



Planning Report for 2023/0233



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Report to Planning Committee

Application Number:	2023/0233
Location:	Land Off Marion Avenue, Hucknall
Proposal:	Residential development of 30 dwellings with associated infrastructure, open space and landscaping with access from Marion Avenue.
Applicant:	Chevin Homes (Derby) Limited
Agent:	Planning and Design Group Ltd
Case Officer:	Craig Miles

The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings and a legal agreement is required.

1.0 Site Description

- 1.1 The application site is located to the east of Hayden Lane, which connects to Papplewick Lane, the main road connecting into Hucknall town centre. It comprises a single field that has been cleared of vegetation and is enclosed by existing hedgerows running along the perimeter of the site's boundaries. The site measures some 1.16 hectares (ha). It is allocated for housing development in the adopted Local Planning Document (LPD).
- 1.2 To the north, the site adjoins Sherwood Gate' residential development which is a development approved for 255 dwellings. A significant number of dwellings have been built out and are occupied. Adjoining the site to the west is the recently consented Barwood Homes development for 131 dwellings with access through Delia Avenue and Dorothy Avenue.
- 1.3 The south boundary of the site adjoins an existing residential area forming the main urban area of Hucknall, more specifically the end of existing cul-de-sacs forming Alison Avenue and Marion Avenue. The administrative boundary of Gedling Borough Council is up to the boundary with both Dorothy Avenue and Delia Avenue and beyond is Ashfield District Council.
- 1.4 At present the current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Hayden Lane.
- 1.5 In terms of topography the site is is relatively flat with a slight slope down from west to east. The location, setting and topography mean that there are only a

few very limited public viewpoints of the application site – primarily from the end of Alison Avenue and Marion Avenue.

- 1.6 The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at very low risk of surface water flooding.
- 1.7 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site. The nearest is Castle Mill (Grade II Listed), which is located off Linby Lane approx. 350m north east of the site, and Linby Conservation Area is some 0.5km to the north.
- 1.8 The nearest bus stop is located 300m east of the site off Ethel Avenue that provides connections to the Vaughan Estate via Hucknall Town Centre which hosts all key amenities and services and falls within the administrative area of Ashfield District Council.

2.0 Relevant Planning History

- 2.1 The site forms the western part of the strategic housing allocation, North of Papplewick Lane for up to 300 homes allocated under Policy 2 of the ACS but did not form part of planning applications 2017/0201 and 2020/0258, which were granted permission for development of a total of 273 homes, and is now largely complete.
- 2.2 Policy 2 of the Aligned Core Strategy outlines that ‘Land North of Papplewick Lane’ had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining ‘Land North of Papplewick Lane’ site.
- 2.3 Adjoining the application site to the west, is the recently consented Barwood Homes development for 131 dwellings with access through Delia Avenue and Dorothy Avenue (Ref: 2022/0501). Development of any of the adjoining housing sites is not reliant upon the delivery of this site as it is proposed that it would be accessed separately via Marion Avenue.
- 2.4 The application site crosses two administrative boundaries. Whilst almost all of the land where the proposed dwellings would be located are within Gedling Borough Council, a small proportion of the application site falls within Ashfield District Council. The small area of land is located at the end of both Alison Avenue and Marion Avenue cul-de sacs. Only Marion Avenue would be used to access the site which also falls in within Ashfield District Council. The applicant would therefore need permission from both Gedling Borough Council and Ashfield District Council (similar to the for 131 granted with access through Delia Avenue and Dorothy Avenue). An application is pending determination at Ashfield District Council.

3.0 Proposed Development

- 3.1 The application is a standalone full planning application and is for the erection of some 30 dwellings together with a new access points formed via Marion Avenue.
- 3.2 The proposed development includes a range of two and three bedroomed properties with dwellings being one and two stories in scale. There would be six different house types, with a mix of detached, semi-detached and terraced housing. Nine of the properties are identified as being affordable of which 3 would be First Homes and the remaining dwellings 6 as affordable rent, which would comprise of 2 and 3 bedroomed properties.
- 3.3 The layout of the proposed development has been designed, where possible, within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space. This approach also encloses rear gardens, ensuring that these areas are secure and private. The applicant advises that “all dwellings have, therefore, been arranged to overlook areas of open space providing natural surveillance of these public spaces.” Each dwelling would have their own off-street car parking space. There would be a total of 49 allocated parking spaces and 11 visitor spaces.
- 3.4 Indicative landscaping proposals show that there would be enhanced landscape planting in the north west corner of the site, and to a lesser extent throughout the site. On the east part of the site would be a large retaining pond that would be landscaped along its roadside frontage.
- 3.5 It is proposed create a footpath link into the adjoining housing development to the west.

