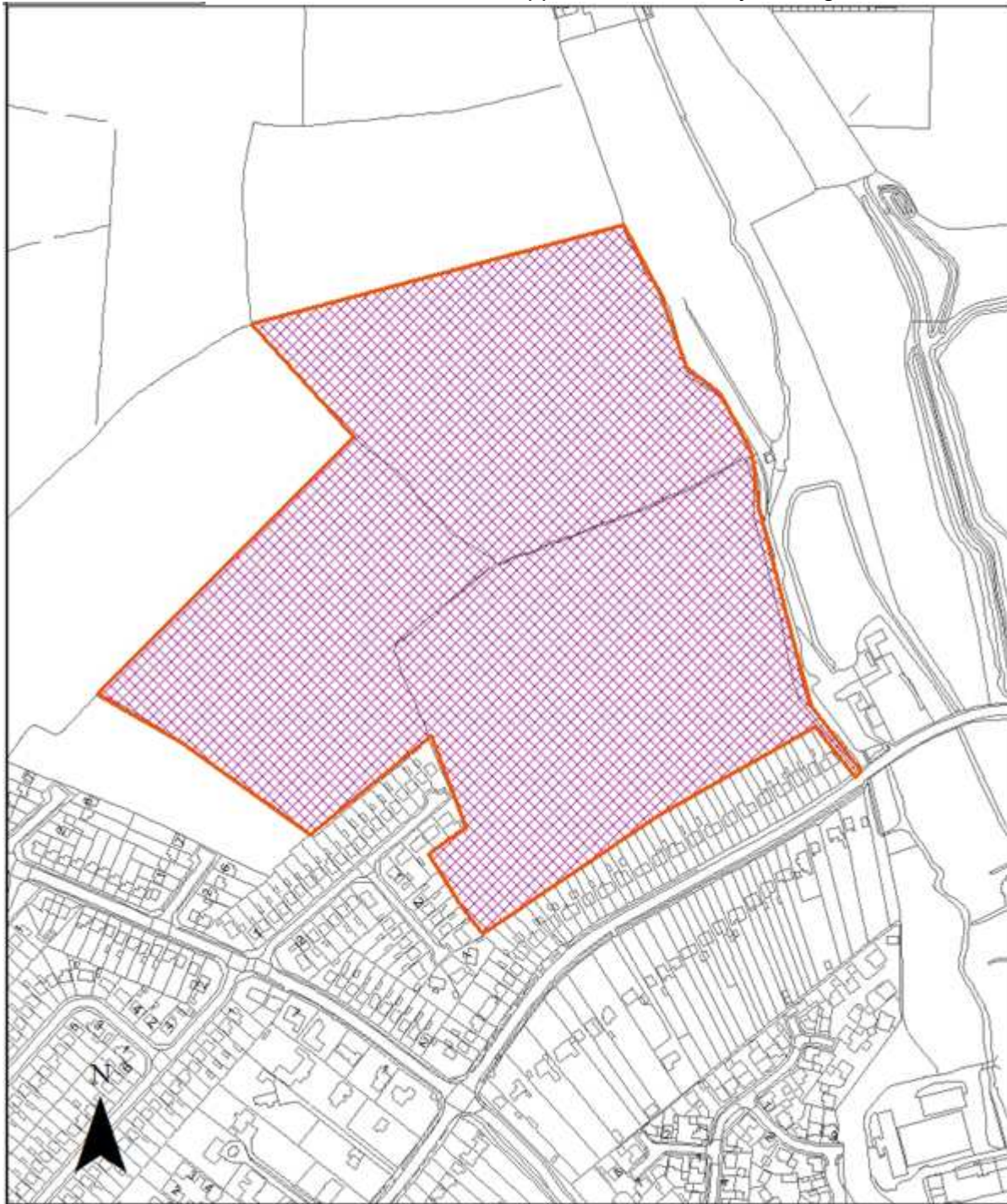


**Application Number:** 2013/1406

**Location:** Land North Of Papplewick Lane Linby Nottinghamshire



**NOTE:**

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## **Report to Planning Committee**

<b>Application Number:</b>	2013/1406
<b>Location:</b>	Land North Of Papplewick Lane Linby Nottinghamshire
<b>Proposal:</b>	Demolition of two properties on Papplewick Lane to provide access for a residential development, education provision, public open space and attenuation ponds with access defined and all other matters reserved.
<b>Applicant:</b>	The Co-Operative Estates
<b>Agent:</b>	Paul Smith

### **Site Description**

The application site comprises approximately 16 hectares of agricultural land, situated to the north of residential properties on Papplewick Lane, Christine Close and Devitt Drive, Hucknall. The development site falls relatively gently downhill towards the River Leen; by some 6.6 metres, over a distance of around 450 metres, from the north-west to the south-east, and by some 8 metres, over a distance of around 500 metres, from west to east.

To the west, the site is separated from residential properties on Marion Avenue and Alison Avenue, Hucknall, by an area of copse woodland comprising scrubland and self-seeded trees. A small section of the site, approximately 925 square metres, falls within the jurisdiction of Ashfield District Council, and contains 3 existing dwellings on the north side of Papplewick Lane, Hucknall.

To the north, north-east and west of the site is agricultural land, which separates the site from the villages of Papplewick and Linby. The western edge of the site is bounded by a mature hedgerow and contains a number of mature trees.

The River Leen runs alongside most of the eastern boundary, and is defined by a mature tree and hedge line. Beyond this lies Moor Pond Wood, part of which extends northwards to Linby Lane. Both the River Leen and Moor Pond Wood are designated as Sites of Importance for Nature Conservation (SINC). In addition, the River Leen corridor and Moor Pond Wood are allocated in the Replacement Local Plan as Private Protected Open Space and as a Mature Landscape Area.

The development site is located almost entirely within Flood Zone 1, with approximately 1% of the site adjacent to the River Leen falling within Flood Zones 2 and 3.

Six of the ten hedgerows contained within the site are classed as 'important' under The Hedgerows Regulations 1997.

Approximately 10 hectares of the site is allocated as Safeguarded Land in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). Within the centre of this area, and separating two fields, is a ditch and broken hedgeline, containing a small number of trees. The northernmost part of the site is located within the Green Belt for Nottingham and is separated from the Safeguarded Land by a hedgerow containing some mature trees and a drain, which constitutes an ordinary watercourse.

The copse woodland and agricultural land to the north-east of Delia Avenue and Dorothy Avenue, Hucknall is also allocated as Safeguarded Land in the Replacement Local Plan, but does not form part of the current application site.

The site also falls within the Greenwood Community Forest.

Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

- Provision of a primary school
- Contributions to secondary education places
- Green infrastructure including a 30 m buffer strip along the River Leen
- Public open space
- Highway mitigation and measures to encourage public transport, cycling and walking

### **Proposed Development**

This is an outline application, for residential development, together with ancillary works development. The indicative details suggest that up to 300 new homes would be created. The site is within 3 different ownerships, the largest part being owned by The Co-operative Group.

The development would involve the demolition of two existing semi-detached houses on Papplewick Road, in order to provide a new vehicular access to the site. The Borough Council's boundary is aligned such that in fact the demolition and proposed access lies outside of the Borough, within Ashfield District Council's area. The access to the site which involves the demolition of the two houses will be determined by Ashfield District Council.

The submitted details state that the new housing would be 2 storey in height although 20% would be 2.5 – 3 storeys. A mix of different sizes of homes is proposed, but no details are provided. A density of 29 dwellings per hectare is proposed.

The ancillary development takes the form of education provision, provision of public

open space and creation of flood attenuation ponds and an ecology park.

The new vehicular access would be from Papplewick Lane, in a location presently occupied by Nos. 181 and 183 Papplewick Lane, which would be demolished. Modifications would also be carried out to the side elevation of 185 Papplewick Lane. There is no vehicular access planned from the residential cul de sacs to the west of the site at this time. The single new access point would lead to an internal loop road. A “ghost” island in Papplewick Lane for right turns into the site is proposed. The original plans included a potential emergency access route, which would be taken from Papplewick Lane to the east of the site close to the River Leen, but that aspect of the plans has now been withdrawn and replaced with a pedestrian/cycle link.

The education provision is in the form of a school annexe with playing fields, to meet the education demands arising from the new housing. The agents are proposing a 0.5 form entry school for 105 pupils on a 0.7 ha part of the site.

The public open space proposed would be in the form of two areas, the first adjacent to the River Leen, and the second in the centre of the site. In addition, an ecological park is proposed to the north, around the attenuation ponds. These green spaces would be linked by green corridors which, in places, would follow existing hedgerows.

The River Leen would be separated from new residential development by a green buffer 30 metres wide. The existing hedgerow on the northern site boundary would have a 5 metres wide buffer between it and the new development.

The ecological park would be publicly accessible and include attenuation ponds, which are for drainage and flood prevention. They comprise part of the sustainable drainage system which would be provided for the whole site. The ecological park would be 4.8 hectares. The ponds would vary in size and depth.

Other details supplied by the applicants at this time are listed below:

1. Acoustic barriers 2.2m high would be installed on the site boundary adjacent to the site access road.
2. Percolation drainage is not suitable for the ground conditions on the site, so drainage is by way of ponds, which eventually discharge to the River Leen. These ponds form part of the proposed ecology park as they will provide wildlife and wetland habitats. A small part of the site to the south west will have tanked storage for rainwater drainage.
3. Most mature trees will be retained although some hedgerows will be lost.
4. Affordable housing will be provided if feasible and viable.
5. There is a bus stop on Papplewick Lane within 60m of the site and Hucknall Train station is 2km away.
6. National Cycle Route 6 (linking Nottingham and Sheffield) is close to the site.

The application is accompanied by the following documents:

- Geophysical Survey.
- Environmental Noise Assessment.

- Air quality Assessment
- Statement of Community Involvement.
- Education Impact Assessment.
- Ecological appraisal.
- Transport Assessment
- Flood risk assessment.
- Geo-environmental and geotechnical Desk study.
- Ground investigation report.
- Landscape and Visual Impact Assessment
- Habitat Survey.
- Indicative Master Plan.

Subsequently, in response to consultee comments, additional documents were submitted as follows:

- Highways Issues Technical Note.
- Conceptual Drainage Strategy.
- Protected species survey.
- Groundwater assessment.
- Plans for Traffic calming improvements in Linby
- Illustrative Landscape Master Plan
- Residential Travel Plan Framework.
- Landscape photomontage Visualisation.

### **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 26 individual letters of representation and one letter signed by 26 residents, which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the proposals as originally submitted. The points made are summarised below:

#### Traffic and Highways

- Traffic objections have been submitted to Ashfield District Council in respect of the demolition and new access road, as that local authority is deciding that part of the plans.
- Usually one point of access serves only 150 homes, whilst this plan is for 300.
- Emergency road access alongside River Leen would impact important wildlife there.
- Query how emergency access road would be maintained and how use would be restricted.
- Emergency road access point is at a dangerous point in Papplewick Lane where traffic speeds.
- The emergency access road is not needed so should be omitted.
- Transport assessment does not properly address impact of traffic on residents nearby.

- The existing road junction of Bernard Lane and Church Lane is already busy and has limited visibility. It is also on a school route and used for “Rat Runs”.
- Increase traffic at Griffins Head cross roads, which is already busy, and cannot be altered due to position on listed buildings.
- Will increase traffic at Moor Road/Papplewick Lane junction.
- Cumulative impacts on traffic should be considered, including those from proposed/pending developments in Hucknall.
- Traffic mitigation measures should be identified now before the application is decided.
- Improving the cross roads would cost £0.25million, but no detailed plans of how this would be spent to make it safer are included.
- Plan includes speculative footpath links to existing shops, but these would be across land outside the applicant’s ownership. If they cannot be provided new residents will drive to local facilities, increasing traffic, especially in Hayden lane which is already hazardous because of parked cars.
- It is understood that the Highway Authority would require a developer to make adequate emergency provision with a single point of access, in line with its guidance. The issues raised by the Police and the Wildlife Trust, together with surface water issues, raise a significant question as to whether the applicants proposed emergency access road is acceptable. The proposal does not accord with highways guidance.
- The applicant has submitted a drawing of the proposed emergency access road. This shows ‘collapsible bollards’. The plan points to the edge of the pavement, at the kerb. The limited width of the pavement at this point is pointed out, together with a street light standard which further narrows the pavement here.
- The Highway Authority has previously raised concerns about the emergency access.
- It is understood that the Police Architectural Liaison Officer has objected to the proposal on community safety/nuisance grounds. It does not appear that the applicant consulted the police from this perspective, as per the guidance.
- Whilst walkers can now access the current farm track at this point, to make this an entry point for walkers and cyclists to and from 300 houses would radically alter the environment for adjacent residents in terms of disturbance, noise etc. The objections of the police need to be taken account of.
- The applicants Highways Technical Note seeks to justify their proposals or challenge objections, citing the guidance. They do not meet the guidance for this type of access.
- Reference is made to the applicant’s ‘Highways Technical Note’ and appendices. These do nothing to allay concerns about the impact of this development in terms of increased traffic onto Papplewick Lane and through the Vaughan estate – Hayden Lane, Bernard Avenue etc.
- The applicant challenges the need for a bus service to run through the proposed site, citing the location of existing bus stops and their distance from the development. Any future residents living at the northern end of the development would have quite a walk to access the bus stops.
- Some of the distances to local amenities and public transport sites, quoted by the applicant, are highly questionable and need to be challenged.
- The applicant acknowledges that they are unable to provide pedestrian and

cycle links with the adjoining area, notably into the Vaughan estate. They quote the existence of shops on Hayden Lane. There is no link through. The proposed development is essentially a back-land development with no adequate links. This, in itself, will inevitably lead to trips by car.

