a development is appropriate in Green Belt) applies only to new buildings. Paragraph 90 of the NPPF lists certain other forms of development which are not inappropriate, but this does not include outdoor recreation. As the recent case law makes clear that the list in paragraph 90 is an exhaustive list, then it must be concluded that the proposed change of use of Green Belt to outdoor recreation would constitute inappropriate development in the Green Belt.

The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. In considering planning applications, substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

The proposed change of use to recreational open space and biodiversity enhancement would constitute inappropriate development and is by definition harmful. However, consideration needs to be given as to whether the proposals

would do any other harm. In order to consider this, it is necessary to view the proposal against the aim of Green Belt policy in maintaining openness and the five purposes of the Green Belt which are:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In relation to the fundamental aim of maintaining the openness of the Green Belt, I note that no built development is proposed and there would be no material change to the land formation. As such, I am satisfied that the proposed uses would maintain the openness of the Green Belt.

Regarding the purposes of Green Belt, the proposed recreational playing pitches and parkland, including an ecology park, would not result in urban encroachment, nor result in the coalescence of neighbouring towns, and would continue to safeguard the countryside.

The preservation of the setting and special character of historic towns is not relevant to this particular location.

With regard to assisting in urban regeneration, this purpose of the Green Belt is not undermined as the proposals do not release Green Belt for built development, but accord with the ACS strategy of concentration with regeneration by concentrating development within the planned limits to the existing Nottingham urban area.

In conclusion, the proposals would not conflict with the fundamental aim of maintaining openness nor any of the purposes of Green Belt policy.

The above considerations lead to the conclusion that the proposal would not be harmful to the openness of the Green Belt or the purposes of including land within Green Belt. However, as the proposed changes of use would constitute inappropriate development under the NPPF, the Framework requires any harm from inappropriateness to be outweighed by very special circumstances. The onus is on the developer to demonstrate why very special circumstances exist and to this end the applicant's agent has submitted a Supplementary Planning Statement (SPS) to be read in conjunction with the existing submitted Planning Statement. Having taken into account the SPS, I would agree that there are very special circumstances that outweigh any harm. In coming to this conclusion, I consider that the following considerations are material:

Gedling Borough does not currently have a five year supply of housing land and the proposal for outdoor playing pitches and parkland, including an ecology park, is necessary to support a large mixed use development of some 830 dwellings which has been included as a modification to the ACSSD. A large part of the proposal entails allocated housing sites from the RLP totalling 400 dwellings



under Policy H3 of the RLP and is part of the existing housing supply as it includes allocated housing sites. This allocation also requires the relocation of existing playing fields and the RLP made suitable provision for this replacement by including provision for the replacement public open space within the Green Belt to the south of the proposed development site under Policy R1 of the RLP. The sustainable urban extension at Teal Close is identified as a strategic allocation in the Aligned Strategy modifications to ACS Policy 2 and is expected to commence within 5 years, thereby contributing to the 5 year housing supply and the overall strategic housing requirements. However, if the replacement playing fields, additional open space and green infrastructure proposals could not be accommodated within the Green Belt land, then the capacity of the remaining development site would be greatly reduced and the necessary contribution to the housing supply significantly decreased. This would need to be made up elsewhere in Gedling Borough, including potentially on Green Belt land in less sustainable locations.

The site is designated as public open space under Policy R1 of the RLP and is required to replace the existing playing fields to the west of the A612 on the RLP Policy H3 allocated housing site. Policy R1 of the RLP therefore establishes a commitment to provide public open space in this part of the Green Belt.

Paragraph 81 of the NPPF advises that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity. In this context, I consider that significant weight can be attached to Policy R1 of the RLP in designating this area as public open space.

The sustainable urban extension at Teal Close is included within the ACSSD as a main modification to Policy 2 of the ACSSD, and has been included largely as a result of discussions at the Examination. Policy 1 of the ACSSD requires development to be resilient to flood risk and requires sustainable urban drainage features, which in this case are proposed on the Green Belt land. The ACSSD site schedule identifies the need for replacement playing fields and significant green infrastructure to be provided adjacent to the Netherfield Lagoons Local Nature Reserve and Site of Importance for Nature Conservation. Accordingly, significant weight should be attached to Policy 2 of the ACSSD, as proposed to be modified by the inclusion of Teal Close for 830 dwellings.

Having taken into account the above considerations which amount to very special circumstances I consider that these significantly outweigh any harm by virtue of the proposal constituting inappropriate development.

## 5. Employment Land Retention

The application proposes employment uses including 18,000 square metres of B1, B2 and B8 uses (of which not more than 4,500 square metres would be B1 (a)). These “traditional” B Class uses would cover approximately 6.8 hectares (including landscape buffers) of which about 1.1 hectares would be for B1 (a), with the B2/B8 element being developed on about 5.7 hectares.

Turning to the industrial warehousing elements, and more specifically the issue of the future supply of employment land in Gedling Borough, Policy 4 of the emerging ACSSD identifies that a minimum of 10 hectares of B1 (c), B2 and B8 employment land should be available within Gedling Borough over the period 2011-2028. When compared with the existing employment supply in Gedling Borough, there is an over-supply of around 17 hectares. Policy E1 (f) of the RLP allocates 17 hectares of land at Teal Close for employment generating uses, other than retailing or uses appropriately sited within a shopping area. This proposal would result in a reduction in the E1 (f) employment allocation which is compensated to a limited extent by the extension of employment uses into the adjoining safeguarded land. The reduction in employment land for “traditional” B Class uses would be approximately 10 hectares when compared with the size of the employment allocation in Policy E1 (f) of the RLP. The emerging ACSSD indicates there is scope to de-allocate some existing employment land supply and, on its own, this reduction of about 10 hectares would not result in the overall employment land supply falling short against ACSSD requirements for B1 (c), B2 and B8 employment land.

In considering employment land supply, it is also reasonable to consider whether there are other recent planning commitments or proposals which cumulatively with this proposal could result in a shortage of employment land supply. In this context the recent planning permission for retail led employment proposals on the nearby Colwick Industrial Estate (CIE) are relevant as this development results in a reduction in the existing employment land supply. The planning permission at the CIE together with the proposals at Teal Close would result in employment land losses of about 16 hectares. The ACSSD provisions are for 10 hectares of industrial and warehousing land, plus 23,000 square metres of office. Once assumptions are made about how much land would be occupied by office development (based on standard plot ratios and floorspace density), then the employment land supply in Gedling Borough is broadly in balance with the provisions set out in Policy 4 of the ACSSD.

In addition to employment land supply, it is necessary to consider whether the application conforms to Policy E3 of the RLP (Retention of Employment). The RLP Policy E1 (f) employment allocation at Teal Close is currently protected for employment uses under Policy E3 of the RLP, which seeks to protect existing and allocated employment sites for their specified employment uses unless the retention of the site for its specified employment uses has been fully explored by extensive marketing and advertising without success. Paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of employment land where there is no reasonable prospect of a site being taken up for that purpose. In the context of paragraph 49 of the NPPF, it is not considered that Policy E3 of the RLP is a “blanket” protection policy, as it gives flexibility to reuse employment sites for other purposes subject to evidence that the site has been marketed without success. Consequently, it is considered that Policy E3 of the RLP is in accord with the NPPF and should be given due weight.

The planning application and its supporting documents do not contain any evidence that the allocated E1 (f) employment site has been actively marketed, although it is accepted that this allocation has been available for a considerable

period of time without any part of the site being taken up, despite the improved accessibility of the site following the completion of the adjacent A612 road scheme (completed in 2007/2008). Whilst, there is no information on any marketing exercise provided, the applicant considers that the amount of B class floorspace and types of employment uses proposed are better related to the needs of the local employment market and considers that their proposals fit with the market assessment provided by the Nottingham City Region Employment Land Study (2007) which assessed market appeal in terms of the site at Teal Close providing an opportunity for small to medium scale development for light industrial units.

It is the case that, with the exception of the proposed retail uses, the planning application proposes employment type uses on part of the allocated RLP E1 (f) employment site and to this extent this is consistent with Policy E3 of the RLP. However, the application has effectively reconfigured the employment allocation, extending it into the safeguarded land whilst introducing residential uses, local centre, primary school and playing fields in the southern part of the RLP E1 (f) allocation in order to promote a viable mixed use scheme. With the exception of the care home and community building (which are regarded as employment related), these other uses on the remainder of the RLP E1 (f) employment allocation are either not employment related or are more compatible with a shopping area and must be considered to be in conflict with Policy E3 of the RLP. Given that there is a degree of conflict with Policy E3 of the RLP, it is necessary to balance the "loss of employment land" against other policy considerations, including those set out in the emerging ACSSD.

By including a significant element of B class floorspace, the application would make a major contribution to the requirements of Policy 4 of the ACSSD for both office floorspace and more general industrial and warehousing land (4,500 square metres out of the 22,500 square metres requirement for B1 (a) office floorspace and over 5 hectares of B1 (c), B2 and B8 land out of a requirement for 10 hectares). In addition, Policy 4 of the ACSSD takes a more flexible approach to making provision for employment uses and requires that local planning authorities make provision for the full range of jobs, including those that are not within the B use class.

