



## Planning Report for 2021/0694

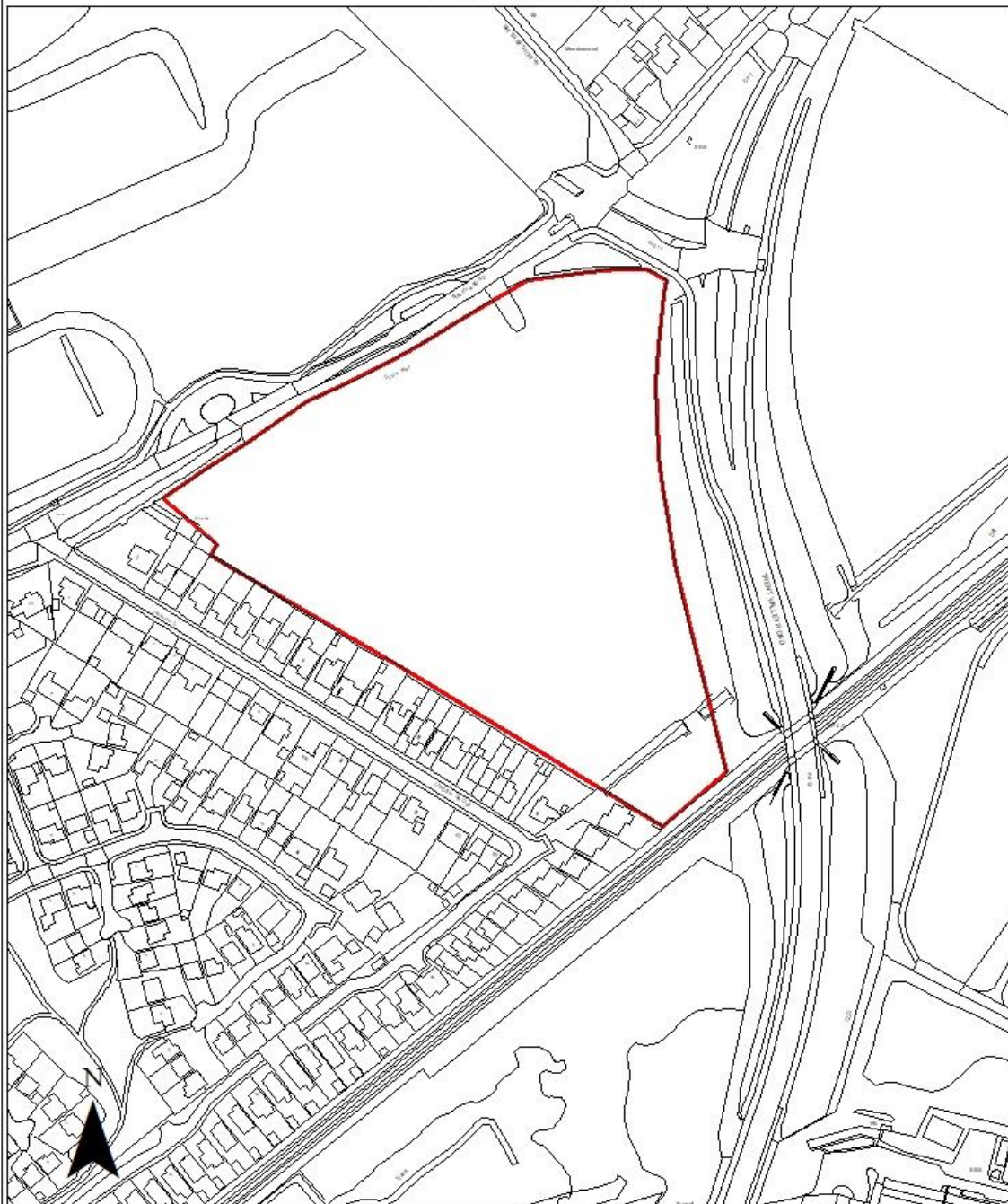
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Planning Reference:

2021/0694

Land to the South

Burton Road Gedling



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

<b>Application Number:</b>	<b>2021/0694</b>
<b>Location:</b>	<b>Land to the South Burton Road Gedling</b>
<b>Proposal:</b>	<b>Erection of 120 dwellings with associated access, landscaping and infrastructure (approval of matters reserved by outline consent 2019/1186 (appearance, landscape, layout and scale)).</b>
<b>Applicant:</b>	<b>Miller Homes Limited</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Nigel Bryan</b>