- Attention is also drawn Appendix 6. The applicant makes reference to the appointment of a Travel Co-ordinator, referring to an employee of Taylor Wimpey whose details will be made known to 'Wigan Council'.

## Policy

- No decision on this application should be made until the draft Aligned Core Strategy (ACS) is examined.
- Residents objected to ACS because of the impact on Ashfield and urban sites in Gedling District.
- The site is not allocated for housing. Although it is safeguarded its development now would be contrary to the NPPF.4in conflict with Gedling's Development Plan.
- Decision should be referred to secretary of State.

## Green belt

- If approved there could be a legal challenge if the plan is approved because it is a departure to planning policy.
- Does not demonstrate that the plans are sustainable development.
- The latest information provided to the ACS is that there is a 5 year land supply, with 20% buffer.
- Water and drainage features may impact the Green belt.
- Loss of arable farmland.
- Normal requirement is for 20% affordable housing so unclear why this application proposes 30%, especially as council house waiting lists are not excessive.
- Social housing requirements should accord with Ashfield Council's standards.
- Site is Grade 2 farmland and brownfield sites should be developed first, especially colliery sites.
- Will cause coalescence of Hucknall, Linby and Papplewick.
- Site is only 60% of the housing area so is piecemeal development and unacceptable.
- Site layout does not prioritise pedestrians or cyclists.
- The proposed development would be unsustainable, due to its proximity to the River Leen. Insurance companies are refusing to insure properties close to rivers, and those that do are charging very large premiums.

## Biodiversity

- Site supports wildlife including birds and lizards, and their habitat would be lost forever.
- River Leen adjoins site and supports water voles and white clawed crayfish, and these habitats must be protected.
- A tree survey should accompany the application, so the loss of trees and hedgerows is made clear at this time.



- Environmental Impact Assessment has not been carried out.
- Location of proposed recreation area will have a detrimental impact on undisturbed wildlife.
- The applicant's ecological survey indicates the importance of enhancing the protection and environment of the Leen. The proposed 30 metres buffer will assist with this. The construction and location of this proposed road, immediately adjacent to the Leen, remains perverse.
- It is understood that the Nottinghamshire Wildlife Trust has now also raised concerns about the emergency access road proposal and the negative impact on wildlife habitat.

#### Drainage and flooding

- Risk of flooding underestimated.
- Drainage measures inadequate
- The applicant say there are no records of flooding of Papplewick Lane but several residents know it has, and photos are submitted including one of floods by the site and the proposed emergency access point.
- Must ensure surface water run off does not affect water quality in River Leen
- The applicant's reports recommends further flooding investigations and these should be done before any decision is made on the planning application.
- Query effectiveness and maintenance of proposed underground storage tanks.
- The applicant's latest assessments consider it acceptable for more surface water to find its way onto Papplewick Lane as a direct result of their proposals. There are no assessments of how far flooding would be expected to extend along the Lane. The applicant appears to rely on the water obediently crossing the road and dropping back into the Leen. It will surely run down the gradient on the road.
- The photographs of flooding, as submitted previously, are at the point the proposed emergency access road meets Papplewick Lane. It cannot be acceptable to site an emergency access road at a point on a main road already known to flood, and with further surface water arising from the development adding to this problem.
- The applicant's further assessment takes little or no account of the impact on the historic Warp Mill house. The garden here has flooded previously. The height of the underside of the bridge, located in their garden, is limited. A blockage or high river levels will flood the garden.
- Has the impact further downstream of additional surface water entering the River Leen been taken into account?
- The applicants original Flood Risk Assessment did not acknowledge that Papplewick Lane floods, stating there were no records of flooding. Residents have clearly shown that it floods.
- The site map on the 'Papplewick Lane Blockage Assessment', points to the River Leen. It generates no confidence in the application and its attention to detail when the river is shown in the wrong place – moving it to the other side of the Mill House!
- The applicant's documents 'Papplewick Lane Blockage Assessment' and 'Papplewick Lane Emergency Access' acknowledge that flooding can be



expected where the proposed emergency access road joins Papplewick Lane.

- It has been pointed out previously that this part of Papplewick Lane is already subject to frequent flooding. There is photographic evidence of this, covering a number of years. At times the Lane has been impassable.

### Infrastructure

- The proposals do not include an analysis of infrastructure impact, such as health and education capacity.
- The plans include a primary school annexe but no information on secondary level education.
- Gedling Council will receive Council Tax for new residents at the site, but the demand will fall upon Ashfield Services.
- Already insufficient parking at public transport access points.
- Bus services inadequate.
- Will add strain to overstretched facilities in Hucknall.

### Impact on existing residents

- Negative impacts on existing residents.
- Location close to Ashfield means residents value the openness of the site and the nearby river, woods, wildlife, heritage and views, which would all be lost.
- Urban design concept does not address impact on existing residents.
- Placing 2.5 and 3 storey buildings to the rear of existing houses would have an unacceptable impact on residents.
- Loss of views and openness.
- Properties in this area have a premium price because of their beautiful location, and this plan would affect that.
- Village community atmosphere would be diluted
- Overlooking
- Loss of property value and view.
- Generate noise and air pollution.
- Security risks to existing residents.

### Impact on heritage assets

- Adverse impact on historic views and heritage and Conservation Areas.
- Demolition of Warp Mill House is a terrible shame as it is of historic interest.
- A development of this scale would destroy the villages of Limby and Papplewick, which have outstanding beauty and are quintessentially English.
- Effects on industrial heritage site.
- Effect on setting and views of Conservation Areas.
- Traffic junction alterations would alter historic interest.
- At a recent Aligned Core Strategy hearing session, it was reported that Nottinghamshire County Council has commented that the proposals would have a "slightly beneficial impact" on landscape and that the ecological park will go some way to mitigate the loss of arable land.

- It is also a moot point that the residents of Papplewick Lane and part of the Vaughan estate, whose current landscape is the arable land, hedgerows and view across to Linby church, Papplewick and beyond, would have that destroyed by the proposed development.
- It cannot be seen how the physical landscape/visual image from the perspective of the villagers in Linby and Papplewick would in any way be enhanced as the built environment creeps ever closer to them. Little account continues to be paid to the historic landscape connected with Moor Pond Wood and the impact of this proposed development on that.

#### Other issues

- Neighbour notification letter does not make it clear which aspect of the scheme is being determined by which local planning authority,
- No need for habitat enhancement or recreational space provision if the new houses were not proposed.
- Query long term maintenance requirements, especially Ecology Park and open space.
- Unrealistic assumptions about expecting residents to walk or use public transport.
- The views out to green space from the site would not be guaranteed as adjoining land is in different ownership;
- The applicants buffer is simply new rear gardens, and the only true landscaped buffer is from land outside the applicants control
- The footpath through the ecology park is a dead end, to land outside the applicant's ownership.
- Should look for a site elsewhere, possibly a whole new town rather than damaging a beautiful part of Nottinghamshire.
- 300 houses on this site would not be viable.
- Gedling Council did not engage with nearby residents as they lives in Ashfield District.
- Applicants have previously stated the school would not be built until last, which will be too late for the new residents.
- Adequate planning conditions should be put in place at the outline stage to mitigate the negative impact on existing residents.
- Had the objective been to create a development designed specifically to attract residents wishing to live sustainably in a new, eco-friendly settlement with energy efficient homes, then the laudable objectives of a travel plan might be more convincing and achievable. Such a development would have been in keeping with Co-operative principles. This is not the impetus for this development.

Local residents have been re-consulted on the additional information and documents. I have received a further 29 letters of representation in response and these make the following comments:

#### Highways and traffic

- New details propose ghost islands between Moor Road and Hayden Lane,

which will affect existing resident's accesses.

- Ghost island too close to a busy junction.
- Needs more analysis of road junctions.
- Emergency access road will flood and will be unusable.
- Papplewick Lane too narrow for another point of access.
- Noise, Pollution and increased traffic.
- Have seen traffic in Papplewick increase to a serious problem.
- Raised plateaus in the road won't help at the present difficult junction.
- Traffic in area must be allowed to "flow", such as by installing traffic lights on Forest Lane in advance of the blind left bend, and at the other end of the village before Castle Mill. This would alleviate present gridlock and make exiting the junction easier.
- Hazards from additional cars.
- Congestion on surrounding roads.
- Traffic in area has already increased recently and this will make traffic problems worse.
- Will cause on street parking.
- Traffic danger to children.
- Hazardous access point due to parked car and bus stops.
- Road already suffers tailbacks.
- Not safe for new residents to travel to shops, schools and work.
- Surrounding roads usually blocked by snow.
- Existing street lighting inadequate.
- Staggered crossroads in village is hazardous and risky.
- The proposed works to the crossroads will not help, they may increase noise, vibration and pollution, and be detrimental to safety of pedestrians.
- Only one point of access for cycles, pedestrians and cars.
- Residential Travel Plan contains factual errors, such as existing footpaths are not 2m wide as stated, so hazardous.
- Too far from shops, doctors and secondary schools so residents will use private car causing hazardous traffic problems.
- Traffic calming measures should have accompanied original application.
- Road humps will increase noise disturbance from tractors and trailers.
- Loss of property value.
- Removal of emergency access road welcomed.
- Community safety concerns regarding access from surrounding cul de sacs.
- Raised plateau road hump will only slow the traffic and make hold ups worse, not offset the traffic volume problem.
- Raised plateau road hump is inappropriate in a Conservation Area.
- Alterations to road junction are not needed.
- The colour of the raised plateau road hump is detrimental to surrounding listed buildings and the Conservation Area.
- The addition of road humps on Main Street will restrict vehicles to a single lane only, a concern on a bus route.
- Traffic calming measures will make existing residents accesses even worse.
- Raising road to pavement level will cause danger to pedestrians.
- Traffic calming plans are ridiculous and an appeasement.
- Will result in 1200 extra vehicles in the area.

- Should consider traffic generation from this site in conjunction with that arising from 1100 houses passed at Top Wighay Farm and Papplewick Green and sites in Hucknall.
- Access roads unfit due to parked cars.
- Access point is dangerous.
- Roads in the area are a Rat Run.
- Raised plateau road hump will be an eyesore.
- One point of access for 300 houses is double the normal County Highways restriction.
- Travel Plan contains inaccuracies and errors.
- The plans do not show the true visibility lines from existing resident's driveways.
- Swept path plans are inaccurate.
- Will increase potential for traffic accidents.

### Policy

- Site is safeguarded under the Local Plan and is not therefore available for development until the current plans is superseded by another, so granting permission would be illegal.
- Should build on brownfield sites first.
- Breach of Green Belt Policy.
- No demonstrable or proven need for new houses in this area.
- Should develop brownfield sites first.
- No consideration of windfall site provision by Gedling Council.
- Urban sprawl.
- Does not meet test for very exceptional criteria to justify Green Belt development.
- Should build a new village instead.
- Local People should decide where new houses go, not the Core Strategy.
- Green Belt development, even for ponds, wouldn't be needed if the plans were refused.

### Biodiversity

- Loss of wildlife and hedgerow.
- Destruction of wildlife.

### Drainage and flooding

- Additional flooding information is still inadequate as there is no reference to the impact of surface water and flooding on Warp Mill.
- Additional drainage details provided are factually incorrect, simplistic, not factually based, contains assumptions, and not credible, nor satisfies residents' concerns
- Additional reports don't account for climate change.
- No research on impacts on existing weirs and bridges.
- Land is flood plain.

- Cannot guarantee existing residents won't be flooded
- Future risk of flooding.
- Site is waterlogged most of the year.
- Blockage Review is incomplete.
- Floodplain storage is not taken into account.
- Will cause flooding of historic Warp Mill.
- River Leen already runs at a high level, including very close to top of road culvert, and the development must increase this due to the increase in impermeable area.
- Need further drainage assessments.
- Overland flow paths need to be provided to accommodate exceedance events.

#### Infrastructure

- Inadequate infrastructure; buses, car park for trams and station is too small already.
- Pressure on local shops and services.
- Pressure on Ashfield Council' services and infrastructure.
- Will overload local services, such as dentists and doctors.
- Will need to build a secondary school too.

#### Impact on existing residents

- Urbanisation of beautiful village.
- Impact on resident's family life, harmony, health and safety, air pollution, noise pollution, vibration and congestion. These impacts will also affect residents on the Vaughan estates.
- Disregard to local community.
- Proposed open space will affect existing residents.
- Will have to endure years of noise and dust and mud on roads.
- Will add pedestrian and cyclist activity to a farm track, affecting community safety.

#### Impact on heritage assets

- Detrimental impact on Conservation Area.

#### Other issues

- The extra information includes reference to Wigan so clearly irrelevant.
- Bus Information supplied is inaccurate.
- The footpath to Moor Road is far less than 2m wide.
- Loss of green space valuable to 3 separate communities,
- Cumulative impacts should be considered, especially 1100 new homes at Wighay Farm
- 100% local opposition.
- Risk of drowning in new ponds.
- Irresponsible development.

- Breach of privacy to use neighbours house and car in visualisation plans
- Proposed landscaping off Devitt Drive is incorrect as that is in separate ownership.
- Walking distance to the schools is 1214m and 1379m- far further than the applicant states.
- The local shops are 412m distant not 340m as stated.
- Hucknall train station is 1.5km to the South West not 1.2km to the south east as the agent states.
- Bus designations and timings are incorrect.
- Travel Plan is a copy of one submitted in Lancashire and is lax.
- Proposed planted buffer is within new residents back gardens

I have also received a copy of a letter signed by two local residents to the Chief Executive of the Co-operative Bank concerning the ethics of the Co-operative Group and re-iterating some of the above objections.