Whilst the Policy E3 of the RLP excludes uses more appropriately sited within shopping and local centres (see paragraph below for comments on the proposed local centre), the application proposals would result in over 750 jobs of which about 500 would be net additional jobs to the local economy (once allowing for displacement effects).

In considering the proposed local centre, it is noted that Policy E3 of the RLP does not include retail or other development more appropriate to a town centre as being suitable on employment sites. However, Policy 6 of the ACSSD states that major residential led development may require retail development of an appropriate scale, and the application states clearly that the retail element is to be part of a community hub and to be on a scale commensurate with the size of the development. I would agree with the applicant that a planning condition should be imposed limiting the size of the A1 retail floorspace to no more than 1,500 square metres. I would also recommend a planning condition limiting the

size of any individual A1 retail unit to not exceed 750 square metres. These conditions are necessary to ensure that the retail element is of a scale suitable to serve day to day shopping needs and would not harm the viability of the nearby Netherfield Town Centre.

On balance, it is considered that the limited conflict with Policy E3 of the RLP is outweighed by the major contribution that the proposal would make towards the employment provisions set out in Policy 4 of the ACSSD, the large number of jobs likely to be created and particularly the contribution the application proposals would make towards increasing the housing supply in line with the NPPF as part of a sustainable mixed use scheme.

## 6. Sustainability Issues

Key to the sustainability of the development is the provision of sustainable transport modes for users of the site and also the provision of suitable community facilities which are required as a result of the development. Relevant policies include Policies H5, C2 and R3 of the RLP, Policy 18 of the ACSSD and paragraphs 203–206 of the NPPF.

Policy H5 of the RLP states that planning permission will be granted for the comprehensive mixed use development of land at Teal Close/Victoria Park to include residential, employment and recreational uses. Whilst Policy H5 of the RLP relates to a mixed development for 400 new homes and this proposal is for a far larger development of 830 homes, it needs to be taken into account as it sets out a series of measures for the allocated sites in order make them sustainable and therefore of relevance to this proposal. These measures include:

- Vehicular and pedestrian access, including public transport measures, to the housing, employment and recreational land;
- Landscaping measures including the provision of open space and boundary treatments;
- Contributions to primary and secondary school provision and primary health care provision;
- The location and nature of formal sports facilities;
- In relation to land lying between the allocated sites, the River Trent, the Netherfield Pits and Stoke Lane/Stoke Bardolph – proposals for improving recreational value; and proposals for enhancing ecological value.

Policy C2 of the RLP states that the Borough Council will have regard to the provision of community facilities arising from the proposal. Policy C2 goes on to state that planning conditions will be imposed, and planning obligations or legal agreements will be sought, in order to secure appropriate community facilities or financial contributions. Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

The site is adjacent to the main urban area of Nottingham and located close to

existing services and facilities, and existing cycle and pedestrian infrastructure ensure that a range of services can be accessed without using the car. The provision of employment, primary school, local centre and recreational open space on site accessible to new and existing residents should also help reduce the need to travel. The location is considered highly sustainable and the proposal includes a number of measures that should increase the sustainability of the development which are set out below:

### *Public transport*

The Transport Assessment recognises the need for further enhancement and connectivity to existing bus services if site users are to rely on these as a viable means of transport. The master plan indicates that bus services could be routed through the site with bus stops at appropriate intervals. Contributions have been secured for improvements to existing bus services including up to £450,000 for bus services to be diverted to the site within the County area. Nottingham City Council have also secured contributions to extend City Link 2 to serve the site and connect it to the City centre as many residents would undoubtedly need to travel on the City network to access employment, shopping and other facilities in the City Centre and this improved service would also serve those travelling in the opposite direction for employment.

The developer has agreed to provide S106 contributions towards the monitoring of a travel plan, which would contain detailed measures to encourage transport by non-car modes, and the provision of bus passes to new residents in the development for a set period, in order to encourage use of public transport from the outset.

These contributions to travel plan monitoring and improvements to bus services should ensure that the development is accessible by public transport and would satisfy Policies H5, C2 of the RLP and Policy 18 of the ACSSD.

### *Education*

The Local Education Authority (LEA) has confirmed that the proposed development would yield an additional 151–177 primary school places and 115–135 to secondary school places. The site falls within the catchment of Netherfield Primary School and Carlton-Le-Willows Academy. The LEA has confirmed that Netherfield is at operational capacity and unable to accommodate the additional primary school places. The LEA has confirmed that it requires a new single-form entry primary school on 1.1 hectares of land at a cost of approximately £3.5 million. The LEA has also stated that whilst Carlton-Le-Willows Academy is at capacity, there are sufficient secondary school places available within existing schools to accommodate the additional pupils.

The applicant has proposed that a one form entry primary school is to be provided on a 1.1 hectare site at a cost of £3.5 million, which meets the requirements of Policies H5 and C2 of the RLP and Policy 18 of the ACSSD.

### *Public Open Space & Green Infrastructure*

Policy H5 of the RLP requires the provision of 9 hectares of sports/recreational uses in order to accommodate relocation of existing facilities from the North Victoria Park which is allocated for housing. Also land to the north-east of the allocated housing site is protected open space. The planning application effectively reconfigures the housing and employment allocations and the open space to the north-east which is currently protected open space.

Policy R3 of the RLP requires that residential development on 0.4 of a hectare and above should have a minimum of 10% local open space. The residential element of the proposed development amounts to 23.45 hectares and application of the 10% ratio required by Policy R3 would result in 2.345 hectares needed to be reserved for open space. The application includes the provision of 18.93 hectares of public open space (including the proposed 10 hectares Ecology Park), 1.4 hectares of children's play areas and 4.2 hectares of playing pitches to replace those being relocated from North Victoria Park. In the latter respect, Policy R1 of the RLP seeks to protect public open space, but provides an exception where the applicant provides a replacement of at least equal in terms of quantity and quality to that being replaced. In this regard, I am satisfied that the open space and existing playing fields west of the A612 are being replaced by superior provision in an accessible location.

In accordance with the requirements of the Borough Council's Parks and Street Care section, the Parameters Plan has been revised to specify that the residential, recreation ground and parkland zones together are to accommodate a minimum of 4.77 hectares of play area/sports facilities, inclusive of 1 no. NEAP and 2 no. LEAP's, and a minimum of 4.2 hectares of playing pitches. I am also satisfied that this would meet the requirements of Sports England, as these would be delivered by the imposition of appropriate conditions and a S106 Agreement, which would need to be completed before any decision is issued.

The site adjoins the Netherfield Lagoons Local Nature Reserve and there is a significant opportunity to enhance green infrastructure in this location. Consultees have indicated that visitor pressure is likely to increase potentially increasing wear and tear on site infrastructure (for example, paths, access control, furniture etc.) and financial contributions to assist with the costs of additional maintenance due to wear and tear from extra visitors has been requested by certain consultees. In mitigation, the applicant proposes that an ecology park of not less than 10 hectares is developed in the southern part of the site adjoining the Netherfield Lagoons. The ecology park would also adjoin the proposed replacement playing fields to be provided in the south west of the site. In my view, the requested contribution to finance additional wear and tear would fail the tests set out in paragraph 204 of the NPPF, as they cannot be directly related to the proposed development. I consider that the proposed ecology park will take visitor pressure off the Netherfield Lagoons and is an appropriate mitigation measure consistent with the provisions of Policy H5 of the RLP.

It is also proposed to include allotments fronting Stoke Lane, which would be additional to the informal and formal play space and a particular requirement that was identified during the public consultation. In overall terms concerning the

provision of open space and recreational facilities, I am satisfied that adequate provision is made for public open space in line with Policies H5 and R3 of the RLP.

### *Flooding*

According to the Environment Agency's web based mapping, most of the site is located within Flood Zones 2 with a small part in Flood Zone 3A along the site boundary with the Ouse Dyke and the A612.

Policy 1 of the ACSSD sets out a sequential approach to locating development away from areas at highest risk of flooding and states that where no reasonable site within Flood Zone 1 is available, allocations within Flood Zone 2 and 3 will be considered. This is consistent with paragraphs 101-103 of the NPPF, which state that a sequential test should be applied in areas known to be at risk of any form of flooding, but where development is necessary it should be safe without increasing flood risk elsewhere. I am satisfied that there is no sequentially preferable site available at a lower risk of flooding that would meet the requirements for housing set out in the Policy 2 of the ACSSD and consider, therefore, that the sequential test set out in the NPPF and Policy 1 of the ACSSD is satisfied.

The applicant has produced a site specific flood risk assessment (FSRA), which demonstrates that the majority of the development area lies within Flood Zone 1, with flood zones 2 and 3 confined to the "wetland" zone in the southern part of the site where it is proposed to locate open space. Within the site, the applicant has followed the sequential approach and located more vulnerable uses on areas of the site within Zone 1 which has a low probability of flooding, in line with guidance in paragraph 100 of the NPPF.

Breach modelling has also been carried out to assess the residual flood risk to the site if there were to be a breach in the flood defences in the Colwick area. The model indicates that a breach at Colwick would extend across part of the site and appropriate mitigation measures are proposed (see Climate Change & Flooding Considerations below). Accordingly, I consider the proposal accords with Policy 1 of the ACSSD and paragraphs 100–101 of the NPPF.