**The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings.**

### **1.0 Site Description**

- 1.1 The vast majority of the site is flat and arable farmed, so is devoid of any significant features. However, to the north-east of 45 Linden Grove, adjacent to the railway line, the application site is physically separated from the majority of the remainder of the site by a line of trees and this small parcel of land is rough grassland. Boundary treatments to the site are predominantly planting in the form of hedges and some trees. Vehicular access to the site is from Burton Road.
- 1.2 Immediately adjacent to the application site on its south-western boundary lies Linden Grove, numbers 1-45 (odd numbers only), 272 Burton Road and an electric substation. The site is bound by highway on two other boundaries, Colwick Loop Road to the north-east, which is raised above the application site; to the north-west is Burton Road, with the grounds of Carlton-le-Willow school beyond. The highway layout in the area is somewhat unusual in that there is a bus turning area on the opposite side of Burton Road, as well as a lay-by to the front of the application site and 272 Burton Road. A small section of the application site is adjacent to the Nottingham to Lincoln railway line, where the site narrows; the site is roughly triangular in shape.
- 1.3 The application site is allocated for residential development under policy 64 of the LPD.

### **2.0 Relevant Planning History**

2019/1186 – ‘Outline planning application for residential development for up to 120 dwellings and associated development (including public open space, engineering works, drainage, internal roads, paths and parking) with all matters reserved excluding access’. Outline planning permission was granted on the 29<sup>th</sup> January 2021, with the application having been considered at the Planning Committee meeting of 5<sup>th</sup> August 2020. The permission was subject to a Section 106 Legal Agreement which secured planning obligations in respect of on-site affordable housing; financial contributions toward education, highways (bus stop improvements and toward sustainable travel), libraries, the Primary Care Trust, the provision of public open space and a local labour agreement.

### **3.0 Proposed Development**

- 3.1 The application seeks reserved matters approval pursuant to outline permission 2019/1186. Matters under consideration for this reserved matters approval are, layout, scale, landscaping and appearance. The application is for the erection of 120 dwellings, this will include 96 open market dwellings with a housing mix comprising 10 x two-bedroom properties, 53 x three-bed properties, 33 x four-bed properties, all of which would be two-storey; 24 affordable dwellings (comprising 17 affordable rented and 7 intermediate units) are to be erected and the housing mix would comprise 2 x two-bed bungalows; 12 x two-bed houses; 8 x three-bed houses and 2 x four-bed properties. There would be two main areas of public open space, one to the southern edge of the site, which would have a SUD's/drainage pond, which will also have some ecological benefits, as well as a trim trail. A more conventional equipped area of play would be located toward the centre of the site. There would also be narrow green strips along the front of the site and to the eastern boundary with Colwick Loop Road.
- 3.2 It should be noted that during the course of the application amended plans have been submitted, which made a number of alterations to the application, notably around the design of the Public Open Space to the southern edge of the site, to improve its accessibility and usability. Consultation has been undertaken on the amended plans, with the application determined accordingly.

### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Highways – raise no objection to the application subject to the imposition of conditions.
- 4.2 Nottinghamshire Wildlife Trust (NWT) – no observations received and any observations received will be reported verbally at the meeting.
- 4.3 Nottinghamshire County Council Lead Local Flood Authority – raise no objection to the application with final details of surface water drainage needing to be approved through a discharge of conditions application associated with the outline permission.

- 4.4 The Environment Agency raise no objection to the application.
- 4.5 The Lead Flood Authority raise no objection to the application.
- 4.6 Gedling Borough Council Parks and Street Care – make no comment on the scheme as amended, although note that there would be a requirement to supply a local equipped area of play, along with requisite open space.
- 4.7 Gedling Borough Council Scientific Officer – notes that the submitted CEMP is acceptable and would allow the discharge of condition 11 of the original outline permission.
- 4.8 The Tree Officer raises no objection to the application.
- 4.9 Gedling Borough Council Conservation Officer – Raises no objection to the application noting that the dwellings will all be two-storey in scale and impact on the heritage asset of Gedling House will be acceptable. Requests that an archaeological watching brief be approved.
- 4.10 Gedling Borough Council Housing Strategy question whether the grouping of the dwellings is appropriate and also whether the bungalows are in the right location.
- 4.11 The Secondary Care Trust (Nottingham University Hospitals NHS Trust) have requested a financial contribution of £126,052.00 toward healthcare provision.
- 4.12 The Primary Care Trust have requested a financial contribution of £65,025.00 toward healthcare provision.
- 4.13 Members of the Public
- 4.14 A press notice was published, a site notice displayed and neighbour notification letters posted. A full re-consultation was also undertaken on amended plans which, as noted above, primarily resulted in alterations to the layout of the public open space. As a result of consultation undertaken a total of 10 neighbour letters were received, all objecting to the application, 8 were received in response to the original application and 2 to the re-consult. A summary of the objections received are drafted below;
- The site should be retained in the green belt;
  - The application should not be granted permission until such time as the GAR is complete and approving the development will be contrary to LPD64;
  - There is not enough information with regard to impacts on ecology for the site, with it noted that large amounts of wildlife utilise it;
  - Traffic in the area is horrendous and this will only make it worse;
  - The traffic survey undertaken in support of the original outline application was undertaken during lockdown;
  - The site is prone to flooding;
  - Local services e.g. doctors, schools etc, are at capacity and not able to accommodate the increase in population;