### Consultation

I have received representations from the following organisations:

Friends of Moor Pond Woods (FMPW) –In summary, objections to the planning application are raised on the following grounds:

#### Prematurity

FMPW understand that the 2005 Structure Plan identified this land as safeguarded from development until all available land has been used, or the Local Plan is reviewed. FMPW consider that neither of these preconditions has been satisfied and therefore the land should not be developed.

The Planning Inspector is still considering the Aligned Core Strategy that should guide future potential development of this land. FMPW believe that there is a good case for this land to be removed from the ACS by the Inspector and therefore it would be inappropriate to prejudge the Inspectors report and grant outline planning permission at this time.

#### Inadequate Landscape and Visual Impact Assessment & Archaeological Assessment

FMPW is disappointed by the standard of work shown in the Landscape and Visual Impact Assessment and Archaeological Investigation that were supplied to support this proposal.

Firstly, FMPW does not believe that the LVIA fully takes into account the importance of the Historic Landscape in this part of the Leen Valley. The report does not cite key works that are publicly available – for example the articles by Nan Greatrex (Greatrex, 1987) (Greatrex, 1986) or the Desktop Archaeological Study (Sheppard, 2001) carried out for the Moor Pond Wood Project. There is no reference to the chronology of the mills. This leads us to conclude that the Historic Landscape analysis (such as it is) is flawed, because supporting evidence has not been

identified or taken into consideration.

Documentary evidence suggests that the Walk Mill and its pond were leased by Cornelius Wyldeboar and George Robinson for some time between 1740 and 1778 for the purposes of dyeing, bleaching and washing cloth, and the fields around were used as bleachfields. Recently discovered archaeological evidence suggests that dyeing, bleaching and washing cloth may also have taken place in the fields around Upper Mill (also known as Castle Mill).

Within the supporting documentation are the results of a Geophysical Survey. The evidence has been interpreted to suggest that there are no identifiable archaeological remains. FMPW believe that this investigation was inadequate for the location. It may well be that there are no walls within the immediate area of the proposed development, however the nature of the textile manufacturing processes at this early stage of the Industrial Revolution may have been such that there are few 'hard' remains. Nevertheless, vital evidence may be left on or in the ground. The fact is that little is known in detail about the operation of this industry at that time. FMPW would take the view that by building on this land or 'landscaping' it to form an 'ecopark' without first carrying out a thorough survey runs the risk of permanently destroying vital evidence about an industry that held a formative role in the development of the industrial and cultural heritage of this area.

One of the hallmarks of the early textile industry in this part of Nottinghamshire was the interrelationship between the fixed structures like mills, leats and ponds and the surrounding land. At Bulwell, the site of the Cotton Mill and Bleach works has been redeveloped without investigation of the remains. At Bestwood, the site of the Mill and the surrounding fields have been landscaped into the 'Leen Valley Country Park'. The land which is the subject of this proposal is the last remaining place in the Leen Valley where the interplay of fixed structures, water engineering and landscape can be considered and investigated.

The LVIA carried out in support of this proposal is incomplete because it did not consider the visual effect of the proposed development when viewed from the structures within Moor Pond Woods. The raised embankment which would have carried water southwards, and helped to impound 'Moor Pond', stands at least 15m above the River Leen and has an extensive view to the west. This is publicly accessible land within an accepted Nature Reserve over which there has been a concessionary right of way for more than 15 years, and yet the LVIA investigation did not consider the impact of the proposed development from this crucial viewpoint.

It is for these reasons that 'the Friends' propose that this section of the Leen Valley should be accepted and treated as a 'Valued Historic Landscape'. FMPW does not accept that the background investigations carried out so far by the developer are 'fit for purpose'. FMPW would urge the Borough Council to refuse outline planning permission on the proposals as presented, on the grounds that the impact on the Historic Landscape has not been adequately considered.

If the Borough Council is minded to accept the proposal, FMPW feel that it should attach conditions that oblige the developer to fully investigate the historical evidence, place their results in the public domain for the benefit of future historians, and ensure



adequate protection for the historic landscape.

## Ecological impact on the River Leen

'The Friends' believe that the Proposal, in its present form, will have a major impact on the River Leen and two endangered species that use it.

FMPW believe that there is a serious concern about water quality. In the Geo-Environmental & Geotechnical Desk study (para 3.3) it states that the site is underlain by "rocks of the Cadeby formation ... a principal aquifer, [that] support water supply and river base flow". In other words, in its natural state the surface water on this land percolates and is cleaned to generate the steady flow of calcareous groundwater, and it is that water that supports the identified population stronghold of white-clawed crayfish. This stretch of the river is an important location for a breeding population of this endangered species.

The proposed attenuation ponds may slow down the rate of overland flow and increase the lag-time of the basin, but FMPW is concerned that there will be deterioration in water quality that will threaten this endangered species. Creating reed-bed filtration may be a more successful mitigation as far as water quality is concerned.

In the south-west of the site, which is acknowledged to be too low to flow into the gravity-fed attenuation ponds, there may be an even greater problem. The reality is that all this parcel of land naturally drains to the south west corner, as evidenced by the silt and storm-water that pours out onto Papplewick Lane at periodic intervals. FMPW is concerned that the combination of placing the ponds at the upstream end of the site, and the inevitable increase in indurated surfacing (if building goes ahead) will increase drainage from this corner. This will more readily pollute the river, because it will not be 'settled' in the ponds. Additionally, driving the proposed emergency access track along the river bank will further compromise water quality, both from increased run-off and (potentially) pollution from vehicular sources.

FMPW believes that the ecological appraisal document underplays the potential impact on endangered species. In contrast to the evidence advanced in support of the proposal, the study undertaken by Andrews suggests that this is indeed a significant stronghold for water vole.

Declining water quality and increased public access will inevitably impact on the vole population in addition to the crayfish population.

FMPW does not accept that the background investigations carried out so far by the developer are 'fit for purpose'. FMPW would urge the Borough Council to refuse outline planning permission on the proposals as presented, on the grounds that the impact on the endangered species has not been adequately considered.

If the Borough Council is minded to accept the proposal, FMPW feel that it should attach conditions that oblige the developer to more fully investigate the ecological evidence, and ensure adequate protection to safeguard water quality; for example, bio-remediation of the surface water rather than reliance of attenuation lagoons and

tanks.

## Linby & Papplewick Parish Councils – Original plans

The joint response of the Parish Councils raises objections to the planning application both in respect of the principle of development and the wider impacts that the development proposals would have on the area, having regard to the National Planning Policy Framework, the Gedling Borough Replacement Local Plan and the draft Aligned Core Strategy. In summary, objections are raised on the following grounds:

### 1. Prematurity and Principle of Development

- The Planning Inspector has asked Gedling Council to reconsider allocation of this site in Aligned Core Strategy, as new housing sites are concentrated on greenfield sites on the periphery of the borough, rather than brownfield sites and sites close to Nottingham. So the soundness of developing this site is debatable.
- Although the AS is advanced, there are substantial outstanding objections to this site from Ashfield Council. There is no Statement of Common Ground between Gedling and Ashfield Council about the impact on Hucknall's infrastructure.
- Decision should be delayed until after Inspector's report, as it would be premature and could result in Judicial review.
- Conflict with National Planning Policy Framework and Green belt.
- Contrary to "plan led" approach.
- Should be refused as not in accordance with Local plan.
- NPPF states that should be granted unless specific policies indicate otherwise. Green Belt policies and heritage assets do indicate otherwise in respect of this site.
- The replacement Local plan is still a relevant policy document and it allocates the site as "Safeguarded land", which is not allocated for development until a further Local Development Document adopted. So it should not be granted until after a Local plan Review.
- The Inspector made it clear that Safeguarded Land would not necessarily be developed as it will depend on need.
- Contrary to Green Belt policy, as the ecology park and ponds will not further Green belt aims of assisting regeneration by encouraging recycling derelict and urban land.
- Will prejudice brownfield site development elsewhere
- Will prejudice urban development within Hucknall.
- Recent Ministerial statements made it clear that an unmet need for housing is unlikely to outweigh harm to the Green belt.
- GBC does not lack a 5 year land supply according to recently produced figures

### 2. Impact upon the surrounding area including Landscape and Visual Impacts

- Site is within the wider setting of Linby and Papplewick Conservation Areas.
- The indicative master Plan focusses on the setting of St Michael's church, but

no other heritage assets.

- Harmful to listed buildings.
- No landscaped buffer between residents in Papplewick lane and the new development.
- The proposed landscape buffer between Marion Avenue and Alison Avenue is land outside the applicant's control.
- Adverse effect on existing resident's amenity because of proximity and bulk.
- No 185 would have its side wall directly adjoining the new access road.
- Proposed 2.2m high acoustic barriers near new junction create an unattractive enclosed entrance ,
- The traffic assessment does not consider impact on Hayden lane and Bernard avenue, which are already used as "rat runs".
- No assessment of impact on key road junctions nearby.
- No detailed measures shown for works identified for Griffins Head junction.
- Access is substandard for 300 houses, as normally a single road access should serve 150 according to NCC Design Guide.
- Cannot demonstrate that there will be other points of access into the site.
- Contributions to off site works will go to Gedling Council whilst the effects will be seen in Ashfield.
- LVIA is not comprehensive and understates visual impact.
- No analysis of historic landuse, particularly the textile processing at mills.
- Does not take into account existing study of Moor Ponds Wood archaeology and historic area.
- Viewpoints are selective.
- No mention of historic landscape.
- No mention of concessionary paths and views form embankment.
- Wil dominate views over historic landscape.

### 3. Impact on Flooding, Drainage and Water Quality

- Gedling does not have a Strategic flood risk assessment so the impact on flooding cannot be judged properly nor downstream effects assessed.
- The information about geology is incorrect so groundwater capacity assumptions are wrong.
- Other new housing has been built without required attenuation lagoons.
- Surface water sewers were known to be near capacity 10 years ago.
- Information on flooding is incorrect.
- No modelling on effect on sewers and culvert on the site.
- Adjoining land is geologically unsuited for soakaway drainage.
- Field drains across the site are not taken into account.
- reference to 50% impermeable surfacing of the site is not explained or assessed fully.
- Tanks proposed would have insufficient capacity based on calculations provided.
- Capacity of attenuation pods is inadequate. as runoff is 3 times greater than calculated.

### 4. Impact on Infrastructure

- No assessment of effect on existing infrastructure.
- Infrastructure matters were debated at length at ACS Examination, whilst no details accompany this application.
- Education assessment is incomplete and inaccurate.
- No School annexe details.

## 5. Impact on Ecology

- Will affect habitats of protected species in the river
- Site has voles and white clawed crayfish, and these will be affected by changes to drainage and flooding and by contamination of runoff water.
- Placing ponds upstream and tanks in the South west Corner of the site will increase drainage from the site corner where it will readily pollute the river.
- The emergency access track will also affect water quality.

## Linby & Papplewick Parish Councils –Response to amended and additional plans and details:

- Travel plan is inaccurate
- To encourage cycling the new houses will need cycle storage, and this should be ensured, at a rate of 1 cycle space per resident, e.g. 4 bed house requires 4 cycle storage spaces.
- Raised plateau traffic hump is inappropriate, as it will appear in isolation, and is poor practice to site these on a main road.
- No demonstration that cross roads works will improve traffic at peak times.
- Plans seem to suggest increasing speed limit from present 30 mph to 40 mph on Moor Road.
- Raised plateau traffic hump will add traffic noise to residents.
- Developers should pay for double/triple glazing windows of houses near raised plateau traffic hump to offset noise problems.
- No vibration risk assessment on houses, especially listed buildings, near raised plateau traffic hump.
- Raised plateau traffic hump will add danger to traffic junction due to unexpected braking.
- Bright red painted raised plateau traffic hump will affect visual amenity and Conservation Area.
- Raised plateau traffic hump will bring road level with pavement causing danger to pavement users.
- Blockage Assessment allows flood water flowing at a depth of 0.3m over the road, restricting access to bus stops, and making it dangerous to pedestrians.
- New flooding information suggests that Warp Mill will be flooded.
- One point of access for 300 houses is unacceptable and twice the normal Highways restriction.
- No right of access to Devitt Drive as indicated.
- Encroachment into Green Belt is only needed because of the proposed development.
- Promoting public access to the north part of the site will affect wildlife.
- Distances given between site and shops, school, etc. are incorrect; the

distances are all much further than quoted.

- Bus details are wrong.
- The applicants have not been in consultation with Police Architectural Liaison as stated.
- No consideration of cumulative impact without housing sites.
- Conceptual drainage strategy adds little to original details.
- Providing a buffer for road drainage is beneficial if correctly maintained, and treats pollutants.
- Reference to 50% impermeability is not confirmed elsewhere, and the remaining parts of the site are likely to be only semi permeable, so 25 mm of rain over the site would generate 37,575 cubic metres of water being transferred rapidly into River Leen.
- Modelling suggest there would be flooding where the track joins Papplewick Lane, but as the road is lower the water depth during a flood may be 0.8m.
- Flooding water flowing over Papplewick Lane to the river will only occur if fencing remains and there are no obstructions to flow, including kerbs, field boundaries, etc.
- Papplewick Lane has a long history of flooding and the predicted flooding does not include water depths. The potential of increased flooding on emergency access must be taken into account.
- Road should not act as a flood spillway.
- No assessment of potential effect of flooding to bridge or historic weirs.