### *Air Quality*

The Environmental Statement accompanying the planning application states that through good practice and the implementation of mitigation measures the impact of the construction phase can be managed so that any effects would be negligible. When operational, the Environmental Statement considers that there may be a small increase in pollutants, but these would not exceed any statutory regulations. A contribution towards air quality monitoring has been secured so that appropriate monitoring can take place (see Pollution & Land Contamination Considerations below).

### Climate Change & Flooding Considerations

The relevant planning policies that need to be considered in relation to climate

change and flooding are set out in Policy 1 of the ACSSD and Section 10 of the NPPF.

Policy 1 of the ACSSD states, amongst other things, that development will be expected to demonstrate that it is designed to withstand the long and short term impacts of climate change, particularly the effect of periods of intense rain and storms. Where no reasonable site within Flood Zone 1 is available, allocations in Flood Zones 2 and 3 will be considered on a sequential basis and the Exception Test should be applied, where necessary. When considering if a proposed development has wider sustainability benefits to the community that outweigh flood risk, the following factors should be taken into account:

There are exceptional and sustainable circumstances for locating the development within such areas

The risk can be fully mitigated by engineering and design measures.

Paragraphs 100-103 of the NPPF state, amongst other things, that a sequential approach should be used in areas known to be at risk from any form of flooding. If it is not possible, following application of the Sequential Test, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied. For this to be passed:

it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and

a site-specific flood risk assessment must demonstrate that the development would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

As the Sequential Test has been applied (see Planning Policy and Sustainability Considerations above) and there are no Highly Vulnerable or More Vulnerable uses proposed to be located within the small part of the site which is within Flood Zones 2 and 3A, then the Exception Test is not required in this instance.

The above tests have been applied to the proposed development and have been considered with regard to the wider sustainability in the previous section above. The NPPF then states that, following the above tests, when determining applications, local planning authorities should only consider development where it can be demonstrated that:

within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use sustainable drainage systems.

A Flood Risk Assessment (FRA) has been carried out in accordance with the requirements of the NPPF and this has been amended during the processing of the



application to overcome the initial concerns expressed by the Environment Agency, particularly with regard to the residual risk of breach of the River Trent flood defences and the requirement for flood emergency planning arising from this.

In this respect, I note that the revised FRA considers the breach flood extents across the site in the event of a breach in the flood defences at Colwick and proposes the raising of ground levels in specific areas to ensure that the proposed development would be appropriately flood resilient and resistant. The degree to which the levels should be raised varies between those parts of the site defined as 'More Vulnerable' or 'Less Vulnerable' areas. An additional 300mm of flood resilient construction should also be provided to all properties within the breach extents, to ensure additional protection for climate change and/or wave fluctuations in the water level.

The proposed development levels outside of the breach flooding extent should be set at levels at no lower than existing site levels to ensure that the site remains within the current flood zones and therefore limit the risk to the properties concerned.

The FRA also recommends that Sustainable Urban Drainage systems should be incorporated into the design wherever possible.

Following these revisions to the FRA, I note that the Environment Agency is now satisfied that the proposed mitigation measures would ensure that the proposed development would be appropriately flood resilient and resistant, and that any residual risk can be safely managed, including by emergency planning. These measures can be secured by the imposition of appropriate conditions, if Members resolve to support the grant of outline planning permission.

As such, I am satisfied that the proposed development would not be unduly vulnerable to the impact of climate change and flooding and accords with the aims of Policy 1 of the ACSDD and paragraphs 100-103 of the NPPF, which seek to ensure that development is safe, that flood risk is not increased elsewhere and that priority is given to the use of sustainable drainage systems.

### Pollution & Land Contamination Considerations

The relevant planning policies that need to be considered in relation to pollution are set out in Policies ENV3 and ENV11 of the RLP and Sections 4 and 11 of the NPPF.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Policy ENV11 of the RLP states, amongst other things, that planning permission will not be granted for pollution generating development which would result in unacceptable risk to the health and safety of residents or users of nearby properties;

unacceptable nuisance to users or residents of nearby properties or the surroundings in general by reason of smoke, fumes, gases; or harm to the natural environment or the landscape.

Paragraph 35 of the NPPF states, amongst other things, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Paragraph 39 of the NPPF goes on to states, amongst other things, that if setting local parking standards for residential and non-residential development, local planning authorities should take into account an overall need to reduce the use of high-emission vehicles.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

I appreciate the comments made by local residents, Chettles Ltd., and Stoke Bardolph Parish Council with regard to odours, land contamination and light pollution and have addressed these and other related pollution issues below:

#### 1. Odour Emissions

Air Quality has been specifically addressed within Chapter 9 of the Environmental Statement which accompanies the application. This points out that the master planning process and design of the site layout has taken into account the odourous emissions arising from the adjacent industrial processes. More sensitive uses, such as residential, school, community and the local centre, have been located, wherever possible, away from these sources. The less sensitive commercial areas and allotments have been located at the north-eastern end of the site, which is nearest to the Waste Water Treatment Works and pet food manufacturing facility.

The risk of fugitive odour emissions from the adjacent industrial processes must be taken into account and weighed in the planning balance. Whilst recognising

that they present a real risk of future residents, and the occupants of other buildings, being exposed to odours, which would in turn lead to a significant increase in complaints, I note that the Borough Council's Public Protection section does not wish to object to the proposed development on these grounds.

In addition, although Public Protection advises that these odours may vary in strength and offensiveness, there are also external factors, such as meteorological conditions, which affect their dispersal and so the strength of the odours. In particular, the location of the proposed development to the south-west of the adjacent industrial processes should be given weight, due to the relatively low frequency (9-10% of the year) when the wind will blow odours from their source towards the site, and the time of year that this is most likely to occur. This is supported by data shows that there is a predominance of winds from a south-westerly direction, which would tend to blow odours from these processes away from the proposed development site.

As the most effective mitigation of odours is at the source of the odour, it is important to note that both the adjacent sites in question are regulated by the Borough Council and the Environment Agency under other legislation and are required to employ Best Available Techniques in order to comply with their permits. The Borough Council also has powers to investigate Statutory Nuisance on both sites, should this be required. Odours may also be reduced into the future as technology/Best Available Techniques improve.

## 2. Ground Conditions & Contamination

With regard to the construction phase, Public Protection agrees that appropriate mitigation measures are required and that with regard to dust it is recommended that the outputs of the air quality assessment contained within Chapter 9 of the Environmental Statement are followed.

With regard to the operation phase, whilst Public Protection would agree that remedial measures could be used to ensure the sites suitability for use, I note that it does not wish to comment on the measures proposed until a full assessment has been made and a remediation strategy submitted.

However, I note that Public Protection is satisfied with the conclusions of the Environmental Statement; that provided that adequate remedial measures are carried out to ensure the land is suitable for its end use, the development would have a negligible effect.

To ensure this, Public Protection recommends that the site should be assessed in a zoned fashion based on the proposed land use and that further investigation works are carried out over the entire site to assess the nature and extent of any potential contamination. In this respect, I note that there is general agreement that further work to refine the Conceptual Model is required and based on this a remediation proposal should be submitted for approval.

As such, I would concur with the recommendations of the Public Protection section that specific conditions are imposed on any planning permission to

ensure that issues relating to land contamination are fully assessed in the future.

### 3. Light Pollution

Whilst it is inevitable that the proposed development would increase light pollution in the area to some extent, as noted by Stoke Bardolph Parish Council, I am satisfied that this would not be unduly detrimental as it would be absorbed by the existing urban area, and adjacent commercial sites, which bound the site on three sides.

### 4. Air Quality

An Air Quality Assessment has been submitted as part of the Environmental Statement. Whilst Public Protection has confirmed that generally the assessment has been carried out to best practice, I note that it is requested that some mitigation is considered to offset the likely increases in pollutant emissions.

Chapter 9 of the Environmental Statement indicates that some mitigation measures, based around the Framework Travel Plan, would be sufficient to offset any increases of pollution concentrations. Public Protection considers that a development of this scale would lead to an increase in road transport emissions and, as such, some additional mitigation would be required to ensure that the development is sustainable from an emissions point of view. I am satisfied that these measures can be secured by the imposition of appropriate conditions, if Members resolve to support the grant of outline planning permission.

In order to assess the impacts of the proposal on air quality impacts, Public Protection has requested that a Section 106 contribution is made to undertake 5 years of low cost air quality monitoring at affected areas, commencing during the construction phase. The necessary contribution has been agreed with the applicant and has been incorporated within the draft S106 Agreement.

### 5. Noise

With regard to noise, there is likely to be an increase, both during and after construction as a consequence of increased activity on the site and vehicular movements, particularly from the employment zone and its access onto Stoke Lane. However, I note that Public Protection does not raise an objection on these grounds and is satisfied that the noise assessment submitted with the Environmental Statement is sufficient and that the proposed mitigation measures are satisfactory.

It is considered, therefore, that the proposed development would accord with Policies ENV3 and ENV11 of the RLP and Sections 4 and 11 of the NPPF.