- There will be a detrimental impact on the amenity of neighbouring properties, some of which are bungalows;
- Proposed dwellings are sited too close to existing properties and there will impacts on amenity through overlooking impacts;
- What is proposed for boundary treatments? How will these impact on amenity and security?
- The development will lead to extra noise and dust pollution; anti-social behaviour will increase, particularly depending on where the Public Open Space is;
- House process in the area will be detrimentally impacted;
- The site boundary is in-correct and includes neighbouring properties;
- A right turn lane should be incorporated to the site;
- Extensions to existing properties on Linden Grove are not shown on the site plan and development would be closer to existing properties than is shown;
- The site is contaminated having been used in the past in association with the Stoke Bardolph sewerage works.

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

### **6.2 National Planning Policy Framework 2021 (NPPF)**

The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

### **6.3 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan**

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

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

#### 6.4 Local Planning Document (Part 2 Local Plan)

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

LPD 4: Surface Water Management – sets out the approach to surface water management.

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

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 18 Protecting and Enhancing Biodiversity – sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.

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

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

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

LPD 64: Housing Allocations – identifies the application site as housing allocation H4, for approximately 115 new dwellings.

## 6.5 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

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

Low Carbon Planning Guidance for Gedling Borough (2021)

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 The application site is allocated for residential development under policy LPD64 and is identified under criterion H4 as being able to supply 115 homes. Furthermore, the application site benefits from outline permission, with access approved. It should also be noted that development of the Gedling Access Road (GAR) is well underway and policy LPD64 requires that the site should not deliver homes until the GAR is complete, which will be the case here. For the avoidance of doubt the traffic survey submitted in support of the outline application was undertaken prior to the covid lockdown and matters in respect of the access and wider traffic implications have been considered at the outline stage. Therefore, the principle of development is well established with the matters under consideration in this application being layout, scale, appearance and landscaping.

### Layout, scale and appearance

- 7.2 The site covers an area of some 4 hectares and is identified as able to accommodate 115 dwellings in the policy LPD64. Outline planning permission was granted for up to 120 dwellings and the current application is for the erection of this number of properties. Based on the above the site would be developed as a density of 30 dwellings per hectare, which would comply with policy LPD33.

- 7.3 The layout of the site would respect the character of the area with a development that would largely be outward facing to the exterior of the site. Adjacent to existing properties on Linden Grove would be the back gardens of the proposed dwellings, which is an acceptable layout, and there would be adequate separation distances between existing and proposed dwellings. Furthermore, there is considered to be a suitable mix of dwellings on the site, which would include two bungalows, which would be provided as affordable housing, the remainder of the properties would be two-storey, which would include detached, semi-detached and terraced properties. The streetscape would be mixed and the layout not car parking dominated in that some dwellings would have parking to the front and others to the side. There would be two key areas of Public Open Space (POS), one to the centre of the site and the larger space to the south-eastern edge of the site. There would also be more linear parts of POS to the edge of the site. Overall the layout is considered to be acceptable with a suitable mix of dwellings and would respect the character of the area.
- 7.4 In respect of scale and appearance it is noted that the majority of dwellings will be two-storey but there would be modest variances in scale through the site and the house types proposed show a mixture of elevation treatments. The majority of properties will be red brick, with some having focal render points, particularly at the first floor. Consideration has been given to having double fronted properties on corner plots so that blank gables are not prominent in the streetscape. There will also be a mixture of roof designs in that some will be hipped and others gable. Therefore, it is considered that the scale and appearance of the dwellings would be acceptable.
- 7.5 Having regard to the impact upon Gedling House, a Grade II Listed Building, it was established at the outline permission stage that the development of the site would not have a significant detrimental impact on the setting of Gedling House. No part of the development exceeds two storeys and this is in accordance with the advice received from the Conservation and Heritage Officer.
- 7.6 As a result the overall layout, scale and appearance of the development is deemed to comply with policies ASC8 ASC10, LPD 26, 27 33, 35, LPD37 and LPD64 and guidance within the NPPF.