Ashfield District Council (Adjoining Authority) – Response to original details- objects to the application on the following grounds:

1. The application is premature of the emerging Nottingham Aligned Core Strategy, and as such would provide a development on a site which is yet to be found sound and to which the District Council objects to. As such, the proposal is contrary to the aims of paragraph 178 of the National Planning Policy Framework which states that public bodies have a duty to co-operate on planning issues that cross administrative boundaries, and, paragraph 216 which sets out that weight may be given to relevant policies in emerging plans, including the extent to which there are unresolved objections to planning policies.
2. Insufficient evidence has been provided to illustrate that the proposal will not create flooding, or that the development would be provided with a safe emergency access, by virtue of this being proposed on land designated within Flood Zone 3. Therefore, the development is therefore contrary to paragraph 103 of the National Planning Policy Framework which seeks to ensure that flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a sufficiently detailed site specific flood risk assessment.
3. The design of the scheme is detrimental to the character and appearance of the area by reason of the long 'cul-de-sac' design and insufficient information provided to illustrate the appearance of the development. There is particular concern regarding the impact upon the proposal on long range views from Linby and Papplewick and of the impact of three-storey dwellings as viewed from

Papplewick Lane, which is characterised by two storey dwellings, also detrimental to the residential amenity of these properties. The development would be detrimental to the amenity of neighbouring properties by reason of noise and disturbance created by the proposed access road, in particular numbers 179 and 185 Papplewick Lane, due to its proximity. Subsequently, the development is contrary to section 7 and paragraph 17 of the National Planning Policy Framework which seek to secure high quality design.

4. The application does not adequately demonstrate by way of submission of supporting information that the proposed additional traffic arising from the development, particularly when considered cumulatively with other developments off Papplewick Lane, can be sufficiently mitigated against. Furthermore the proposal does not include safety crossing measures at the proposed site access and Papplewick Lane to assist pedestrians and cyclists. Insufficient information and provision has been made in relation to pedestrian and cycling improvements, public transport, road safety, off site mitigation works, a Travel Plan and sustainable transport options. The proposal is therefore contrary to Part 4 of the National Planning Policy Framework, paragraph 32, which seek to ensure development does not adversely affect highway safety or the capacity of the transport system.
5. The scheme provides poor connectivity and will reduce the ability of proposed residents of the scheme to access wider services and facilities without the use of the car without the wider connectivity benefits of the Masterplan. It is less sustainable as a reduced provision without connectivity routes and will not be socially inclusive. As such, the development is contrary to the aims of paragraph 17 of the National Planning Policy Framework.
6. The scheme has not adequately assessed the ecological impacts of the development. Subsequently, an additional ecological study is required to ensure that the implications of the development are fully assessed to fully comply with section 11, paragraph 118 of the National Planning Policy Framework which seeks to conserve biodiversity.

Ashfield District Council's response (of 22<sup>nd</sup> April) to the additional details are summarised below.

- Previous objections still apply.
- Concerns about future maintenance of landscaped strip alongside access road.
- Ashfield Council should be involved in negotiations with the developer to ensure contributions are made to Ashfield infrastructure.
- Require nomination rights to affordable housing.

Nottinghamshire County Council (Highway Authority) –Response to original submission.

Access to the site would be created from Papplewick Lane by the demolition of two existing dwellings. The proposals also include provision of an emergency vehicles route from Papplewick Lane, by improving an existing track between a residential

property and the River Leen.

The contents of a Transport Assessment (TA) and Travel Plan (TP), which have been submitted in support of this application, have been noted.

The Highway Authority has no objections in principle to the potential residential development being considered, but comments that there are a lot of highway issues that require addressing before the Highway Authority could support the current proposals.

The Highway Authority makes the following specific comments:

### Site Access

The proposed site access (including the emergency access) has undergone a Stage 1 Road Safety Audit to ensure that road safety would not be compromised. The Highway Authority considers that the proposed access arrangement is not acceptable and could be detrimental to road safety.

In addition, the Highway Authority also has concerns about the number of dwellings being served by the proposed access. It would not normally permit more than 150 dwellings from a single point of access, even with an emergency access. A development of over 150 dwellings would have to be served by two access/egress points.

The Highway Authority would not normally accept emergency accesses because of:

- Enforcement problems arising from their misuse;
- Difficulties encountered by the emergency services;
- Maintenance issues and vandalism of access-control equipment; and
- General crime and anti-social behaviour problems.

However, where there are valid reasons why this cannot be achieved and where the development proposal is otherwise acceptable, the Highway Authority may be prepared to consider an emergency access, as long as:

- Highway safety is not compromised and the access is not likely to be a source of crime or anti-social behaviour problems;
- There are appropriate means of controlling its use;
- The applicant has fully consulted the emergency services and the proposals are acceptable to them (consultations with the police should include both traffic management and the Police Architectural Liaison Officer);
- The access is designed to accommodate safely all vehicles likely to use it; and
- Long-term maintenance responsibilities are clearly defined and secured.

Where suitable access arrangements cannot be achieved, the Highway Authority may refuse to adopt the development roads.

### Transport Assessment



The TA provides details on the creation of a site access from Papplewick Lane and the requirement for a TP, no other on or off-site pedestrian, cycle, bus or highway mitigation is necessary. The Highway Authority would suggest the applicant considers the following:

a) Pedestrian and Cycle Access/Improvements

The pedestrian and cycle demands would increase travel demands along Papplewick Lane to and from Hucknall town centre. The Highway Authority would recommend that the applicant provides shared pedestrian/cycle facilities, preferably on footways on both sides of Papplewick Lane up to Hucknall town centre, together with crossing facilities where appropriate.

There is an existing bus stop on Papplewick Lane in close proximity to the proposed site access. A suitable crossing facility for both pedestrians and cyclists would be required.

There appears to be no pedestrian/cycle link to adjacent roads such as Devitt Drive, Marion Avenue and Alison Avenue. The only pedestrian/cycle link to Papplewick Lane is by the proposed site access and emergency link. Suitable pedestrian links should be considered to improve accessibility to the site and vice versa.

b) Public Transport

No improvements are proposed to the existing bus services that run along Papplewick Lane. Improvements to existing bus stops along the existing bus route on Papplewick Lane and adjoining roads would be required, such as the installation of bus shelters, raised kerbs, solar lighting and real time information boards, where appropriate.

Generally walking distances to bus stops in urban areas should be a maximum of 400 metres and desirably no more than 250 metres. The applicant should design pedestrian routes to bus stops to be as direct, convenient and safe as possible to encourage use of public transport.

The applicant should design the routes in line with the principles set out the 6C's Design Guide, which should:

- Enjoy good natural observation from neighbouring buildings;
- Be well lit; and
- Be carefully designed so any planting minimises opportunities for crime.

Where there is a footway on the opposite side of the road, a pedestrian crossing point should be located as close as is possible to the bus stop, bearing in mind safety considerations.

Having considered the proposed layout shown on the Indicative Masterplan, numerous new properties would be well away from the existing bus stops along Papplewick Lane in excess of the 400 metres walking distance.

In view of the above, the Highway Authority would recommend the penetration of

existing bus services into the site. As a single point of access is being proposed, a suitable turning facility for buses to turn around would be required or the design of the internal roads should consider a loop to accommodate such facility.

Any cost associated with bus services to penetrate the site should be met by the applicant. The Highway Authority would seek a contribution of £90,000 per year for 5 years, which should be secured via a Section 106 Agreement between the applicant and Nottinghamshire County Council.

### Road Safety (adjoining villages)

The TA does not consider road safety matters within the likely area of influence of the proposed development. At the Aligned Core Strategy Public Inquiry, concerns were expressed by the residents of Linby and Papplewick, particularly concerning the difficulties and dangers of negotiating the 'Griffins Head' crossroads. Nottinghamshire County Council has 'promised' that as part of any significant development proposals in and around Hucknall that serious consideration is given to the needs of traffic management in the villages of Linby and Papplewick and that this provision should be a prerequisite for development to proceed.

The traffic projections in the TA demonstrate an increase of traffic through these villages and it can be concluded that it is important that the road safety dimension and possible schemes of improvement are addressed by the applicant.

### Off-Site Highway Mitigation Works.

In view of the traffic projections contained in the TA and given the road safety comments/concerns above, the Highway Authority would expect further consideration to the traffic impacts at the junctions of Papplewick Lane/Moor Road and the B6011/B683 junctions. The former is predicted to show a net worsening in capacity in the PM peak, whilst the latter is shown to witness an increase in side road turning movements at the crossroads, which could present further delays and difficulties.

There is no consideration of the cumulative impact of this proposal with other proposed development by Gedling Borough Council at Top Wighay Farm, Bestwood Village and a possible further 300 dwellings on land adjoining the North of Papplewick Lane site. It would seem to be premature and unwise to grant consent for this application in isolation without knowing what the combined transport infrastructure package required to support the totality of development in and around Hucknall would be.

In order to assess the impact of the proposed development on adjacent junctions fully, detailed traffic models for the Papplewick Lane/Moor Road junction and B6011/B683 are required. In addition, the applicant also needs to provide detailed models of junctions that are affected by an increase of 30 vehicles/hour (two way), which could include Papplewick Lane/Wigwam Lane, Station Road/Linby Road, Station Road/Ashgate Road, Ashgate Road/Portland Road, Nottingham Road/Hucknall Bypass.

An electronic version of traffic models should also be submitted for verification in addition to input/output files of the modelled junctions.

### Travel Plan

The submitted TP is not acceptable in its current form. It is not clear how the travel plans would be developed among occupying organisations and the funding and employment of the overall travel plan co-ordinator is not clarified. The timescales for development are not detailed. The size of the school and staff numbers is not detailed. The proposed measures are inadequate/uncommitted. The TP does not have targets or a monitoring structure and evaluation system.

A TP monitoring fee would apply to ensure the effectiveness of the plan.

### Sustainable Transport Measures

The Highway Authority would expect a development of this nature to provide sustainable transport measures in its design proposals to promote multi modal trips from the site. As an initial list of works, these could include the following:

- A pedestrian refuge on Papplewick Lane, south of the development entrance to facilitate pedestrian crossing movements.
- Speed reduction and management measures on Papplewick Lane.
- Interactive speed signs, where appropriate.
- Bus stop infrastructure improvements (new bus shelters, flags, poles, raised kerbs, timetable information, bus stop clearways, real time information) for the Hucknall Town Centre/Papplewick Lane corridor.
- A contribution towards signing and improvements on the local rights of way network (specifically the footpath off Moor Lane).
- Dropped kerbs crossing, where appropriate.
- Improved cycle routes leading to the site, such as an off carriageway cycle path or cycle route signing scheme.

In view of the above, it is concluded that the proposed development as submitted has failed to provide satisfactory access and it is likely that the proposed development would be detrimental to road safety. The Highway Authority would recommend that the application should be refused on access and road safety grounds.

Nottinghamshire County Council (Highway Authority) –Response to amended and additional details:

The Highway Authority considers that a residential development on this parcel of land is acceptable from a highway point of view, as a satisfactory junction onto Papplewick Lane can be provided to serve the site, and mitigation measures have been identified to limit the impacts that the proposal would have on the highway network in the vicinity of the development.

It is proposed that the development is served via single access point off of Papplewick Lane. This access arrangement is shown for indicative purposes on

drawing 0218/F03 Rev M. This arrangement has been checked and is deemed to be generally acceptable. The applicant should note that works will need to be undertaken under an agreement under Section 278 or the Highways Act 1980, and a further detailed design check will need to be undertaken as part of this process.

The Highway Authority notes that concerns have been raised about the number of dwellings served by the above access, and whether or it is acceptable to serve than 150 dwellings from single point of access. In order to clarify this point, reference is made to the residential design guide, the '6C's Design guide', a copy of which can be found at <http://www.leics.gov.uk/index/6csdg/>.

Table DG1 of the guide defines the general geometry of residential roads, and states it is permissible to serve up to 400 dwellings off a single point of access provided a minimum carriageway width of 6.75m is provided. As the proposed carriageway width in this case is in excess of 6.75m (7.3m), it is deemed to be acceptable. The 150 dwelling limit applies to a lower class of road, which has a carriageway width of 5.5m.

As part of the off-site mitigation package, the developer is proposing a scheme to improve safety at the Griffin's Head junction, involving construction of a raised plateau and improvements to signing and lining across the junction as shown on drawing 0218-F04 Rev A. This arrangement has been checked and is deemed to be acceptable. The applicant should note that the above comments with regards to a Section 278 agreement also apply to these works.

It is the developer's intention to promote sustainable travel and cycle use by providing links throughout the proposed development. The Highway Authority notes, however, once residents leave the proposed development site the surrounding area is relatively poorly served in terms of cycle infrastructure. In order to increase connectivity to Hucknall town Centre, and promote sustainable transport links, the Highway Authority requires the developer to upgrade the existing footway on the western side of Papplewick Lane such that it used to provide a combined cycle/footway linking to the Town Centre. The developer has agreed to provide these works, but as no plans have been submitted they will need to be secured via an appropriate condition backed with a Section 106 agreement.

The developer has submitted a Travel Plan to support the application, whilst this is welcomed; it is unlikely that the contents of the plan will be fully agreed prior to determination of the application. In view of this the Highway Authority recommends that appropriate conditions be added so that the Travel Plan will contain a requirement for the Travel Plan Coordinator to produce monitoring reports that the Highway Authority suggests should be produced annually for five years after implementation. To allow the monitoring reports to be reviewed, the County Council seeks a monitoring review fee of £7700. This will need to be secured as part of the S106 agreement for the site.