### Highway Considerations

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP. Highway contributions have been considered separately under Planning Obligations below.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated and that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

Detailed approval is sought as part of this application to establish the locations and design of the principal vehicular access points into the site. Traffic and transportation issues (including a Transport Assessment and Framework Travel Plan) are assessed and provided within Chapter 8 of the Environmental Statement. These have been considered by the Highway Authority, which has no objections subject to a number of off-site requirements at the detailed design stage, which would be dealt with under separate highway powers.

The imposition of appropriate conditions to secure the necessary highway works have been recommended by the Highway Authority and have been accepted in principle by the applicant's transport consultants. Whilst there is likely to be an increase in traffic noise as a consequence of the level of traffic generated by the proposed development, I note that Public Protection does not raise an objection on these grounds (see Pollution & Land Contamination Considerations above). Provisions for the safe and convenient access and circulation of pedestrians and vehicles would be assessed at the reserved matters stage.

Detailed parking arrangements would also be considered at the reserved matters stage, but would be required to comply with the requirements of the Borough Council's Parking Provision for Residential Development SPD (May 2012). Parking provision for non-residential uses would be required to comply with the requirements of the 6C's Design Guide.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP, the Parking Provision for Residential Development SPD and the 6C's Design Guide.

### Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section

11 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACSSD.

Policy 10 of the ACSSD states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

Whilst there would be a significant amount of increased traffic activity generated in the area, both during the construction period and afterwards, this would be primarily on the A612 and a short stretch of Stoke Lane between the proposed employment zone access and its junction with the A612, where there are few residential properties in the immediate vicinity. I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

The capacity of the local road network to accommodate the proposed development has been considered in the highway section above.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties on Stoke Lane, Chandos Street or off Emerys Road in terms of overlooking, overshadowing or overbearing issues, given the distance of the proposed development from these, the buffer provided by existing allotment gardens and the screening which would be provided by the existing and proposed woodland belts.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy ENV1 of the RLP, Policy 10 of the ACSSD and Section 11 of the NPPF.

### Ecological Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy ENV36 of the RLP, Policy 17 of the ACSSD and Section 11 of the NPPF.

Policy ENV36 states, amongst other things, that in evaluating proposals which may have an adverse effect upon a Local Nature Reserve (LNR), consideration will be given to the impact on the long-term ecological viability of the habitat; measures taken to minimise damage and disturbance to the habitat and wildlife; and the nature, layout and density of the development proposed. Where development is

permitted, a balance will be struck between the needs of the development and the ecological interest of the site. Any damage to the ecological interest of the site will, as far as possible, be kept to a minimum. Where appropriate this will require the provision of mitigation and/or compensatory measures which may be secured by conditions and/or planning obligations.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

Policy 17 of the ACSSD goes on to state that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Paragraph 118 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Whilst the proposed development would result in the loss of arable farmland, the proposals do not directly affect any statutorily or locally designated nature conservation sites. Furthermore, the south-eastern part of the application site would be used for informal open space, in the form of an Ecology Park, comprising trees, hedges, open water, lowland wet grassland and herb rich neutral grassland. The proposed Ecology Park would extend to not less than 10 hectares, with its southernmost point lying adjacent to the Netherfield Lagoons LNR.

In response to comments from the County Council's Conservation Team regarding the layout of the proposed Ecology Park, the Teal Close Ecological Habitat Design Aims and Objectives have been submitted as part of the Ecology Design Principles. These have been formulated to guide the detailed design of the ecological habitats within the landscape elements of the main development site and in the Ecology Park, which both the County Council and Nottinghamshire Wildlife Trust consider to be an appropriate approach at this stage.

I note that the County Council's Conservation Team considers that the site itself is of relatively limited nature conservation value and that the application is supported by up-to-date, and fairly comprehensive, ecological information. The County Council is also content that the ecological impacts have been assessed correctly, although it raises concerns about the impact of increased public access to the adjacent Netherfield Lagoons LNR, a view shared by the Nottinghamshire Wildlife Trust and Gedling Conservation Trust.

It is recommended that the range of mitigation measures proposed in Chapter 15 of the Environmental Assessment and the Ecology Design Principles be secured by the imposition of appropriate conditions, if Members resolve to support the grant of outline planning permission.

In response to the objection by the Gedling Conservation Trust, which has also been raised by the Nottinghamshire Wildlife Trust, that the current proposals for the mitigation, protection and enhancement of biodiversity seem entirely inadequate in relation to larger area of land originally indicated under Policy H5 of the RLP, I would comment that Policy H5 refers to ecological enhancement over a wider area, including land that is outside the area of this planning application. Policy H5 of the RLP reflects the opportunities and circumstances at the time of the RLP's adoption and the situation has now moved on, as parts of this wider area are now in agricultural use and the new National Grid sub- station has been constructed. There has therefore been a material change in circumstance since the adoption of the RLP and I am satisfied that the proposed Ecology Park and other mitigation measures are acceptable in the current context.

Whilst I appreciate the concerns of the nature conservation bodies that visitor pressure is likely to increase wear and tear on the Netherfield Lagoons Local Nature Reserve, the need for a financial contribution to address this particular issue has been considered under the Planning Policy & Sustainability Considerations above. This concluded that a contribution would not be justifiable under the NPPF, as the provision of the Ecology Park is an appropriate mitigation measure. In my opinion, the suggested provision of a Visitor Centre would not meet the necessary tests in the NPPF either (see Planning Obligations below). It should also be noted here, that in the opinion of the County Council Conservation Team, the Ecology Park has the potential to be an important wildlife feature in its own right and would absorb some of the increased pressure on the Netherfield Lagoons LNR.

In addition to the proposed mitigation measures, the provision of the Ecology Park, together with a 10 year detailed Management Plan, would be secured by the imposition of appropriate conditions and a S106 planning obligation.



The presence of a protected species is a material planning consideration, but I note that the further ecological survey work which was requested and undertaken found no evidence of protected species and these are not considered to be a constraint on the proposed development.

I am satisfied, therefore, that after taking into account the mitigation measures proposed, that the proposed development would:

Protect and expand existing areas of biodiversity interest.

Avoid fragmentation of the Green Infrastructure network and improve biodiversity through the incorporation of existing habitats and the creation of new habitats.

Provide new biodiversity features

Support the management and maintenance of created habitat through the use of planning conditions, planning obligations and management agreements.

As such, I consider that the proposed development would accord with the aims of Policy ENV36 of the RLP, Policy 17 of the ACSSD and Section 11 of the NPPF.

#### Heritage Considerations

I am satisfied that the proposed development would not have any undue impact on historic buildings and structures, the nearest of which is the Railway Crossing House on Stoke Lane, which is included in the Borough Council's List of Buildings of Local Interest. The main heritage consideration, therefore, is the potential impact of the proposed development on archaeological assets.

In this respect, the relevant planning policies that need to be considered are set out in Policy 11 of the ACSSD and Section 12 of the NPPF.

Policy 11 of the ACSSD states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and enhanced in line with their interest and significance.

Paragraph 126 of the NPPF states, amongst other things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Archaeology and cultural heritage issues have been assessed within Chapter 13 of the Environmental Statement. This states that the site is known to contain reasonably extensive archaeological heritage assets, although the significance of the below ground archaeological remains is not considered to be sufficient to prevent development. As such, it is considered that further evaluation and subsequent mitigation could be secured by planning conditions.

In this respect, I note that the County Council's Archaeological Officer considers that there is a high likelihood that any development at the site will severely impact the survival of any archaeological remains, but raises no objection subject to any permission being subject to conditions requiring the submission and approval of an

archaeological scheme of treatment and its subsequent implementation.

I am satisfied, therefore, that appropriate conditions can be imposed to safeguard any archaeological assets and consider that the proposed development would accord with the aims of Policy 11 of the ACSSD and Section 12 of the NPPF.

### Design & Layout Considerations

The relevant planning policies that need to be considered in relation to design and layout are set out in Policies H5 and E1 of the RLP, Policy 10 of the ACSSD and Section 7 of the NPPF.

Policy H5 of the RLP states that planning permission will be granted for the comprehensive mixed use development of land at Teal Close/North of Victoria Park, as identified on the Proposals Map, for residential, employment and recreation uses.

Policy E1 of the RLP specifies the sites on the Proposals Map which are to be allocated for employed generating uses and development, including at E1(f) Teal Close.

Policy 10 of the ACSSD requires, amongst other things, that all new development should be designed to make a positive contribution to the public realm and sense of place and to create an attractive, safe, inclusive and healthy environment.

Paragraph 58 of the NPPF states, amongst other things, that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including the incorporation of green and other public space as part of developments) and support local facilities and transport networks.

Whilst I appreciate the comments of the Urban Design Consultant in respect of the impact of the existing A612 extension on the proposed layout, I am mindful that in relation to Policies H5 and E1, the RLP Proposals Map already allocates the land to the west of the A612 for residential development and land to the east for employment development, so the proposed land uses reflects the existing policy allocation. In addition, I am mindful that the Borough Council has undertaken to make modifications to the ACS, would include the allocation of the current application site as a strategic allocation (see Planning Policy & Sustainability Considerations above).