4.0 Consultations

- 4.1 Papplewick Parish Council – Object to this development on the basis that it would remove the green buffer and very important open space between the Vaughan Estate and the development on Sherwood Gate, north of Papplewick Lane. They also object on the basis that more dwellings would be proposed than approved in the development plan. They raise concerns about road congestion and are concerned about the pressure on the nearby green spaces.
- 4.2 Linby Parish Council – State that they are concerned that a number of trees have been removed from the site and that green spaces should be retained and that there is no further need for speculative development in this parcel of land.
- 4.3 Lead Local Flood Authority - raise no objection to the application subject to a condition requiring the submission of a detailed surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy.
- 4.3 Gedling Borough Council Arborist – Confirms that he is satisfied with the submitted tree protection method statement as the replacement planting plan and overall landscape plans provide suitable mitigation for the trees that would be removed.

- 4.4 Environment Agency – Note that the application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. They refer to their standing advice.
- 4.5 Gedling Borough Council Scientific Officer – Advises that the site has a low risk of contamination, however a condition should be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground. In relation to air quality, he noted the proposed development constitutes a “small development” for the purpose of the *Air Quality and Emissions Mitigation - Guidance for Developers* document, which relates to Policy LPD11 of the Local Development Plan 2018. Under the provisions of this guidance small developments are required to provide Electric Vehicle Charging points and Construction Emission Management Plan.
- 4.6 Natural England - Natural England considered that the proposed development would not have significant adverse impacts on designated sites including the Linby Quarry SSSI and therefore has no objection to the proposals.
- 4.7 NHS Primary Care Trust – note that the erection of 30 dwellings would require a contribution of £16,256 towards the expansion of primary care provision to include The Om Surgery, Torkard Hill Medical Centre and Whyburn Medical Practice.
- 4.8 Local Education Authority (LEA) - note that there are adequate spaces in the locality for the projected increase in demand for primary education. However, there is insufficient space for secondary and post 16 education. As a result, the LEA seeks a contribution of £157,524, which is broken down as a secondary education contribution of £131,270 (based on 5 pupils x £26,254 per place) and a post 16 education contribution of £26,254 (based on 1 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- 4.9 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the application site does not affect any minerals safeguarding area. In relation to archaeology that a pre-commencement condition is required so that a programme of archaeological work can be prepared and submitted for consideration. In relation to Transport and Travel Services, it is requested that a contribution of £7,700 be provided towards improvements to the existing bus stop located on Hayden Lane, (denoted Ethel Avenue – Ref: AS0202 Ethel Avenue) as the current level of facilities at the specified bus stops are not at the standard set out in the Appendix to the Council’s Public Transport Planning Obligations Funding Guidance
- 4.10 Highway Authority – The initial response from the highway authority stated that the overall scope of development is such that it will not significantly affect the capacity of nearby junctions, that the proposed level of parking is considered sufficient and that minor changes to the proposed layout including tracking for refuse vehicles would be required. Following the submission of revised plans, the highway authority does not object to the proposals subject to conditions.
- 4.11 Parks and Street Care – Confirm that more than 10% public open space would be provided based on the submitted drawings. They also confirm that a

contribution of £49,469.36 should be paid towards the construction of off-site play equipment and £20,891.60 for its future maintenance, as none have been identified on the application site.

- 4.12 Strategic Housing Manager – notes that 30% affordable housing would be required, which would equate to 9 dwellings, including 3 First Homes and 6 affordable rental properties.
- 4.13 Nottinghamshire Wildlife Trust – Have not objected in principle; however, note that the site will not generate a bio-diversity net-gain.
- 4.14 Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.15 Members of the Public - A press notice was published; a site notice was displayed, and neighbour notification letters were posted. As a result of this consultation 39 letters of representation has been received, with 37 objecting to the application and 2 neither objecting nor supporting the application. The grounds of objection include:
- The adverse impact the development would have on road in the vicinity of the site;
 - That it would have an adverse impact on NHS services due an increase in residents;
 - There would be a loss of habitat;
 - It would adversely affect air quality;
 - A number of trees have already been removed;
 - That the proposed access to the site via Marion Avenue is too narrow to serve the proposed development;
 - The development would have an adverse impact on the amenity of residents along Marion Avenue owing to the increase in traffic, particularly during construction;
 - There would be limited construction access;
 - It would create too many houses within the area;
 - It would have a harmful impact on schools as there would be a much greater demand;
 - It is a greenfield site that should not be developed;
 - It would have an adverse impact on local wildlife,
 - It would harmfully affect views form existing properties;
 - There would be significant noise ad disturbance during construction;
 - There would be a lack of green space;
 - The proposals lack details of landscaping;
 - There would be a loss of green belt;
 - Hedgerows would be replaced by fences;
 - Services in Hucknall would be affected, but not Gedling;
 - The road infrastructure in the area is already at capacity;
 - There is no need for any new dwellings; and
 - The impact of the proposed affordable houses would harmfully affect amenity of existing residents.