In accordance with the National Planning Policy Framework March 2012, plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up to reduce the need for major transport infrastructure and whether improvements can be undertaken within the transport network that cost

effectively limit the significant impacts of the development. To achieve this, sustainable transport measures must be introduced to reduce existing journeys that are dependent on the car and promote other travel modes such as walking, cycling, or improved public transport provision.

The Highway Authority has consulted with the County Council's Transport Strategy and Public Transport departments with regards to identifying potential integrated transport measures. The following extract is from their response for appropriate works:

Stop Code / Name	In Situ	Possible improvements	Cost
MA0196 Papplewick Lane (Inbound)	Clearchannel Shelter	Real time display, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	£ 10,000.00
MA0197 Papplewick Lane (Outbound)	Clearchannel Shelter	Real time display, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	£ 10,000.00
MA0198 Papplewick Lane (Inbound)	Pole.	Real time display, New shelter, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	£ 12,500.00
MA0198 Papplewick Lane (inbound)	Pole	Real time display, New shelter, Solar Lighting, Raised (bus boarder) kerb, Enforceable clearway.	£ 12,500.00
		Total:	<u>£</u> <u>45,000.00</u>

The Highway Authority considers the requirement to enhance these public transport facilities to be reasonable and necessary to make the development acceptable in planning terms. This requirement is directly related to the development, and practical in relation to type and scale of the development. As appropriate works have been identified, it is recommended that a condition to provide appropriate public transport infrastructure improvements is attached to any approval to require the developer to secure and procure the above works. As an alternative, the County Council would be willing to procure these works through our existing supply chain, however this would require the necessary £45,000 to be secured as part of the Section 106 agreement for the site.

The Highway Authority would wish to see a number of conditions imposed, as summarised below:

- Submission of details of parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage
- § All drives and parking areas are surfaced in a bound material (not loose gravel).

- ∞ 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.
- ∞ Provision of Wheel washing facilities.
- No development shall commence until completion of the new junction onto Papplewick Lane as shown for indicative purposes only on drawing no. 0218/F03, revision M.
- No development here permitted shall be brought into use unless or until all the improvement works at B683/Linby Lane/Forest Lane junction, as shown for indicative purposes only on drawing no. 0218-F04, revision A, have been completed in accordance with details first submitted and approved in writing to the satisfaction of the Local Planning Authority.
- No development shall be brought into use unless or until a scheme to provide a suitable combined cycle and pedestrian route of between the site and Hucknall Town Centre has been completed
- The development shall not be occupied or be brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation delivery monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Local Planning Authority (LPA).
- The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the LPA in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the LPA shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met including implementation dates to be approved in writing by the LPA.
- The Travel Plan Coordinator shall within 3 months of occupation produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the LPA. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates.
- ∞ No development shall commence on any part of the application site unless or until a scheme to improve public transport infrastructure in the vicinity of the site has been provided.

#### Environment Agency (EA) – response to original submission

The EA originally recommended “a reduction in the proposed discharge rate to below the estimated greenfield run-off rates. This would provide a betterment in terms of flood risk to third parties” in line with the National Planning Policy Framework, which is not discussed in the additional strategy. The calculations have estimated a lower runoff rate, which also adds to the need to restrict the discharge rate from the site further.

The EA has concerns that the site layout does not lend itself to the incorporation of SuDS due to the topography. It notes that groundwater flooding is the concern, however residential dwellings are being proposed in the lowest point within the site. All underground drainage features are at risk of floatation and therefore the EA can only assume that the proposed drainage for this area could be at risk in this location. The EA would therefore recommend consideration to whether including development at the lowest topographical location is appropriate and that greater consideration of the impact of groundwater on drainage and development be provided in advance.

The EA recommends that the additional Long Term Storage (LTS) should be provided in an offline separate storage feature, rather than within the permeable paved areas. The EA also calculated a differing LTS volume using the same calculations.

The EA originally recommended "Section 4.6 of the FRA confirms that further analysis is required to quantify the risk of flooding from this source. The applicant should therefore provide details that fully consider the risk of flooding from groundwater sources." The EA is not aware of any further information being submitted to address this concern.

The EA has considered the blockage assessment memorandum and topographic levels and still considers that it is worth demonstrating that the development would be safe from the risk of flooding from the River Leen during this scenario. The EA notes that there is an assumption that the level will reach 65.5 metres AOD and flow over the road. The EA would anticipate a height greater than this to flow over the road and also a hydraulic gradient to affect upstream areas.

The EA also note that this would result in the 'Emergency Access' to become affected in times of flood. Given that it is an Emergency Access, the EA recommends that understanding levels and flows across this area is essential. Given the depths anticipated in the area, an alternative route should be considered.

If the site layout and Emergency Access arrangements cannot be changed, the EA asks if there are any opportunities to reduce the risk of flooding at Papplewick Lane through the bridge structure. The NPPF recommends that new development should look at opportunities to reduce flood risk to others.

There is an Ordinary Watercourse running through the central section of the site. The Indicative Masterplan indicates that the proposed residential development would be to the south of this watercourse. However, the applicant should provide a plan which demonstrates easement from this watercourse to allow flood flow conveyance, maintenance and emergency access in the event of a blockage.

The 'Site Elevation' plan also demonstrates that there will be development on top of a watercourse. Therefore, the EA recommends consideration of the above request to be provided for all watercourses on the site.

The applicant is advised that under the Land Drainage Act 1991 Section 23, the erection or alteration of any mill dam, culvert, weir or other like obstruction to the flow of an ordinary watercourse requires consent from the Lead Local Flood Authority.



The EA made the following response to the additional information submitted by the applicants:

- The additional details satisfy original concerns.
- It is critical that there is no net increase in flood risk downstream so a maximum discharge rate must be limited to 2 l/s/ha.
- EA has undertaken a blockage analysis and the new development is safe from such risk, and would not increase flood risk to third parties during such an event.
- The layout does not allow SuDS to be located at the lowest part of the site, as is normal practice, but 70% will drain to the SuDS feature to the north and the other managed by two other forms of treatment.
- No objections subject to conditions including submission of further details to ensure an unacceptable flood risk does not rise in the vicinity.
- Also require conditions including provision of easement to River Leen and other watercourses on the site, the finished floor levels to be 600mm above the 1 in 100 year plus climate change flood level, and provision of at least 2 forms of surface water treatment prior to discharge to River Leen.

Nottinghamshire County Council (Lead Local Flood Authority) – supports the original comments made by Environment Agency, which it considers is still the leading body with regard to flood risk for the proposed development.

Gedling Borough Council (Emergency Planning) – has reservations over an emergency access route being susceptible to flooding and how in a prolonged flooding event this would affect emergency services ability gain access. Attention is drawn to Emergency Planning Guidance.

Severn Trent Water (STW) – 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.

This is to ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

STW also advises that there is a public sewer located within the application site.

Natural England (NE) –

Natural England has no objection with regard to statutory nature conservation sites. This application is in close proximity to Linby Quarries Site of Special Scientific Interest (SSSI), however NE is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, would not damage or destroy the interest features for which the site has been notified. NE therefore advises that this SSSI does not represent a constraint in determining this application.

With regard to protected species, NE has not assessed this application and associated documents for impacts on protected species, but draws attention to its published Standing Advice on protected species, which should be applied as it is a material consideration in the determination of applications in the same way as any individual response received from NE following consultation.

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.

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 it minded to grant permission.

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.

#### Nottinghamshire County Council (Nature Conservation) –

Whilst the County Council remains of the opinion that the ecological surveys carried out in support of the application are fit for purpose, the concerns raised by Linby and Papplewick Parish Councils and the Friends of Moor Pond Woods, relating to impacts on the River Leen and the species which inhabit it, are valid.

The river is a stronghold for white-clawed crayfish and retains populations of water vole, so it is very important that the proposed development does not cause a worsening of the aquatic environment. Therefore, attenuation features should not only moderate discharges into the watercourse, but also ensure that the input of sediment and pollutants is controlled (e.g. through the use of silt traps and oil interceptors, and natural filtering such as that provided by reedbeds and stepped ponds). It is advised that specific comment from the Environment Agency is sought in this respect, along with comment on the concerns raised regarding the attenuation ponds effectively being up-stream of part of the development and the potential issues of surface water flows in the south-west corner of the site. More specifically, it is noted from the Conceptual Drainage Strategy document that 'Catchment B' will be attenuated via on plot tanks and oversized pipes, but it is unclear if the supplementary SUDS features referred to in that report (roadside drainage features) are to be used, or not. Whilst this section of the report also mentions water quality, the matter is dealt with briefly and appears in part to rely on the roadside drainage features, which may or may not actually be used. It is therefore suggested that a decision on this application is deferred until this matter has been resolved (rather than leaving it to conditions), given that it has the potential to be a significant issue if not properly addressed.

Regarding impacts arising from public disturbance, this is also a valid concern. The use of a 30 metres buffer along the river should help mitigate this impact, although increases in disturbance (e.g. as a result of dog walking) are likely still to occur.

However, it is understood that the Environment Agency has requested that additional wetland features are included in this buffer (e.g. linear ponds), which would help to reduce impacts on the river itself by acting as a partial barrier, an approach which the County Council would support. These could also assist with attenuation and water quality.

#### Nottinghamshire Wildlife Trust (NWT)

The NWT welcomes the approach to the assessment, which comprises a desk study, detailed habitat and species-specific surveys for reptiles, birds and bats, and comments on the report as follows:

Should the planning application be approved, the NWT wishes to be assured that the measures put forward in relation to safeguarding the River Leen during and post-construction will be secured. Prior to determination, the NWT would recommend further consultation with the statutory consultee (the Environment Agency) in relation to this.

The report points out that habitats on the section of River Leen adjacent to the proposal are sub-optimal for water voles, because of vegetation overshadowing or engineered banks. The NWT suggests that habitat improvements could be achieved for water voles alongside this development and negotiation should take place between the developer and the Wildlife trust

NWT disagree there would be no impact on Moor Pond Wood Local Wildlife Site in relation to increased visitor pressure. Although Moor Pond Wood is not directly connected to the proposed development by Public Rights of Way, the woodland is in very close proximity. The distance between the path network in Moor Pond Wood and the Papplewick Lane end of the proposed path, which runs parallel to the river, is approximately 150 metres. As Papplewick Lane has surfaced footpath along the road, people will be very likely to move between the new development and the woods.

As a result measures might be required in order to make the woodland more robust to cope with increased recreational pressure and NWT recommends this should be given further consideration. The Design and Access Statement suggests that the attenuation area could provide recreational opportunities. Along with other measures, NWT suggests the provision of recreational opportunities in the attenuation area could contribute towards reducing pressure on Moor Pond Wood, especially if a circular walk was developed.

If the scheme is approved, the proposed sympathetic planting and nest boxes will need to be secured through the planning system.

In respect of the addendum report (ecological survey report in relation to the attenuation area) the following comments are made:

- Support the ecologist's recommendations for establishment of areas of rough grassland and scrub alongside the ponds.
- support the recommendations in relation to:

- i) Establishment of emergent / marginal vegetation around the edges of the lagoons
- ii) Areas of seasonally inundated and permanent water to be provided, along with wet grassland and ruderal, swamp and scrub vegetation (latter to comprise willow and alder)
- iii) A management plan which should be secured via planning condition.

NWT wishes to point out that there are locally noteworthy populations of common toads (correctly identified in the report as species of principle importance in the ecological appraisal for the development area) at Moor Pond Wood. Therefore, target species for the ponds should be common toads, which require deep and permanent water bodies. Water voles should be another target species and this species require soft banks and vegetated cover, including reedbed, together with good habitat connectivity to nearby water courses. The Freshwater Habitats Trust (formerly Pond conservation) has produced guidance on deigning ponds for toads and water voles.

NWT support the protection recommendations set out under the header “protected/ notable species”. These include pre-construction check for badgers and seasonal restrictions on vegetation clearance to avoid impacts on breeding birds. NWT suggests conditions are used to secure the ecological advice.

To maximise potential wildlife value and habitat connectivity between the proposed ponds and river, NWT recommend the ponds are positioned in a north to south orientated corridor west of the Leen, rather than being positioned in the northernmost arable field as illustrated on the plans. The alternative orientation would potentially benefit water vole and other species. This alternative layout would also maximise the distance between the river and urban environment, which would also be an advantage in terms of safeguarding the river from development impacts.

NWT recommends there should be provision in the S106 for management of all formal and informal open space areas, including the attenuation area. NWT also suggests that a Biodiversity Management Plan would be helpful to secure sympathetic management of the site and recommends such a plan is secured via planning condition. Any such plan could be used to deliver the enhancement measures proposed in relation to:

- The creation and enhancement of grassland
- An increase in the quantity and/or quality of habitat available to invertebrates, breeding birds, and foraging bats;
- The provision of insect boxes within retained hedgerows and/or residential dwellings to increase the habitat for invertebrates;
- The provision of bat boxes on retained trees and residential dwellings to increase the number of potential roosting sites; and
- The provision of bird boxes on retained trees to increase the number of potential nesting sites.

This site lies within the 5km buffer zone identified by Natural England (NE) for those

parts of Sherwood Forest which meet the primary criterion for designation as an Special Protection Area (SPA), by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated 11 July 2011. In this case, any potential effects are likely to be related to:

- disturbance to breeding birds from people, their pets, noise, traffic and/or artificial lighting
- loss, fragmentation and/or damage to breeding and/or feeding habitat
- bird mortality arising from domestic pets and/or predatory mammals and birds
- bird mortality arising from road traffic
- pollution and/or nutrient enrichment of breeding habitats, loss of foraging habitat, and other factors such as noise, vibration, traffic etc may be associated with construction effects.