It has also be argued on behalf of the applicant, that the allocation of these areas for employment and sports pitches would not encourage integration or placemaking, for the following reasons:

The proposed employment uses have been located adjacent to existing employment uses on the north side of Stoke Lane so as to minimise impact on the residential amenity of the wider residential area.

Locating the employment uses at the junction of Stoke Lane and the A612

ensures the employment land can benefit from a separate access to the proposed residential and community elements. This would ensure that there is no conflict between employment and residential traffic.

The proposed employment uses are located close to the Waste Water Treatment Works to potentially facilitate the use of waste heat produced by the CHP plant. As outlined in the Sustainability and Energy Statement that accompanies the application, residential uses are not appropriate land uses to benefit from this type of sustainable energy.

The replacement playing pitches are located on Green Belt land. Whilst this change of use constitutes inappropriate development, no harm is done to the openness of the Green Belt, and by proposing the sports pitches on this part of the site, the full development potential of the remainder of the site can be realised, ensuring that the proposal makes efficient use of land and meets identified housing needs.

The proposed pitches have been located close to the proposed primary school to facilitate shared use of this resource.

Residential development is shown to be distributed throughout the whole site to ensure that the site is perceived as an extension to, and integrated with, the existing urban areas of Netherfield and Gedling.

The proposed residential development is located adjacent to the existing residential development to ensure minimal impact on amenity and to provide new residents with access to existing services and facilities in the urban area. The proposed access plans, which are not reserved for subsequent approval, include a signalised pedestrian crossing point across the A612. This crossing point would provide direct access to the proposed social and education hub.

In my opinion, the proposed development, as shown on the Illustrative Masterplan and the Parameters Plan would function well and add to the overall quality of the area, establish a strong sense of place and optimise the potential of the site to accommodate development. It would also support local facilities in the area and, by contributing towards the provision of the Gedling Access Road, would also support local transport networks.

As such, I am satisfied that the proposed development broadly accords with the residential and employment allocations indicated on the RLP Proposals Map and would accord with the aims of Policy 10 of the ACSSD and Section 7 of the NPPF.

### Landscape & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape and arboricultural matters are set out in Policies ENV43 of the RLP, Policies 10 and 16 of the ACSSD and Section 11 of the NPPF.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to

negotiate with developers to secure new tree or woodland planting as part of the development.

Policy 10 of the ACSSD states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

Policy 16 of the ACSSD states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

In addition, Policy 16 of the ACSSD identifies that the application site is located within part of the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. The Policy goes on to state that priority for the location of new or enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 2 of the ACSSD (see Planning Policy and Sustainability Considerations above), the Strategic River Corridor of the Trent, the Greenwood Community Forest and Urban Fringe Areas.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

With regard to the Greenwood Community Forest and Green Infrastructure, there would be significant areas of new tree and woodland planting within the Ecology Park, around the employment zone and along the site boundaries, in accordance with Policy ENV43 of the RLP of Policy 16 of the ACSSD.

I also note the County Council is satisfied that the tree survey aspect of the Arboricultural Impact Assessment contained within Chapter 15 of the Environmental Statement is a factual representation of the trees on the site and offers appropriate methodology for ensuring safe and satisfactory tree protection.

The potential landscape and visual effects of the proposed development have been assessed in the Landscape and Visual Impact Assessment (LVIA) in Chapter 11 of the Environmental Statement. This considered that there would be a temporary moderate adverse impact during the construction phase, but that for the operational phase, the proposed structural landscaping buffers would mitigate many potential impacts.

In terms of landscape impact, I note that the County Council has no objections and considers the proposals to be generally consistent with the landscape policy for the area, and that although long views would be lost, a more coherent landscape would be created. Overall, the County Council considers that the proposals would have a neutral, or possibly minor beneficial impact on landscape character as the creation of a new landscape matrix would offset and compensate for the loss of other

characteristics, and create some screening and containment for the industrial and retail sites on the periphery of the development site.

In terms of visual impact, the County Council has no objections, but observes that the assessment depends upon the presumption that the detailed design of the site would allow sufficient space for woodland buffer zones and substantial hedgerows to contain and screen the development. It is recommended that these dimensions are carried forward should the scheme receive outline approval and I am satisfied that this can be secured by the imposition of appropriate conditions, if Members resolve to support the grant of outline planning permission.

I am satisfied, therefore, that with regard to landscape considerations, the proposed development would accord with the aims of Policies 10 and 16 of the ACSSD and Section 11 of the NPPF.

### Public Footpath Considerations

Although there are no specific policies regarding public footpaths, the most relevant planning policies that need to be considered in relation to the public footpaths are set out in Policy ENV1 of the RLP and Policy 10 of the ACSSD.

Policy ENV1 of the RLP states, amongst other things, that new development should have regard to the appearance of the area and does not adversely affect the area by reason of its layout and that development proposals include adequate provisions for the safe and convenient access and circulation of pedestrians.

Policy 10 of the ACSSD requires, amongst other things, that all new development should be designed to create an attractive, safe, inclusive and healthy environment. I am satisfied that Carlton Public Footpath No. 9A and Stoke Bardolph Public Footpath No. 5 would not be unduly affected by the proposed development, and note that the County Council's Rights of Way Officer raises no objections. Although Footpath No.9A would be crossed by the proposed internal road connecting the proposed residential development on the existing recreation ground, I do not consider that this would have any significant impact as the route of this footpath would be retained together with the woodland alongside which it passes.

As such, the proposed development would accord with the relevant aims of Policy ENV1 of the RLP and Policy 10 of the ACSSD.

### Planning Obligations

The relevant planning policies that need to be considered in relation to S106 planning obligations are set out in Policy C2 of the RLP, Policies 18 and 19 and paragraphs 203-205 of NPPF in relation to decision- taking.

Policy C2 of the RLP states that in considering applications for new development, the Borough Council will have regard to the need for the provision of community facilities arising from the proposal. Planning obligations will be sought in order to secure appropriate community facilities or financial contributions thereto, reasonably related to the scale and kind of development proposed.

Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACSSD states that all development will be expected to:

Meet the reasonable cost of new infrastructure required as a consequence of the proposal;

Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and

Provide for the future maintenance of facilities provided as a result of the development.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

The current position in relation to the Heads of Terms for the following obligations between the applicant and the Borough Council (which incorporate the requirements of the County and City Councils) is outlined below:

### Highways

In addition to physical works on the highway, the County and City Highway Authorities originally requested a package of financial contributions, including a contribution towards the Southside Growth Corridor extension.

After further discussions and correspondence between the County Highway Authority and the applicant's transport consultants, agreement has now been reached on highway contributions towards the diversion and improvement of County and City Council bus services, the Gedling Access Road (the provision of which would mitigate the otherwise detrimental impacts that would be suffered in Gedling

Village from the additional traffic generated by the proposed development), and Travel Plan Monitoring. These are as follows:

- 680,000 pounds contribution towards the City Link 2 service.
- 450,000 pounds contribution towards the improvement to Nottinghamshire County Council's bus services nos. 5 and 73.
- 30,000 pounds contribution towards Kangaroo travel passes for residents.
- 29,040 pounds for the Travel Plan monitoring fee.
- 436,000 pounds contribution towards implementation of the Gedling Access Road.

### Education

The County Council has requested 1.1 hectares of land together with a financial contribution, originally estimated at approximately 3.5 million pounds, towards the provision of a single form entry primary school on the site.

In response to a request for justification of the above figure, a subsequent costings analysis for an actual phased school has given an overall development cost of approximately 3.67 million pounds, which is now requested by the Education Authority. However, as the contribution offered by the applicant has increased from 2.2 million pounds to 3.5 million pounds, I consider this to be reasonable, given that it now meets the Education Authority's original estimate and the impact which any further uplift would have on the viability of affordable housing provision.

Following negotiations on costs and trigger points, this has now been agreed with the applicant.

### Primary Health Care

The Primary Care Area Team has advised that the practice in Netherfield is particularly close to the proposed development and it is therefore most likely that the majority of residents would register with this practice. However, this practice is not only at capacity in terms of patients per GP, but also at capacity in relation to its building infrastructure and has insufficient space to expand on its current site.

As a consequence, it is considered that the most efficient solution would be to provide a larger practice to serve the Netherfield area and to seek a reasonable developer contribution towards this, to ensure adequate healthcare provision for the proposed Teal Close residents and also to ensure that the health provision for the existing population is not adversely affected.

In the absence of a detailed cost appraisal for the provision of a new GP's practice in the Netherfield area, a contribution in the sum 200,000 pounds was offered by the applicant in response.

Subsequent to this, an overall development cost appraisal for a new practice has been provided by the NHS in support of this request, and a developer contribution in the sum of 426,000 pounds has been calculated.

In response, the applicant has recognised the need to mitigate as far as possible the

impacts the development may have in terms of local primary healthcare, accepts that the development will generate additional local need and understands that there are existing capacity issues.

It is accepted that the need is proven and the additional information provides some detail as to the NHS strategy for dealing with both the existing capacity issues and those generated by the development. The strategy would appear to be sound and the requirement for a contribution to be made reasonably based, although the applicant has not had the opportunity to critically review the costings to establish whether the sum now requested is entirely reasonable and necessary.