#### Landscaping

- 7.7 An Arboricultural Method Statement has been submitted in support of the application and identifies which existing hedgerows and trees will be retained and protected during construction. Retaining such features are welcome given the ecological benefits of green boundary treatments and ensuring a mature landscape for the site. Within the public open space areas additional planting is proposed, along with trees in more prominent locations within the streetscape. Within the individual plots for the housing small scale domestic planting is proposed to the front with rear gardens made to lawn.
- 7.8 In respect of the public open space provision it is noted that the layout of the space, particularly to the south of the site, has improved significantly with the retention basin reduced in size and greater permeability to the remainder of



the space close to the railway line, along with some additional equipment. The Local Equipped Area of Play (LEAP) to the centre of the site would be in a position to be used more widely by occupiers of the site. It is noted that parts of the equipment are closer to four dwellings than the 20m recommended by Sport England; however, each of the units would be across an adopted highway and the LEAP is considered to be most appropriate in this location given its more central location. Therefore, the location of the LEAP is, in this instance, considered to be acceptable and there would be no overriding concerns in respect of amenity.

- 7.9 Overall, the landscaping scheme will, where possible retain existing hedgerows and will result in additional trees being planted along within green spaces too. The overall landscape strategy is considered to be acceptable and complies with policies ACS17, LPD18 LPD21, Open Space Provision SPD and guidance within the NPPF.

### Sustainability

- 7.10 In respect of the Low Carbon Planning Guidance for Gedling Borough the application has taken into account the relevant guidance and in particular, the checklist at appendix 1, which is intended to be used in support of outline and full/reserved matters applications. At the outline stage a number of enhancements were approved including a requirement to supply an electric vehicle charge point for each property on site. In terms of drainage the site will utilise Sustainable Urban Drainage (SUD's) techniques whereby the water will drain at a green field run-off rate. A Travel Plan has been approved as part of the outline permission and the site is located where it will have good access to public transport, notably a bus stop is in close proximity to the site on Burton Road. Ecological enhancement will also be secured through a condition on the outline permission with features such as bat and bird boxes to be installed. The SUD's pond will result in ecological enhancements and there will be an increase in trees through additional planting throughout the site, mainly in the Public Open Space (POS). There will be good access to the POS and play equipment from footpaths within the site for proposed residents and those from further afield.

### Other considerations

- 7.11 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations to a number of services, as outlined in para 2.0 of this report, which would mitigate infrastructure concerns relating to this development. It is noted that both the Primary and Secondary Care Trust have requested a financial contribution toward their provision; however, these matters were dealt with at the outline stage with a planning obligation in the form of a financial contribution secured towards the Primary Care Trust but not the Secondary, and such contributions cannot be secured at the reserved matters stage.
- 7.12 Concern has been raised about possible overlooking and overbearing impacts from the scale of build form proposed. However, rear garden depths would be in the region of 10m and where they are slightly below this distance e.g. plots

19 to 20, there would still be an adequate 'window to window' distance between existing and proposed dwellings to ensure that the amenity of existing occupiers would not be compromised. Between dwellings to be erected on site there would be approximately 20m between habitable room windows.

- 7.13 A noise survey has been submitted in support of the application and identifies that to protect the amenity of properties to the edge of the site on the north east and western edge there would be a requirement to provide an acoustic specification for the relevant facades. Final detail in respect of windows and ventilation would need to be approved through a discharge of condition application and would ensure appropriate amenity for the occupiers. Therefore, it is considered that the scheme as submitted would provide adequate amenity for both proposed and existing occupiers and is deemed to comply with policy LPD32.
- 7.14 Each dwelling will have off street parking provision with at least two spaces available and a condition is attached to the outline requiring the spaces to be provided. The level of provision is in full conformity with the Council's Parking Provision for Residential Developments – Supplementary Planning Document. The Highway Authority raise no objection to the level of provision provided, which is considered to be acceptable and policy compliant. The main spine road and some of the larger spurs off it would be adopted with some private drives too. Adequate visibility splays would be secured at the key junctions and turning areas are proposed to allow vehicles to turn within the site too. As a result the application is deemed to comply with policies LPD57 and LPD61.
- 7.15 A number of other matters have been raised including expressing concerns in respect of contamination; however, a condition is secured on the outline to ensure that an appropriate remediation strategy is approved and the site remediated. Drainage and flooding is another matter that has, in principle, been agreed with final details to be approved through a discharge of condition application. The affordable housing mix and locations are considered to be appropriate having regard to the adopted Affordable Housing SPD in that not more than 15 are grouped together and the location of the bungalows close to the public open space is not inappropriate. It would not be possible to secure an archaeological watching brief at the reserved matters stage, rather this would need to have been secured at the outline stage but no such request was raised at that time. It has been indicated that not all of the site is within the applicant's control; however, the requisite declarations were made with the outline application and the Council has no reason to dispute land ownership, which would be a civil legal matter thereafter. Furthermore, there is no statutory requirement to provide a certificate of ownership with a reserved matters application. Boundary treatments are identified on a submitted plan and are considered to be acceptable with boarded fencing to the majority of rear gardens, some walls in more prominent location and others having green boundary treatments. Ecological matters were considered at the outline stage and conditions added in respect of badgers and ecological enhancements. Impact on house prices is not a material planning consideration. The location plan does not show more recent house extensions to existing dwellings on