NWT recommend the dwellings to be demolished within the footprint of the residential development's access road should be surveyed for bats prior to determination of the application.

#### Nottinghamshire County Council (Landscape Advice) –

The additional information appears to suggest that an Illustrative Masterplan/outline specification will be provided later in response to conditions. The County Council would suggest that the Illustrative Masterplan should be provided at outline approval stage, so that full consideration can be made in respect of the proposed protection of the existing landscape and the functionality of the proposed landscape treatment.

Further to the submission of additional details (memo from Nancy Ashbridge (dated 16.1.14), the following comments were made;

- Existing Vegetation: Fairhurst has undertaken to ensure trees and hedgerows are retained where possible- it should be possible to roughly ascertain this at masterplan stage and identify which are to be retained and which to be removed
- Detailed planting: Fairhurst has undertaken to ensure species are those recommended in the current LCA
- It should be possible to give an indication of mitigation to properties on Papplewick Lane and Christine Close at this stage, to justify the given layout. It is unclear from the response whether Fairhurst are proposing to prepare the illustrative masterplan at this stage or post –condition. I would recommend it is prepared at this stage.

#### Nottinghamshire County Council (Archaeological Advice) –

This site is located between the historic core of the villages of Linby and Papplewick close to the River Leen. While a geophysical survey of the site identified no obvious archaeological anomalies a possible former water channel can be seen towards the

centre of the application site. This 'fragmented sinuous anomaly' appears to lead towards the River Leen and may have been a feeding Leat, that fed into the Robinson's Mill system. Water powered mills have existed along the River Leen in the parishes of Papplewick and Linby since at least 1232 and probably earlier.

George Robinson moved into the area from Scotland and began bleaching and cleaning cotton in 1742. Robinson founded an empire and by the 1790's the Robinson family had a total of 6 mills along the Leen. Besides constructing mill buildings the Robinsons spent a large sum of money in improving the water supply along the Leen. These mills were the first cotton mills to have steam power in the country. Although un-scheduled the Robinson's mill system is considered as being nationally important industrial archaeology.

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. Firstly, upon the applicants submitting for the Borough Council's approval, and prior to development commencing, details of an archaeological scheme of treatment of the site and secondly, upon the subsequent implementation of that scheme to the Borough Council's satisfaction.

The County Council would prefer to see a 'strip, map and sample' exercise undertaken at this site, whereby the topsoil is stripped under archaeological supervision and any archaeological features are identified, recorded and sampled accordingly. However, this method of archaeological mitigation will depend very much on the way in which the developer treats this site. It is recommended that any archaeological scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation.

Nottinghamshire County Council (Arboricultural Advice) – considers that the boundary hedgerows and trees present on the site and boundary should be adequately guarded during construction and site preparation by means of an initial survey and then the provision of suitable protective fencing as detailed in BS5837 2012.

This information should be submitted and subject to an appropriate condition of development.

#### Housing Strategy Officer

30% affordable housing contribution is required, which should be provided by a commuted payment to make provision elsewhere in the borough where main centres of population, as housing in similar areas has struggled to let. The actual amount will be based on financial viability information

#### Scientific Officer –

No Objections.

#### Parks and Street Care Officer

Open space provision on the site needs to be 10% of the gross area. A payment for maintenance of the open space for 10 years is required. Providing a football pitch on the site would be appropriate, but if it is a school field to which the public do not have access it cannot be classed within the requisite 10%.

#### Nottinghamshire County Council Education

A development of 300 homes would require a school site of 1.1 hectares and a 0.5 form entry school and associated secondary places. Two schools in the area have/or are about to increase capacity. There are 9 infant/primary schools and 2 junior schools in this area and these are unlikely to have spare school places for the needs of the occupiers of the proposed new houses.

NHS Nottinghamshire County – 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 (AT) 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 indication of contribution based on a pre-agreed formula which calculated a total contribution of £144,000, based on a cost per dwelling of £480.

The AT confirms that it is unlikely that the emerging primary care strategy would support a single handed GP development as the solution to sustainably meet the needs of the housing development on the land north of Papplewick Lane, Linby and that the £144,000 would ideally be invested in enhancing capacity/infrastructure with existing local practices and also taking into account the wider housing developments proposed within the Hucknall area. There will be a health led event in the near future to identify the health needs for the area as there are significant housing developments proposed which will lead to additional strain on lists that are already nearing capacity. Until this event takes place the NHS is unable to give any detail on how the CCG/AT will use the money as all options need to be explored to identify the best value for money solution for all parties.

Nottinghamshire Police (Force Architectural Liaison Officer) – observes that at this time there is little specific information for the FALO to comment upon with regards to designing out crime, the FALO would like to be kept informed as this application progresses especially should a full application or reserved matters application be made in relation to design, layout, orientation, active edges, public open space and the security to the homes.



However, with regard to the proposed emergency access route on Papplewick Lane, the FALO would like to state that he has not been consulted by the applicant, developer or his agent regarding this matter and would not accept that this emergency access route is not likely to be a source of crime or anti-social behaviour. Such an access route would likely become an unofficial route into the housing estate, either by pedestrians or vehicles (dependant upon the design restrictions); the emergency access route is to the side of a home and the occupant (and his neighbours) are very likely to suffer from increased noise and nuisance and other anti-social behaviour due to this access route. As such, the FALO would not support such an access route at this location.

### **Planning Considerations**

The key planning considerations regarding this proposal for up to 300 homes are how the proposal relates to current and emerging planning policy and whether it would meet the main principles of sustainable development; how it addresses climate change, flooding, pollution and the impact of the proposed development on the highway network and road safety.

Other planning considerations which must also be assessed are landscape impact, ecological issues and archaeology. Consideration will also need to be given as to whether the proposal would be detrimental to the setting of the nearby Conservation Areas at Linby and Papplewick.

Part of the application site extends into Green Belt where it is proposed to accommodate the surface drainage attenuation ponds and to provide for 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.

These and other issues are addressed below under the following headings:

- Planning Policy and Prematurity
- Green Belt
- Climate Change/Flooding
- Landscape Impact
- Sustainability
- Public Open Space and Green Infrastructure
- Highways
- Biodiversity
- Heritage matters (including archaeology)
- Residential Amenity
- Design & Layout (Masterplan, as revised)
- Public Footpaths
- Planning Obligations
- Other Issues
- Secretary of State Referral

### **Relevant Planning Policy**

National Planning Policy 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:

- 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 and enhancing the natural environment (paragraphs 109 – 125)
- NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126 – 141)

#### Plan-Making

- NPPF: Ensuring the 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.

The Gedling Borough Replacement Local Plan (RLP) is the adopted development plan for the area with relevant policies “saved” by way of a Direction issued by the Secretary of State (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 ENV1 (Development Criteria);
- RLP Policy ENV26 (Control Over Development in Green Belt);
- RLP Policy ENV31 (Safeguarded Land);
- RLP Policy ENV40 (River Environment);
- RLP Policy H8 (Residential Density);
- RLP Policy H16 (Design of Residential Development); and
- RLP R3 (Provision of Open Space within New Residential Development).
- RLP 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)

The Gedling Borough Aligned Core Strategy Submission Documents were submitted

for examination on 7th June 2013 (hereafter referred to as the ACSSD). Following the Hearing Sessions, Main Modifications have been proposed and consultation upon them closed in April 2014. Consequently, the Borough Council, 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 the emerging plan 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 the 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 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 modifications published for consultation from 17<sup>th</sup> March 2014 until 30<sup>th</sup> April 2014 include:

- MM 1: Insertion of Policy A: Presumption in Favour of Sustainable Development
- MM2: Changes to Policy 1: Climate Change
- MM4: Changes to Policy 2: Overall Housing Target for the Main Built Up Area
- MM11: Site Specific Changes to North of Papplewick Lane

### **Prematurity**

The site forms part of a larger site designated as Safeguarded Land in the Replacement Local Plan under RLP Policy ENV31. Safeguarded land is protected from inappropriate development until a future development plan document allocates it for development. The Local Plan Inspector considered that the site was suitable for residential development, but was not needed at that time due to other sites being available and recommended that the site be designated as safeguarded land.

ACSSD Policy 2 allocates the larger site north of Papplewick Lane for up to 600 homes and is now subject to the examination process. Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

- Provision of a primary school
- Contributions to secondary education places
- Green infrastructure including a 30 m buffer strip along the River Leen
- Public open space
- Highway mitigation and measures to encourage public transport, cycling and walking

As referred to above, main modifications to the ACSSD have been published and consulted on (completed April 2014). These include MM4 which proposes to increase the amount of housing in or adjoining the main built up area and MM 11 which reduces the housing allocation at the North of Papplewick Lane strategic allocation from 600 homes to up to 300 homes.

The National Planning Practice Guidance (NPPG) identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:

- the application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development that are central to an emerging Local Plan; and
- The Local Plan is at an advanced stage but has not yet been adopted.

The NPPG adds that Local Planning Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process.

The ACSSD is at an advanced stage of preparation and consultation on main modifications was completed in April 2014. However, the ACSSD is still subject to examination until the receipt of the Inspector's report. The question arises as to whether the proposal is so significant that it would be prejudicial to the outcome of the ACS process. The NPPG refers to both scale and location of development and whether this would be sufficient to predetermine the location of development in the Local Plan. In terms of scale the proposal is significant as it involves 300 dwellings. However, these only represents just over 4% of the overall level of housing need in Gedling Borough (7,250) and the quantum of housing proposed matches exactly the reduced scale of the allocation in the ACS for this site. However, the larger site (which includes a parcel of land to the north west of the proposal designated as safeguarded land) is not sterilised by this proposal.

In terms of location, those objecting to the proposal through the ACSSD process consider that there are more sustainable sites that could be developed including brownfield sites and those in or on the edge of the urban area. Gedling Borough Council has responded to these arguments with the proposed main modifications to the ACS to include land at Gedling Colliery/Chase Farm and at Teal Close. It is Gedling Borough's view that as much housing as possible has been located within or adjoining the main urban area of Arnold/Carlton. The only other strategic site referred to by objectors was New Farm (Redhill) but this was not promoted by developers at the recent examination hearings and Gedling is mindful of significant constraints to the delivery of this site. Gedling Borough remains firmly of the view that the allocation of sites adjacent to the urban area of Hucknall is required to meet the objectively assessed housing need. However, during the ACS Examination Gedling Borough submitted proposals to reduce the impact of development sites in Gedling on Hucknall (set out in examination document CD/EX/35). The precise distribution of development in relation to Hucknall is still under examination.

The scale of growth required in Gedling Borough during the plan period (7250 new homes) and the limited availability of sites around the urban area means that strategic sites around Hucknall will be required, as will non-strategic sites around the

key settlements for growth as identified in Policy 2 of the ACSSD. The proposals set out in the main modifications seek to reduce the amount of housing proposed around Hucknall, and specifically at North of Papplewick Lane, but it is considered that North of Papplewick Lane, being adjacent to an existing urban area with a good range of facilities and a direct NET link to Nottingham City Centre, is a more sustainable site than the key settlements which have had the largest proposed reductions.

The North of Papplewick Lane site is allocated in a core strategy which is at an advanced stage of preparation. Consequently, Gedling Borough considers that the proposed development accords with the emerging ACSSD as proposed to be modified. In this context, Planning Policy have also noted a recent recovered appeal decision (APP/T2350A/13/2190088) by the Secretary of State where he agreed with his Inspector's conclusions that the objection to a proposal for 500 homes in Whalley Road, Barrow - a settlement identified for new housing in the emerging Core Strategy could not be sustained on prematurity grounds. The Inspector's reasoning in this case acknowledged that the Whalley Road site had been identified as a potential development for some time and in a general location where some housing is envisaged in the emerging Plan. Having taken into account the advice in the NPPF on prematurity and the aforementioned appeal decision, I would not recommend a refusal on prematurity grounds.

### **5 Year Housing Supply**

Gedling Borough does not currently have a five year land supply and depends on the strategic allocations in the ACSSD including land at North of Papplewick Lane coming forward within the first 5 years of the Plan period. 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. This would include safeguarded land policy and, as such, in this case ENV31 is considered out of date.

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.

Accordingly significant weight needs to be given to the NPPF in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

The proposed site for housing is identified as safeguarded land on the adopted GBRLP Proposals Map. RLP Policy ENV31 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. Paragraph 1.71 of RLP Policy ENV31 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. At the end of the Plan period, the safeguarded land will revert to Green Belt, unless it is essential to meet longer term needs.”*

The Thundersley decision (ref 2177157) and the Ministerial Statement (1<sup>st</sup> July 2013) highlight that Green Belt release should be through Local Plan reviews unless there are more very special circumstances other than the demand for housing. While this application is on safeguarded land, which should be treated as if it were Green Belt, it is not Green Belt and would result in no loss of Green Belt. The Ministerial Statement, therefore, does not apply in the case of safeguarded land.