The applicant considers that a contribution of 200,000 pounds would satisfy the Community Infrastructure Levy Regulation requirements and can be treated as a material consideration in the determination of the application. However, the applicant cannot alter the level of contribution further without bringing the viability of the development under threat.

Bearing in mind the requirements of paragraph 173 of the NPPF, the applicant has demonstrated through a detailed viability appraisal that the development faces considerable S106 costs, abnormal costs and relatively low anticipated sales values. This has the effect of generating a residual land value that threatens the landowner's willingness to trade and hence for the development to be deliverable. In this context, and in the interests of ensuring a sustainable community, the client has already accepted a 5% affordable housing provision; a level which is not supported by competitive commercial application of land value return, but one which the landowner has been prepared to accept, pending other 'claims' being placed on the development. Subsequent to agreeing to this being a reasonable basis on which to proceed, the applicant has agreed to the 200,000 pounds contribution, which was not accounted for in the appraisals.

The applicant cannot accept a further significant diminution in land value associated with the increase of a contribution from 200,000 pounds to the 426,000 pounds now requested. It is stated that this could undermine the willingness of the landowner to proceed, as it would further reduce the return relative to commercially competitive values, and thereby render the development unviable.

If such an increased contribution is deemed to be necessary, the applicant would have to revisit the agreement that has been reached on the affordable housing provision, or to re-open discussion on other financial claims being placed on the development.

The above comments are supported by the Borough Council's own viability assessment. As such, I consider that the contribution as currently offered would serve to mitigate, to some extent, the potential impacts of the development on healthcare needs. Whilst it does not meet the full requested contribution, I note that the applicant considers this to remain unresolved and untested for what is still an emerging proposal.

When viewed in the context of the wider significant benefits the development will convey, the very significant package of contributions already committed to, the need



to ensure a viable development, and the importance of this site to meeting present and future housing and economic needs, I share the view of the applicant that this level of health contribution is reasonable in the circumstances and that the development will convey greater benefits than adverse impacts, and represents sustainable development.

### Affordable Housing

The Borough Council has conducted its own viability appraisal, and has compared the results of this to the viability appraisal provided by the applicant's agent.

The Borough Council is prepared to accept an affordable housing contribution of 5% of the total units on this site, of which 80% of the affordable units should be for social rent or Affordable Rent, and the remaining 20% for intermediate housing, within the definitions set out in Annex 2 of the NPPF.

Although the need for affordable housing in the area is much greater than this, the Borough Council has assessed this to be a viable and deliverable level, given the other planning obligations to be applied to development on the site.

Given the increasing levels of demand in the housing market and the pattern of rising house prices, the Borough Council would expect 5% affordable housing to be deliverable throughout the period of the site's development, while supporting competitive returns to both the landowner and future developers in accordance with the NPPF.

### Public Open Space & Ecology Park

The provision of public open space and a commuted sum for its maintenance, together with the provision of an Ecology Park and its management, has been agreed with the applicant.

I note the view of Sport England that new developments should also be required to contribute towards the provision of off-site sports facilities, such as swimming pools, sports halls, indoor bowls and artificial grass pitches, based on the increase in population arising from the proposed development.

However, SE clarify that this contribution is a standard approach that simply takes into account the rise in the population and does not reflect the existence and capacity of any existing sporting facilities in the area. Gedling Borough would need to establish that any increased demand could not be accommodated within existing facilities, if it were to justify any financial contributions to new or improved facilities.

In terms of the allocated sites, Policy H5 of the RLP provides the policy context to address any identified deficiencies in off-site sporting provision, but does not require any specific contributions. The additional 430 homes arising from this proposal for mixed use development is highly unlikely to raise the level of demand for off-site sporting facilities to such an extent as to create the need for any new or significant improvements to existing facilities.

In terms of existing facilities, the area is well served by 2 existing large leisure centres (Richard Herrod and Carlton Forum) which provide a wide range of sport and leisure facilities including, amongst other facilities, 2 swimming pools, all-weather sports pitches, racquet sports and an indoor bowls facility. There are also private sector sporting facilities which would be expected to respond to any additional market demand. I am satisfied, therefore, that this proposal would not give rise to the need for specific additional off-site sports provision and that any requests for contributions would not meet the tests set out in paragraph 204 of the NPPF.

As discussed earlier, a financial contribution towards the Netherfield Lagoons LNR is not considered to be justifiable under the NPPF on the grounds that it is not necessary or directly required as a result of the proposed development. This also applies to the suggested provision of a Visitor Centre, which would not meet the tests outlined above.

### Air Quality Monitoring

A financial contribution towards air quality monitoring of approximately 2,300 pounds has been agreed with the applicant.

### Libraries

In response to this request for a financial contribution, the applicant's agent considers that there is no sound local policy basis for seeking the contribution, nor any specific, local, transparent and tested basis for calculation the sum. On this basis, the request is not justified, reasonable nor necessary. As stated above, the development is capable of supporting only 5% affordable housing, despite the acknowledged need for more. Bearing in mind the limited justification for such a contribution and the impact which any further uplift would have on the viability of affordable housing provision, I do not consider this request can be sustained.

### Other Issues

#### Publicity

Two public consultations events were held by the applicant before the application was submitted. Following submission, the application was publicised by letters to residents in the Emerys Road and Stoke Lane area and site notices were posted at various locations within the urban area and around the application site. A press notice was also published in the Nottingham Post. This was in excess of statutory publicity requirements and representations have continued to be accepted well beyond the end of the statutory period.

#### Contamination

With regard to land contamination, I note that provided adequate remedial measures are carried out to ensure the land is suitable for its end use, particularly in the residential zones, the Public Protection section agrees that the

development would have a negligible effect.

### Local Identity

Whilst not a material planning consideration, street naming by the Borough Council for the proposed new development would be determined by which existing parish and ward boundaries the site falls within. Broadly, this means that the land to the east of the A612 would fall within Stoke Bardolph and that to the west within Gedling and Netherfield.

### Secretary of State Referral

Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the Secretary of State for Communities and Local Government must be consulted if a local planning authority does not propose to refuse an application for planning permission to which the Direction applies:

#### Green Belt

The Direction relates to inappropriate development on land within the Green Belt, as now identified in the NPPF, which consists of or includes:

- a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The Illustrative Masterplan indicates that only the proposed recreational playing pitches, drainage infrastructure and parkland, including an Ecology Park, would be located on land within the Green Belt. As no built development is proposed, and there would be no material change to the land formation, the proposed uses would maintain the openness of the Green Belt in this location. It follows, therefore, that the proposed development by reason of its scale or nature or location would not have a significant impact on the openness of the Green Belt and the application would not have to be referred on this ground.

#### Development Outside Town Centres

The Direction relates to retail, leisure or office development which is out-of-town; not in accordance with the development plan; and consists or includes the provision of buildings over 5,000 square metres (including new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres).

The proposed development is out-of-town and is not wholly in accordance with the development plan. However, as none of the proposed retail, leisure and office components which are not in accordance with the development plan would exceed 5,000 square metres, and any retail and leisure development would be less than 2,500 square metres (which means it does not have to be aggregated

with existing development on Victoria Park), the application would not need to be referred on this ground.

### Sport England

The Direction applies, amongst other things, when Sport England has objected to a proposed development in the Green Belt which involves the loss of a playing field and an alternative or replacement playing field is proposed that does not match that which would be lost.

Although SE has been advised of changes to the Parameters Plan to accord with the requirements of Parks and Street Care, and progress on the relevant schedule relating to public open space in the draft S106, it has not withdrawn its objection.

However, as I am satisfied that the necessary mechanisms would be in place to provide a replacement playing field that would at least match that which would be lost before any decision issued, I do not consider it would be necessary to refer the application to the Secretary of State.

### Environment Agency

The Direction applies when the Environment Agency has objected to a proposed major development in a flood risk area and the objection has not been withdrawn.

Following the submission of the revised Flood Risk Assessment and subject to the imposition of appropriate conditions, the EA has withdrawn its objection to the proposed development and the application would not need to be referred on this ground.

### Conclusion

The RLP effectively establishes the principle of development on the allocated sites, and the principle of residential development on the RLP employment allocation and the safeguarded land east of this has been considered as separate sites through the SHLAA process.

Since the time of submission of the ACSSD, issues previously raised by the Borough Council relating to flooding and transport have now been resolved during the processing of this planning application. As a consequence, the Borough Council has proposed modifications to the ACS, which would include the allocation of the Teal Close Site as a strategic allocation which would deliver housing within the first 5 years of the Plan.

The Five Year Housing Land Supply Assessment (March 2012) identifies that there is only a 3.23 year supply of deliverable housing sites within the Borough. As relevant policies relating to the supply of housing in the RLP are out of date, the principle of the proposal should be considered against the presumption in favour of sustainable development and the policies in the NPPF.

The proposal is part of a large sustainable urban extension, which effectively reconfigures the housing/employment allocations together with the safeguarded land into a sustainable urban extension.

The limited conflict with the retention of employment Policy in the RLP is outweighed by the major contribution that the proposal would make towards the employment provisions set out in the ACSSD, the large number of jobs likely to be created and particularly the contribution the application proposals would make towards increasing the housing supply in line with the NPPF as part of a sustainable mixed use scheme.