Linden Grove but this would be an issue for the ordinance survey and not one that the applicant could resolve and, as noted above, it is considered that the impacts on amenity are acceptable.

## **8.0 Conclusion**

- 8.1 The principle of the development has been established following the grant of outline application 2019/1186 and fact that the site is allocated for residential development in the Local Planning Document. Access has already been approved with the internal access arrangements also now considered to be acceptable. The design of the dwellings is acceptable with a suitable mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that the application complies with policies A, 1, 2, 8, 10 and 17 of the Aligned Core Strategy; policies 4,, 7, 11, 18, 19, 21, 26, 27 32, 33, 37, 57, 61 and 64 of the Local Planning Document, Parking Provision for Residential Developments – Supplementary Planning Document (2012), Open Space Provision Supplementary Planning Guidance (2001), Low Carbon Planning Guidance for Gedling Borough (2021) and guidance within the NPPF.

**Recommendation: to grant reserved matters approval, subject to the imposition of conditions, as set out in the report:**

### **Conditions**

1. This permission shall be read in accordance with the application form and following list of approved drawings:
  - Site location plan (ref: 6097-L-05A)
  - Planning layout (ref: G-DPL-01D)
  - Materials layout plan (ref: BRG/MAT01 Rev C)
  - Affordable housing plan (ref: BRG/AHP/01 Rev C)
  - House Type Pack March 2021 (ref: BRG/HTP01)
  - POS Landscape proposals (ref: 06097-FPCR-XX-XX-DR-L-0001-P09)
  - Detailed LEAP plan (ref: 06097-FPCR-XX-XX-DR-L-0007-P06)
  - On plot landscaping proposals sheets 1 to 4 (ref: 06097-FPCR-XX-XX-DR-L\_0002-P04, 0003-P04, 0004-P04 and 0005-P04)
  - Detailed hardworks and boundary treatment plan (ref: 06097-FPCR-XX-XX\_DR-L-0006-P05) - Drainage/alternative pond layout/levels plan (ref: 22069-SK03 Rev F)
  - Swept path analysis plan (ref: 22069-108-A)

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

2. No above ground works shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

3. Development shall proceed in accordance with the approved Arboricultural Assessment, which identifies the trees to be retained and protected; appropriate fencing to protect trees to be retained shall be in situ prior to commencement of development and be retained whilst development is underway that would impact on the trees and hedges to be retained.

4. Notwithstanding condition 1 above, no above ground works shall commence until details of the existing and proposed ground and finished floor levels of the site and approved building[s], including sections, have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

5. No above ground works shall commence until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall, thereafter, be implemented in accordance with the details as approved.

6. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

7. No above ground works shall commence until details of the closing of the existing access arrangement to Burton Road to the North East of the bus turning facility have been submitted to and approved in writing by the Local Planning Authority. This should be implemented on occupation of the final plot on the private drive serving plots 89-94.

## **Reasons**

1. For the avoidance of doubt.

2. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.

3. To ensure that the character of the area and existing ecology in site is protected and to comply with policies LPD18 and ACS10.

4. In the interests of amenity and to respect the character of the area and to comply with policies LPD32 and ACS10.

5. To ensure that relevant parts of the development is constructed to adoptable standards.

6. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

7. In the interests of Highway safety.

## Notes to Applicant

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

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

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, in advance of any Section 38 Agreement and bond under the Highways Act 1980 that a developer/applicant may wish to complete to enable adoption of highways. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

A licence/agreement will be required to enable works to be undertaken on Burton Road to reinstate the existing access.

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

All correspondence with the Highway Authority for this development should be addressed to: [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)