The safeguarded land subject to the proposal is located adjacent to Hucknall which is identified as a Sub Regional Centre in Policy 2 of the ACSSD. This proposal site is on safeguarded land specifically excluded from Green Belt and identified for potential longer term development needs beyond 2011. Significant weight needs to be given to the NPPG in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

### **Green Belt**

The proposal also includes Green Belt land in the north eastern part of the application site where it is proposed to site attenuation ponds as part of the surface water drainage strategy. Whilst it is accepted that the construction of attenuation ponds for development site drainage constitute engineering operations and hence are considered an appropriate development in Green Belt within the terms of NPPF paragraph 90, the proposal to utilise this same area for green space and an ecology park would constitute a change of use to outdoor recreation. Under the terms of RLP Policy ENV26, 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. According to recent case law the NPPF at paragraph 90 (which sets out certain exceptions in terms of whether a development is appropriate in Green Belt) applies only to new buildings. Accordingly, whilst it is accepted that the construction for attenuation ponds is an engineering operation and that areas of landscaping and planting are ancillary to the use of the area for attenuation ponds, the opening up of the area for recreation use by the public would constitute inappropriate development in the Green Belt. In such circumstances the Developer will need to demonstrate very special circumstances so as to justify such inappropriate development in Green Belt.

The applicant draws attention to the benefits to the local community from the opening up of the area for public access/recreation and draws attention to the NPPF paragraph 81, which states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access; opportunities for sport and recreation. In the applicant's opinion,

maximising the beneficial use of this otherwise acceptable form of development in Green Belt for outdoor recreation in line with NPPF paragraph 81 would meet the very special circumstances test.

Such very special circumstances must though, according to the NPPF, outweigh the potential harm to the Green Belt by reason of inappropriateness and 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 use 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 has some relevance to this particular location as there are two Conservation Areas designated in the nearby villages of Linby and Papplewick. The proposed development site is part of a larger site which is designated as safeguarded land to the north west. The principle of the safeguarded land in this location has already been established and there would be no reduction of the gap between the existing safeguarded land to the north west and Linby Village. In terms of the Green Belt to the north east it has been concluded above that the proposed engineering operations for attenuation ponds and recreation use would not harm the openness of the Green Belt. Therefore the Green Belt to the north east which provides a gap between the proposed development site and Papplewick Village would be maintained. Consequently, in the context of Green Belt policy it is not considered that the proposed development would be harmful in terms of any impact on the wider setting of either Conservation Area.

With regard to assisting in urban regeneration, this purpose of the Green Belt is not undermined as Gedling Borough considers that as much development as possible has been directed to the main urban areas in line with the strategy of urban concentration with regeneration. No housing or employment development is proposed in Green Belt, although the proposal will result in engineering operations being located in Green Belt as this is necessary to provide for sustainable drainage solution for the proposed built development on the adjacent safeguarded land.

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, the NPPF does indicate that, by definition, inappropriate development is harmful to Green Belt and very special circumstances must exist which outweigh any harm. I am satisfied that the need to maximise the benefits from opening up the area for recreational purposes for the enjoyment of existing and future residents in line with paragraph 81 of the NPPF would amount to very special circumstances. These very special circumstances must be weighed against the potential harm to the Green Belt in this locality. As stated above, the proposed engineering operations to provide attenuation ponds would not in my view be harmful to the openness of the Green Belt; and having taken this into account, I consider that on balance the very special circumstances relating to the benefits associated with providing recreational facilities clearly outweigh any harm to the Green Belt in this instance.

### **Climate Change/Flooding**

Policy 1 of the ACSSD as proposed to be modified 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 Zones 2 and 3 will be considered. This is consistent with paragraphs 100-103 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.

Paragraph 101 of the NPPF states that the aim of the sequential test is to steer development to areas with the lowest possibility of flooding. Development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment should be the basis for applying this test.

The River Leen and Daybrook Strategic Flood Risk Assessment was prepared in 2006 and the results from hydraulic modelling has been integrated within the Greater Nottingham Strategic Flood Risk Assessment (2008 and updated 2010) which informed the allocations contained within the ACS. The River Leen and Daybrook Flood Risk Model covers the area from Castle Mills to Forge Mills and flood outlines were drawn for various events and in turn flood dynamic plans were produced. The study reports that there is very little flooding in the upstream area of the River Leen even in the event of a 1:1000 year annual probability of flooding. The hydraulic modelling indicated that a small part of the site is in Flood Zone 2 of the River Leen with the remainder of the site being in Flood Zone 1. However, the Site Specific Flood Risk Assessment (SSFRA) submitted with this planning application indicates that, following a successful challenge, the extent of Flood Zone 2 has been revised in consultation with the Environment Agency. Approximately 1% of the site is now located in Flood Zone 2 and the remainder is in Flood Zone 1. No residential development is proposed in Flood Zone 2 and no built development is at risk of flooding. The sequential test has been satisfied because there are no other suitable sites available which would meet the housing requirement at a lower flood risk of flooding.



The existing track located along the eastern boundary of the development site adjacent to the River Leen is predicted to flood during a 1:1000 year annual probability flood event to a depth estimated to be about 0.52 m and to a depth of 0.08 m in a 1:100 year flood event. However, the Highways Authority has confirmed that this track is not required for an emergency access to the development site.

At the bequest of the Environment Agency the applicant has provided information to simulate the likely consequences of a 100% blockage to the culvert located under Papplewick Lane which conveys the water flow to the south side of the bridge. This indicates that, even in the event of a total blockage, water would flow over Papplewick Lane and back into the River Leen rather than cause flooding to the development site further upstream. The Environment Agency has also undertaken its own blockage scenario analysis and notes that the resulting water levels would not impact upon the development area and would not increase flood risk to third parties.

The River Leen and Daybrook SFRA does indicate that the River Leen is subject to downstream flooding and advises that surface water runoff from potential development sites within the catchment of the River Leen should be limited to pre-developed greenfield rates. The applicant has prepared a Conceptual Drainage Strategy which supplements the SSFRA and has consulted with the Environment Agency on its content during its preparation.

The Environment Agency has reviewed the submitted information and notes that it is absolutely critical that there is no net increase in flood risk downstream as a result of this development. Consequently, the Environment Agency recommends a maximum discharge rate from the proposed development to be 2 L/s/ha which is the lowest recommended discharge rate in the Environment Agency's Rainfall runoff management for developments report – SC030219. The Environment Agency considers that this rate should reduce the rate of runoff from the existing site to provide betterment to downstream areas during extreme rainfall events.

In relation to the proposed sustainable drainage features, the Environment Agency notes that the site layout places the SUDs feature to the north of the site rather than at its lowest point. However, the Environment Agency is satisfied that 70% of the development will be drained by the northern SUDs feature and the other 30% will be managed at source. The Environment Agency recommends that a condition be imposed requiring a surface water scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved by the Local Planning Authority in consultation with the Environment Agency.

In terms of groundwater flooding, the applicant has submitted the Papplewick Groundwater Assessment. This assessment concludes that groundwater flooding at the site is unlikely but cannot be ruled out and goes on to recommend mitigation methods are put in place. Having taken into account this assessment, the Environment Agency recommends that permission is conditional upon the provision of a scheme to manage any risk of groundwater flooding and overland flows within the development and that floor levels are raised as recommended in the Papplewick Groundwater Assessment.

The Environment Agency considers that outline planning permission could be granted to the proposed development subject to the imposition of a number of planning conditions. These include the incorporation of a 30 m easement along the River Leen to provide access for water management and also to provide biodiversity. Accordingly, I consider the proposal accords with Policy 1 of the ACSSD RLP Policy ENV40 and paragraphs 100 – 103 of the NPPF.

### **Landscape & Arboricultural Impact**

ACSSD Policy 10 (5) states that outside of settlements, new development should protect, conserve or where appropriate, enhance landscape character and proposals should be assessed with reference to the Greater Nottingham Landscape Character Assessment (GNLCA). The GNLCA includes the proposed development location within the Magnesium Limestone Ridge Landscape Character Type. The GNLCA subdivides the broader areas into policy zones and the proposed location lies within Policy Zone ML017: Linby Wooded Farmland. The proposed development site is also located adjacent to the River Leen Corridor Policy Zone ML018. These areas are described as being relatively enclosed landscapes. Both ML017 and ML018 are assessed as being of moderate landscape condition and moderate landscape character strength. The recommended strategy for both is to enhance landscape character. The development would result in the loss of arable land but, where possible, existing hedgerows and trees are to be retained. The northern field boundary is a mature hedgerow that is to be retained and, with suitable treatment, would provide a buffer to the countryside to the north.

The applicant has submitted a Landscape Appraisal in support of the planning application. The assessment considers that the application site is within a visually contained envelope and is of a visually contained character and concludes there would be no loss or damage of any valued features and no significant impact on landscape character. In terms of the impact on sensitive landscape receptors, the assessment concludes that there would be no significant direct impact on designated heritage assets including the conservation areas at Linby and Papplewick and also the historic Papplewick Hall due to intervening built form vegetation and topography.

The assessment also considers that there would be no direct impact on the River Leen corridor and that the proposed ecology park to the north east of the site and buffer strip and proposed habitat creation alongside the River Leen would help integrate the proposed development with this Landscape Character Area.

The County Landscape Team comment that, overall, the impact of development on the existing physical landscape would be slight beneficial. County Landscape agrees that the proposed development would not have a significant impact on any designated conservation areas or Papplewick Hall. They also comment that the River Leen and Moor Pond Wood are designated SINCs and that the proposed 30 m buffer zone to the eastern boundary should be planted with species suitable to extend the River Leen habitat as recommended in the species list for this Landscape Character Area. Considerations concerning ecology and archaeology (including association with textiles, mills etc.) associated with this location are considered elsewhere in this report.

In terms of visual impacts the County Landscape team agrees with much of the LVIA conclusions. However, they raise some detailed points about the mitigation measures outlined to reduce visual impact on properties along Papplewick Lane immediately to the south, questioning the type and height of proposed fencing and how it can be implemented. County Landscape also consider that the visual impact will be greater than that assessed by the LVIA on residential properties to the west (especially from properties to the end of Marion Avenue and Alison Avenue and along Christine Close) and they recommend that visual impact is reassessed and more consideration given to mitigation. The applicant has submitted revised landscaping proposals which address these concerns.

I also note that the County Council is satisfied that the boundary hedgerows and trees present on the site and boundary can be adequately guarded during construction and site preparation by means of an initial survey and then the provision of suitable protective fencing. This can be secured by the imposition of an appropriate condition.

Accordingly I am satisfied that the proposals are consistent with ACSSD Policy 10.

### **Sustainability issues**

Key to the sustainability of the development is the provision of suitable community facilities which are required as a result of the development. There is also a need to ensure that measures are in place to encourage sustainable modes of travel to and from the site. Relevant policies include C2 and R3 of the RLP, Policy 2, 14, 16 and 18 of the ACSSD (as proposed to be modified) and paragraphs 203-206 of the NPPF.

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

The site is located approximately 1.5 km from Hucknall town centre which provides a full range of services and facilities. The Hucknall Railway Station and NET stop which provide regular services to Nottingham are approximately 1.2 km away. The site is served by 2 different bus services and there are bus stops located within 400 m of the edge of the site.

The submitted illustrative masterplan indicates that pedestrian and cycle links will connect the site to the surrounding pedestrian and highway network. There are local facilities within 1 km of the site including a local shop, local schools and a food superstore.

County Highways require a travel plan to implement measures to establish a pattern of behaviour favouring sustainable travel modes. This should include a resident's travel pack for the occupant of each new dwelling to include travel awareness

information relating to cycling and walking routes and up to date bus and rail timetable.

In conclusion, I consider that the site is accessible by foot and by bicycle to a range of services and facilities and also accessible by bus and rail providing frequent and regular services to Nottingham and Mansfield. This accords with the requirements of ACSSD Policies 2, 14 and 18.

### **Public Open Space and Green Infrastructure**

The ACSSD notes that the River Leen corridor is a significant green asset adjoining this site and seeks opportunities to protect and enhance green infrastructure on the eastern part of the site. ACS Policy 16 c) states that developments proposed through the Core Strategy should enhance the strategic green infrastructure networks and promote links to and from the green infrastructure to promote access. The proposal includes a 30 m buffer strip between the development site and the River Leen and also includes proposals for balancing ponds for water attenuation which would be designed to provide ecological habitat. The indicative masterplan includes links to the River Leen corridor to the wider area. The Ecology Addendum Report concludes that, provided the construction of the attenuation lagoons can conform to the recommendations (set out elsewhere in the Ecology Addendum Report), it is considered that the works would be in conformity with wildlife legislation and planning policy. The Ecology Addendum Report also adds that, provided habitat creation and subsequent management of habitats can be successfully implemented, it is considered that the proposed lagoons and associated habitat creation would result in an overall gain for biodiversity significant at a local scale consistent with ACSSD Policy 17 which seeks to ensure development provides new biodiversity features. The detailed measures and subsequent management of habitat will be addressed through the Section 106 discussions.

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 which would equate to around 1.5 hectares. The area set aside for the attenuation ponds is also proposed for recreational use of approximately 4.5 hectares. In addition two areas of open space are proposed to be located within the River Leen corridor and a further area is located in the centre of the development site. The provision for open space is in excess of the RLP Policy requirements of at least 10% in RLP Policy R3. Green linkages are also proposed between the recreational areas and the existing housing estate so that the recreational areas will be accessible to the wider community. I am satisfied that the proposal accords with RLP Policy R3 and ACSSD Policies 16 and 17.

### **Highways**

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 location and design of the principal vehicular access points into the site. In addition off site traffic calming measures are proposed, having been negotiated by Planning Officers since the application was first submitted.

Traffic and transportation issues (including a Transport Assessment and Framework Travel Plan) have been considered by the Highway Authority, which has no objections subject to conditions.