Insofar as it relates to land within the Green Belt, the planning application proposes a change of use to outdoor recreation which is inappropriate development in the Green Belt and, according to the NPPF, by definition harmful. However, the proposed recreational use would not harm the aim of maintaining openness nor undermine any of the purposes of Green Belt. Although it constitutes inappropriate development and is by definition harmful to Green Belt, I am satisfied that very special circumstances apply which significantly outweigh any harm.

The application accords with relevant policies regarding climate change, flooding, pollution, land contamination, highways, amenity, ecology, heritage, design, landscape, arboriculture and public footpaths.

The recommendation is to grant outline planning permission, subject to a S106 Agreement to secure the provision of, or financial contributions towards, Open Space, an Ecology Park, Affordable Housing, Primary Healthcare, Air Quality Monitoring, the Gedling Access Road, Junction Mitigation Measures, public transport, Travel Plan Monitoring and Educational Facilities.

As outlined above, I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, if Members are minded to accept the recommendation.

### **Recommendation:**

**That the Borough Council supports the GRANT OF OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, the Gedling Access Road, Junction Mitigation Measures, public transport, Travel Plan Monitoring, Educational Facilities, Primary Healthcare, Affordable Housing, Open Space, an Ecology Park and Air Quality Monitoring; and subject to the following conditions:**

### **Conditions**

1. Application for the approval of reserved matters shall be made to the Local

planning Authority not later than five years from the date of this permission. Details of Appearance, Landscaping, Layout and Scale (hereinafter called the reserved matters) for each phase of development shall be submitted to and approved in writing by the Local Planning Authority before any development within that phase begins and the development shall be carried out as approved. The development hereby permitted shall commence no later than two years from the date of approval of the last reserved matters to be approved.

2. The development shall be carried out in accordance with the Schedule of Development revision B submitted on the 10th October 2013 and the following plans; Site Location Plan DE076\_016; Parameters Plan DE076\_014 Rev B. The vehicular accesses to the site shall be constructed in general accordance, subject to detailed design, with drawing numbers: 90372\_002, 90372\_003 (Revision B), deposited on 20th May 2013; and drawing number: 90372\_001 (Revision E), received on 6th August 2013.
3. No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of a particular phase.
4. The development hereby approved comprises;(1) up to 830 residential dwellings; (2) up to 18,000 square metres of business use falling within use classes B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution'; (3) the creation of a local centre and commercial centre of up to 2,800 square metres within use classes falling into A1 'Shop', A2 'Financial', A3 'Restaurant and café', A4 'Drinking Establishment', A5 'Hot Food Takeway', B1 'Business' and D1 'Non-residential institutions'; (4) a Hotel providing up to 150 beds; (5) up to 500 square metres of uses falling with use classes D1 ' Non- residential institutions' and D2 'Assembly and Leisure' (additional to (3) above); (6) a one form entry primary school which shall cover a minimum of 1.1ha; (7) a C2 'Residential Institution' of up to 60 beds; and (8) general opening space including landscaping, children's play areas, allotments and playing pitches as indicated on the approved parameters plan.
5. The total B1 'Business' floor area within the business and/or local centre and commercial areas hereby approved shall comprise not more than 4,500 square metres . The local centre shall not comprise of more than 2,499 square metres floor area of A1 'Shop' or D2 'Assembly and Leisure' uses.
6. The total amount of A1 'Shop' floor space shall not exceed 1,500 square metres and no individual A1 'Shop' unit shall exceed 750 square metres (measured internally).

7. Applications for the approval of reserved matters for each phase of development shall include a written statement setting out how that particular phase has been designed to take account of the approved Parameters Plan drawing reference DE076\_014 Rev. B.
8. Prior to the commencement of any phase of development hereby approved a site level survey plan shall be undertaken for that phase of development showing existing site levels. This existing site level survey plan shall be submitted to and approved in writing by the Local Planning Authority.
9. Buildings comprising Less Vulnerable uses (as defined by the National Planning Policy Framework) and their associated vehicle access routes within the development hereby approved shall have finished floor levels at no lower than 20.660m Ordnance Datum (AOD) where existing levels are at or exceed that level. Where existing levels are below 20.660m Ordnance Datum (AOD), set finished floor levels shall be a minimum of 20.660m Ordnance Datum (AOD) or 600mm above existing ground levels, whichever is lower.
10. Prior to the commencement of any phase of development hereby approved a scheme for that phase of development to provide flood prevention design for More Vulnerable uses (as defined by the National Planning Policy Framework) shall be submitted to and approved in writing by the Local Planning Authority. The flood prevention design scheme shall: (1) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the east of the A612 to 20.960 m above Ordnance Datum (AOD); (2) Set finished floor levels for all More Vulnerable buildings and associated vehicular access routes to the west of the A612 to 20.650 m above Ordnance Datum (AOD); and (3) provide a minimum of 300mm flood resilience measures for all More Vulnerable buildings. The scheme for each phase shall be implemented in accordance with the approved details prior to occupation of buildings within that phase.
11. Prior to the commencement of any phase of development hereby approved a scheme to provide flood resilience design for Less Vulnerable development, as defined by the National Planning Policy Framework, within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase and subsequently maintained.
12. Prior to the occupation of any building(s) falling within use classes C3 'dwelling houses', C2 'Residential institutions', C1 'Hotels' or D1 'Non-residential institutions' , a Verification Report confirming the finished base slab

and wearing course levels of that building(s) and the finished levels of internal road(s) serving that building(s) within the particular phase shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report for each phase shall also include confirmation that the approved flood resilient construction methods approved under condition 10 for More Vulnerable uses accords with the approved details.

13. Prior to the commencement of any phase of development hereby approved a scheme to provide a minimum of an 8 metre unobstructed easement from all watercourses, culverted watercourses and flood defence structures, including the Ouse Dyke (Main River) and any ordinary watercourses, within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to occupation of any buildings within that phase or any other features (i.e. playing fields) being brought into use and subsequently maintained.
14. Prior to the commencement of any phase of development hereby approved an evacuation plan for all Less Vulnerable development at risk of flooding within that phase shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any buildings within that phase and subsequently maintained.
15. No ground raising or permanent built structures shall be built within the modelled floodplain of the Ouse Dyke as shown in the Flood Risk Assessment, November 2013, submitted as part of the outline planning application hereby approved.
16. Prior to the commencement of any phase of development hereby approved, a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any buildings within that phase. The scheme (s) to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques; (2) The limitation of surface water run-off to equivalent greenfield rates; (3) A minimum of two forms of surface water treatment to be provided prior to discharge from the site, in accordance with CIRIA C697; (4) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (5) Responsibility for the future maintenance of drainage features.
17. Prior to the commencement of any phase of development hereby approved a



scheme to dispose of foul drainage for that phase of development shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme (s) shall be implemented as approved.

18. Prior to the commencement of each phase of development hereby approved a remediation strategy that addresses the provision of the following components to deal with the risks associated with contamination of that phase of the site, together with a programme for submission and prior approval of the component elements, shall each be submitted to and approved, in writing, by the local planning authority: (1) A preliminary risk assessment which has identified; (a) all previous uses (b) potential contaminants associated with those uses; and (c) a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site; (2). A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and (3) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how and when they are to be undertaken. The scheme(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.
19. Prior to the commencement of each phase of development hereby approved a verification plan shall be submitted to and approved in writing by the Local Planning Authority. The verification plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) (of condition above 18) are complete and identifies any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The verification plan(s) and all details identified therein shall be implemented in accordance with the approved details. Any changes to these components require the express written consent of the Local Planning Authority.
20. In the event that contamination is found at any time when carrying out the approved development that was not previously identified pursuant to condition 18 above 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 until an assessment has been undertaken in accordance with the requirements set out in condition 18 and 19 above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, has been submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with the approved details.

21. Prior to the commencement of each phase of development hereby approved, details of any lighting to be used during the construction of that particular phase of development shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that lighting will be in operation. The lighting of the construction of any approved phase of development shall be lit in accordance with the approved details.
22. Details of any lighting to be provided (other than street lighting and lighting within domestic curtilages) during the operational phase of that phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to its implementation. The details to be submitted shall indicate the location and type of lighting to be utilised together with luminance levels and hours that any such lighting will be in operation. The lighting of the development during its operational phase shall be carried out in accordance with the details approved.
23. If the sports pavilion to the north of the A612 is not demolished by the 30th June 2014, then in accordance with the submitted Bat Activity Surveys at the sports pavilion off Teal Close report further bat survey work shall be undertaken and an assessment report together with any proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority, prior to any demolition taking place. Any approved mitigation measures shall be carried out in accordance with the approved details. In the unlikely event that bat(s) are found during the demolition of the sports pavilion then the procedure set out in the appendix to the Bat Activity Surveys at the sports pavilion off Teal Close report (dated 24th June 2013) shall be followed.
24. Prior to the commencement of each phase of development hereby approved a Construction Environmental Management Plan (CEMP) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping details to be submitted as part of the reserved matters pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of that particular phase of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during that particular phase of construction.(4) details of traffic routes for Heavy Good

Vehicular movements during the construction of that phase of development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of that phase of development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of that particular phase of development in relation to noise and vibration and safeguarding air quality. The approved CEMP(s) and all details therein shall be implemented in accordance with the approved details.