I note that many residents raise concerns about traffic and highways, especially to the present congestion at the off -set crossroads by The Griffins Head PH. I am satisfied that although the development may well add to the traffic numbers at that junction it is not likely to be so severe as to warrant refusal of planning permission on highway safety grounds

Whilst there is likely to be an increase in traffic noise as a consequence of the level of traffic generated by the proposed development this is not likely to amount to a statutory nuisance. 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.

## **Biodiversity**

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.

There is ecological interest in the River Leen and concerns have been raised about the impact on this and other biodiversity habitat due to the impact of people who would be living nearby and therefore come in closer proximity and in greater numbers than is presently the case on the site.

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. In my opinion measures can be implemented to protect biodiversity interest, such as within the River Leen both during and after construction.

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 northern 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 application is supported by up-to-date, and fairly comprehensive, ecological information.

I am satisfied that the proposed Ecology Park and other mitigation measures are acceptable in the current context. 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.

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 and Conservation Areas**

The main heritage considerations are the potential impact of the proposed development on nearby Conservation Areas and Archaeology. 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.

I am satisfied that the proposed development would not have any undue impact on the Linby and Papplewick Conservation Areas, given the distance of the site from these and the screening afforded by the existing landscape between the site and these villages.

Due to the archaeological interest of this site, as well as the nature and extent of the proposed development, I would recommend the imposition of appropriate conditions, as advised County Archaeologist.

As such, I consider the proposed development would accord with the aims of Policy 11 of the ACSSD and Section 12 of the NPPF.

### **Residential Amenity**

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

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 in terms of overlooking, overshadowing or overbearing issues, given the distance of the proposed development from these.

With regard to the comments of the Force Architectural Liaison Officer, I note that the emergency access has now been omitted, but has been replaced with a pedestrian/cycle link from the proposed development to Papplewick Lane. Whilst the concerns expressed remain applicable, therefore, I am mindful that there is an existing field access at this point which could already be used for anti-social behaviour. In my opinion, the use of the proposed pedestrian/cycle link is at worst neutral, although its use may actually discourage anti-social behaviour.



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.

### **Design & Layout**

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

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.

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.

In my opinion, the proposed development, as shown on the Illustrative Masterplan 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 support local transport networks.

As such, I am satisfied that the proposed development broadly accords with the aims of Policy 10 of the ACSSD and Section 7 of the NPPF.

### **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.

Policy 2 (as proposed to be modified) includes provision for a Sustainable Urban Extension at North of Papplewick Lane for up to 300 homes. Policy 2 is supported by appendix A of the ACSSD (as proposed to be modified) which provides information on the types of infrastructure needed to support the proposed development. This includes:

- Provision of a primary school
- Contributions to secondary education places
- Green infrastructure including a 30 m buffer strip along the River Leen
- Public open space
- Highway mitigation and measures to encourage public transport, cycling and walking

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 contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests in paragraph 204 of the NPPF.

The Local Education Authority has confirmed that the proposed development would

yield 63 additional primary school places and 48 additional secondary school places and requires a site for a 0.5 form entry primary school. The LEA have also confirmed they are satisfied with the proposed location (as shown on the illustrative revised masterplan) and size of the primary school site to be provided in order to provide a 0.5 form entry primary school. In addition to providing a level, uncontaminated, serviced site a financial contribution towards building this primary school and meeting its equipment costs of £1.9 m is sought by the LEA plus a financial contribution towards secondary school places of £82,340. These contributions will be secured as part of the Section 106 discussions.

This meets the requirements of Policy C2 of the RLP and Policy 18 of the ACSSD.

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.

The applicant has accepted the need for a financial contribution towards health facilities, subject to the NHS providing additional information as to the sum requested to establish whether this is reasonable and necessary. I am satisfied that this can be dealt with through the S106 negotiations, should the recommendation be accepted.

With regard to affordable housing, I note that the applicant has identified the correct amount of affordable housing (30%) for this site. Given the location of the site, it is considered that the majority of the affordable housing requirement should be taken by way of a commuted sum, which could then be used to develop affordable housing elsewhere in the Borough.

### **Other Issues**

Many of the objections are about the principle of developing this site. However it should be borne in mind that as a "Safeguarded" site in the present Local plan, it is effectively reserved for new houses as and when required. Simplistically it has been earmarked for new housing for a number of years, to be developed when existing housing site allocations have been taken up.

It is effectively a reserve housing site whose development would have been supported in the next development plan, and it is a matter of timing that this application predates the next tranche of local development plan documents

In response to other specific points raised, statutory consultees are satisfied with the technical matters, and other outstanding matters can be dealt with by conditions.

### **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.

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, the NPPF does indicate that, by definition, inappropriate development is harmful to Green Belt and very special circumstances must exist which outweigh any harm. I am satisfied that the need to maximise the benefits from opening up the area for recreational purposes for the enjoyment of existing and future residents in line with paragraph 81 of the NPPF would amount to very special circumstances. These very special circumstances must be weighed against the potential harm to the Green Belt in this locality. As stated above, the proposed engineering operations to provide attenuation ponds would not in my view be harmful to the openness of the Green Belt;

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.

## **Conclusions**

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 application accords with relevant policies regarding climate change, flooding, pollution, land contamination, highways, amenity, ecology, heritage, design, landscape, arboriculture and public footpaths.

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.

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. I consider that on balance the very special circumstances relating to the impact on the openness of the Green Belt at this location and the benefits associated with providing recreational facilities clearly outweigh any harm to the Green Belt in this case.

### **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, Junction Mitigation Measures, Public Transport, Travel Plan Monitoring, Educational Facilities, Affordable Housing, Open Space, an Ecology Park; and subject to the following conditions:**

### **Conditions**

1. Application for the Approval of Reserved Matters shall be made to the Borough Council not later than three 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 Borough Council 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 hereby approved comprises: (1) up to 300 residential dwellings; (2) a half form primary school, which shall cover a minimum of 0.7ha; (3) Public Open Space, including landscaping and children's play

areas; and (4) attenuation ponds and ecology park, all as indicated on the Indicative Masterplan (without notes), received on 1st May 2014.

3. The development shall be carried out in accordance with the Proposed Ghost Island Right Turn drawing (0218-F03 Rev M), received on 19th May 2014.
4. 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.
5. 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 throughout the construction period of that phase(s) of development.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of measures for the control of sediment and pollutants into the River Leen during both construction and occupation of the proposed development. The development shall be implemented in accordance with the approved measures and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the new roads, including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, proposed structural works and a proposed programme of works. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
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 and proposed site levels. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to manage any risk of groundwater flooding and overland flows within the development and that floor levels be raised accordingly, as recommended in the Papplewick Groundwater Assessment (April 2014). The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to ensure finished floor levels are set 600 mm above the 1 in 100 year plus climate change flood level from the local source (i.e. River Leen, Ordinary Watercourse, local drainage level). The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate: (1) surface water drainage systems designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the

detailed design of the surface water drainage system is undertaken; (2) limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) to 2l/s/ha (9.9l/s); (3) provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments', including the provision for long term storage; (4) detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;(5) a minimum of two forms of surface water treatment of surface water prior to the discharge from the site to the River Leen; and (6) details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme to provide a 30 metre easement from the River Leen and an 8 metre easement from Ordinary Watercourses that cross the site. The approved scheme shall be fully implemented and subsequently maintained for the lifetime of the development, in accordance with the timing/phasing arrangements embodied within the scheme, or as otherwise prior agreed in writing by the Borough Council.
13. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
14. Prior to the commencement of each phase of development hereby approved a written scheme of archaeological treatment related to that phase shall be submitted to and approved in writing by the Borough Council. The development shall be implemented in accordance with the approved scheme(s), unless otherwise prior agreed in writing by the Borough Council.
15. 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 Borough Council. The local labour agreement shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Borough Council.



16. Before development is commenced, a targeted water vole and white clawed crayfish survey of the section of the River Leen adjacent to the proposed development and reptile surveys of the wider site, including the southern development boundary, shall be undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If water voles, white-clawed crayfish or reptiles are found to be present, the ecological mitigation hierarchy shall be applied i.e. where adverse impacts cannot first be avoided then mitigation measures must be put in place to reduce any adverse impacts. Where mitigation cannot be achieved then similar habitat should be created elsewhere on site, to a greater proportion, to appropriately compensate for the loss and to ensure a net gain of habitat on site. The mitigation measures shall be implemented in accordance with the approved details before development commences.
17. Before development is commenced, an ecological survey of the ditch to the north of the site shall be undertaken by an appropriately qualified ecologist to consider the suitability of this habitat to support protected species, including water vole, white-clawed crayfish and great crested newts and the outcome reported to the Borough Council. Where the habitat is considered to be suitable for any one of these species, then a full survey should be undertaken and the ecological mitigation hierarchy applied i.e. where adverse impacts cannot first be avoided then mitigation measures must be put in place to reduce any adverse impacts. Where mitigation cannot be achieved then similar habitat should be created elsewhere on site, to a greater proportion, to appropriately compensate for the loss of the ditch and to ensure a net gain of habitat on site. The outcome of any such survey should be submitted to and approved in writing by the Borough Council and the mitigation measures shall be implemented in accordance with the approved details before development commences.
18. Before development is commenced there shall be submitted to and approved in writing by the Borough Council an updated badger survey of the area, undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council before development commences. If any badgers are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
19. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a lighting scheme to ensure the retention of an unlit corridor along the River Leen, around the site boundary hedgerows, and in the vicinity of the tree on the western boundary containing the confirmed pipistrelle bat roost. The approved lighting scheme shall be implemented in accordance with the approved details before development is commenced and shall be retained for the lifetime of the development, unless

otherwise prior agreed in writing by the Borough Council.

20. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of the proposed ecological enhancement measures specified in the Ecological Appraisal, October 2012. These measures shall also incorporate features for nesting house sparrows and starlings, and roosting bats, within the fabric of a proportion of the proposed buildings. The enhancement measures shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
21. No part of the development hereby permitted shall commence unless or until all works for the new junction onto Papplewick Lane as shown for indicative purposes only on Drawing no. 0218/F03, revision M, have been completed.
22. No part of the development hereby permitted shall be brought into use unless or until all the improvement works at B683/Linby Lane/Forest Lane junction, as shown for indicative purposes only on drawing no: 0218-F04, revision A, have been completed in accordance with details submitted to and approved in writing by the Borough Council.
23. No part of the development hereby permitted shall be brought into use unless or until a scheme to provide a suitable combined cycle and pedestrian route between the site and Hucknall Town Centre has been completed.
24. The development hereby permitted shall not be occupied or brought into use until the owner or the occupier of the site has appointed and thereafter continue to employ or engage a travel plan coordinator who shall be responsible for the implementation, delivery, monitoring and promotion of the sustainable transport initiatives set out in the Travel Plan to be approved and whose details shall be provided and continue to be provided thereafter to the Borough Council.
25. The Travel Plan Coordinator shall submit reports to and update the TRICS database in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Borough Council in accordance with the Travel Plan monitoring periods to be agreed. The monitoring reports submitted to the Borough Council shall summarise the data collected over the monitoring period that shall have categorised trip types into new trips, pass-by-trips, linked trips, diverted trips, and transferred trips, and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates to be approved in writing by the Borough Council.

26. The Travel Plan Coordinator shall within 3 months of occupation produce or procure a full travel plan that sets out final targets with respect the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel to be approved by the Borough Council. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives including implementation dates to the satisfaction of the Borough Council.
27. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
28. 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 lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
29. The wheel washing facilities required by condition 5 above shall be maintained in working order at all times during the construction period for each phase of development and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
30. A 30 m undeveloped buffer must be retained between the development and the River Leen, except in the location of the pedestrian/cycle link, to ensure that the wildlife corridor function of the river is retained, and to avoid impacts on notable species occurring within the river. The buffer shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
31. The grassland buffer on the eastern side of the northern field (to be developed as the 'Ecology Park') must be retained and protected to ensure that there is no impact on great crested newts. The buffer shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
32. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year),

unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.

33. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
34. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
35. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

## **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. To define the consent and to ensure that a satisfactory form of development is obtained in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
3. For the avoidance of doubt.
4. 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 land.

5. 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, in accordance with the National Planning Policy Framework.
6. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
7. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
8. To ensure a satisfactory development and that flood risk is appropriately mitigated, in accordance with the National Planning Policy Framework, Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Aligned Core Strategy Submission Documents.
9. To reduce the risk of flooding to the proposed development and future users, in accordance with Policy 1 of the Aligned Core Strategy Submission Documents.
10. To prevent the risk of flooding to the development, in accordance with Policy 1 of the Aligned Core Strategy Submission Documents.
11. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
12. To enable future maintenance and emergency access to these watercourses and allow for amenity and biodiversity corridors along the river valleys, in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy Submission Documents.
13. To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submission Documents.
14. To ensure that the site is surveyed to identify any potential archaeology and if found is appropriately dealt with, in accordance with the National Planning Policy Framework.

15. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
16. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
17. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
18. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
19. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
20. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
21. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
22. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
23. To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
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26. To promote sustainable travel, in accordance with the National Planning Policy Framework and Policy 14 of the Aligned Core Strategy Submission Documents.
27. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

28. To ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
29. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
30. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
31. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
32. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents.
33. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
34. To ensure a satisfactory development and that the landscaping of the development as proposed at reserved matters stage accords with Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
35. To ensure a satisfactory development, in accordance with Policy ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons 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.

### **Notes to Applicant**

Your attention is drawn to the attached correspondence from Nottinghamshire County Council, the Environment Agency, Severn Trent Water and the Nottinghamshire Wildlife Trust.

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.