25. Prior to the commencement of each phase of development hereby approved a written scheme of archaeological investigation related to that phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved scheme(s)
26. Prior to the commencement of any development on the existing playing pitches located to the west of the A612 (including the demolition of the existing sports pavilion) replacement playing pitches (including associated changing room facilities) hereby approved to the east of the A612 shall have been provided and shall be operational.
27. Prior to the commencement of development of the playing pitches to be provided to the east of the A612 details of the following shall be submitted to and approved in writing by the Local Planning Authority; (1) the location and specification of the playing pitches to be provided together with details of their drainage; (2) the location and specifications of the changing room facilities to be provided; and (3) a schedule of maintenance of the playing pitches and associated drainage. The playing pitches and changing room facilities shall be provided, managed and maintained in accordance with the approved details.
28. Prior to first occupation of the development hereby approved, other than the business development to be accessed from Stoke Lane, construction details of the site access junctions from the A612 as show in outline on plan references 90372\_001 Revision E and 90372\_002 shall be submitted to and approved in writing by the Local Planning Authority. Along with the construction details to be submitted, shall also be submitted to and approved in writing by the Local Planning Authority a programme of implementation of construction details of the site access. The site access details to be submitted pursuant to plan reference 903732\_002 shall also include provision of a physical strip/central refuge fronting the proposed access to prevent vehicles from u-turning and associated signing and lining. The approved detailed access arrangements shall thereafter be implemented in accordance with the approved programme of implementation, related to the phasing of the development.

29. Prior to first occupation of the business floor space (Class B1, B2, B8) hereby approved (aside from any B1 use contained in the Local Centre) the access from Stoke Lane as shown in outline on plan reference 90372\_003 Revision B shall be provided in accordance with the construction details to be first submitted to and approved in writing by the Local Planning Authority. The business floorspace hereby approved (Class B1, B2, B8) (aside from any B1 use contained in the Local Centre) shall only be accessed via Stoke Lane, other than in an emergency.
30. Prior to first occupation of the development hereby approved a u-turn prohibition shall be implemented by means of a legal Traffic Regulation Order and appropriate signs shall be provided at the A612/Stoke Lane junction for the A612 west approach in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
31. Prior to the commencement of the development hereby approved details shall be submitted to and approved in writing by the local planning authority in relation to the extension of the 40mph speed restrictions by amendment of the existing Traffic Regulation Order along Stoke Lane towards west of its junction with the A612 covering the site frontage. Details shall also include the location of proposed signing/lining and street lighting to accommodate the extension. The extended 40mph speed restriction area shall be provided in accordance with the approved details prior to first occupation of the development, unless otherwise agreed in writing by the local planning authority.
32. Prior to first occupation of the development hereby approved construction details of the mitigation measures at the Lowdham Roundabout as shown in outline on plan reference 90372/PSTN/003 shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the Lowdham Roundabout shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved.
33. Prior to first occupation of the development hereby approved construction details of the mitigation measures to be provided at A612 Mile End Road/Colwick Loop Road junction as shown in outline on plan reference 90372/PSTN/005 Revision A shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures at the junction shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
34. Prior to the first occupation of the development hereby approved construction details of the highway improvements at Colwick Loop Road/Road No.1 shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. If the

highway improvements at Colwick Loop Road/Road No.1 are required to be provided pursuant to this application they shall be provided in accordance with the approved construction details prior to first occupation of the 251st residential dwelling hereby approved.

35. Prior to first occupation of the development hereby approved details of a new shared footway/cycleway shall be provided along the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The shared footway/cycleway shall be provided in accordance with the approved details prior to first occupation of the development hereby approved.
36. Prior to the commencement of each phase of development hereby approved details of a local labour agreement to cover the construction of that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
37. Prior to first occupation of the development hereby approved a travel plan coordinator(s) shall be appointed who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan Framework, and details of the appointed coordinator(s) shall be submitted to the Local Planning Authority. Travel plan co-ordinator(s) shall thereafter remain in place to perform this role on an ongoing basis, with any changes in details to be submitted to the Local Planning Authority.
38. Within 3 months of the occupation of any business (excluding businesses employing less than 20 employees who shall submit a Travel Plan Statement), the owner or 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 or 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 to the satisfaction of the Local Planning Authority.
39. The site-wide travel plan coordinator shall commission travel surveys and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar method to be approved after the first, third, and

fifth year of full occupation and produce monitoring reports at intervals as required by the Travel Plan Framework monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the Local Planning Authority and which shall inform individual Travel Plans.

## **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. For the avoidance of doubt.
3. To provide a degree of flexibility to assist the delivery of the site, that also enables the Local Authority to monitor and manage the supply of housing and employment land.
4. To define the consent and to ensure that a satisfactory form of development is obtained.
5. A limit has been placed on B1 uses in order to ensure an appropriate balance of uses. A limit has also been placed on the amount of A1 and D2 uses in order to ensure that there is no adverse impact on any surrounding local centres.
6. A limit has been placed on the amount of A1 uses to ensure that such uses are commensurate with the scale of the proposed development and would not cause harm to viability of the nearby Netherfield Centre.
7. To ensure that a satisfactory development is achieved that takes account of the Parameters Plan.
8. To establish existing site levels in order to ensure that finished floor levels accord with conditions 9 to 12 below and that flood risk is appropriately mitigated in line with the National Planning Policy Framework.
9. To reduce the risk of flooding to the proposed development and future occupants.

10. To reduce the risk of flooding to the proposed development and future occupants.
11. To reduce the impact of flooding to the proposed development.
12. To ensure that finished floor levels accord with condition x and x above and that approved flood resilient measures have been provided in order to reduce the risk of flooding to the proposed development and future occupants.
13. To allow for future maintenance, emergency access, natural morphology, and improvements of the watercourses. Please note that our records show a culverted watercourse located between the storage pond (immediately south of the A612) and the Ouse Dyke, which will require further investigation at detailed design stage.
14. To confirm that all occupants and site users can access and egress the site safely during time of flood.
15. To prevent an increase in flood risk elsewhere.
16. To prevent the increased risk of flooding elsewhere.
17. To ensure that the proposals are appropriate and protective of controlled waters.
18. The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
19. The submitted Phase 1 Desk Study, Curtins Consulting, January 2013 (preliminary risk assessment) identifies potential for contamination. This condition is required to ensure that the risks posed to controlled waters are investigated and remediated as necessary and that the site is remediated appropriately.
20. This condition is required to ensure that the risks posed to controlled waters or the environment are investigated and remediated as necessary.

21. To minimise light spill around the development during the construction of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
22. To minimise light spill around the development during the operation of the development as inappropriate lighting could have an adverse impact on nocturnal species such as bats.
23. To ensure that the demolition of the sports pavilion has no adverse impact upon bats and to ensure that the development accords with paragraph 118 of the National Planning Policy Framework.
24. To ensure that appropriate measures are taken to protect the local environment in terms of impact on trees; hedgerows and woodland, flora and fauna, water quality, air quality and on the amenity of neighbouring uses.
25. To ensure that the site is surveyed appropriately to identify any potential archaeology and if found is appropriately dealt with.
26. To ensure that the replacement recreation ground is in operation prior to the existing pitches being removed, so as to protect sports facilities and ensure continuity for those sports affected by the proposed development.
27. To ensure that the required replacement playing pitches and changing room facilities are provided appropriately in order to provide satisfactory replacement facilities for those to be lost as part of the development hereby approved.
28. In the interests of highway safety.
29. In the interests of highway safety.
30. In the interests of highway safety.
31. In the interests of highway safety.



32. In the interests of highway safety.
33. In the interests of highway safety.
34. In the interests of highway safety.
35. To promote sustainable travel.
36. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
37. To promote sustainable travel.
38. To promote sustainable travel.
39. To promote sustainable travel.

### **Reason for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the adopted Local Plan and Emerging Aligned Core Strategy, where appropriate. In the opinion of the Borough Council the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Local Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Local Plan. Environmental information has been taken into consideration by the Borough Council in reaching this decision.

### **Notes to Applicant**

Your attention is drawn to the attached comments from Environment Agency, Trent Valley Internal Drainage Board, Nottinghamshire Police Force Architectural Liaison Officer, Nottinghamshire County Council with regard to Highways, Archaeology and Rights of Way and the Borough Council's Public Protection Section.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards.

If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised and providing updates on the application's progress.

The highway improvements referred to in condition 34 above relate to those shown in outline on Morgan Tucker Plan reference JN953-NWK-SK007, which are also capable of being provided pursuant to the pending decision relating to Planning Application reference 2013/0500 which has been submitted to the Local Planning Authority. If the construction details are provided under 2013/0500, then the works referred to in condition 34 will not be required to be provided in relation to this application (2013/0546). In the event of this scenario a letter submitted as part of a discharge of condition application stating that the works have already been provided would suffice to discharge condition 34.