5.0 Relevant Planning Policy

5.1 The Local Planning Authority adopted the Local Planning Document (LPD) Part 2 Local Plan on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD7 – Contaminated Land
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD 30 – Archaeology
- LPD32 – Amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD61 – Highway safety

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design, 14 Managing Travel Demand; and Enhancing Local Identity and 19 – Developer Contributions.

5.3 With respect of the National Planning Policy Framework 2023 (NPPF) the following chapters are considered to be most pertinent to the determination of the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.

5.4 Other policy guidance of note includes: ‘Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document’ (2022); ‘Affordable Housing Supplementary Planning Document (2009)’ ‘New Housing Development Supplementary Planning Guidance for Open Space Provision’ (2021); ‘Low Carbon Planning Guidance for Gedling Borough (May 2021)’ and

Gedling Borough Council 'Interim Planning Policy Statement: First Homes' (2022).

- 5.5 As the application site falls within the Parish of Linby, it is important to recognise that the Linby Neighbourhood Plan 2018 – 2032 forms part of the development plan. Within it, the application site is highlighted as being allocated for housing development (Page 20). The relevant policies within it are:

Housing – Policy HSG1

Place – Policy DES1

Character and Built Heritage – Policies CBH1 and CBH2

Landscape and Rural Character – Policies NE1 and NE2

Traffic and Transport – Policy TRA1

Employment and Infrastructure – Policies EMP1 and EMP2

Community Facilities and Assets – Policy COM1

Developer Contributions – Policy DC1

6.0 Planning Considerations

Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. The application site is allocated for residential development as the site forms the western part of the strategic housing allocation, North of Papplewick Lane for up to 300 homes, allocated under Policy 2 of the ACS but did not form part of planning applications (2017/0201 (for the erection of 237 dwellings) and 2020/0258 (for the erection of 18 dwellings)) which were granted permission for the erection of some 255 homes, a number of which are now substantially complete. The principle of development on this site is established through the strategic allocation in the adopted Aligned Core Strategy under ACS Policy 2. Therefore, the principle of development is supported and the proposal deemed to comply with ACS Policy 2 and guidance within the NPPF. It also complies with Policy HSG1 of the Linby Neighbourhood Plan 2018 – 2032.

- 6.3 Whilst the principle of development is supported there would also be a need to consider a wide range of other planning matters including whether or not the character of the area is respected, residential amenity, highway considerations, flooding matters, drainage, ecology, and more, which are all considered below.

Impact on the character of the area and residential amenity

- 6.4 As discussed, the site layout is designed within a perimeter block formation, which enables a continuous frontage including front doors and windows from habitable rooms at ground and first floor level that would face onto the highway and public open space with each dwelling having their own off-street car parking space and private amenity space.
- 6.5 There would be a good range of house types and sizes, including 2 and 3, bedroomed dwellings. 30 dwellings are proposed to be erected across the site,

which would result in a density of development just below 30 dwelling per hectare. This is slightly lower than the 30 dwelling per hectare threshold identified in policy LPD33; however, the design and layout is considered to respect the character of the area and the total number of dwellings on the larger allocated site is actually 3 more than that identified in policy ACS2. Therefore, a slightly lower density of development is considered to be appropriate in this instance.

- 6.5 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed with double fronted properties on key corner plots. Materials would be a mixture of red and buff brick under grey tiled roofs. Visually the design of the scheme is considered to be acceptable and would respect the wider character of the area.
- 6.6 A drainage feature has been identified on the east part of the site; however, it is not considered that it could reasonably be described as public open space given that it could at times be wet and not serve as functional recreational space. Instead an area of open space is proposed on the west part of the site. In total some 1,516sqm of open space is proposed throughout the site. The open space officer confirms that the level of proposed open space exceeds the threshold required by Policy. As a result the application is deemed to comply with policy LPD21.
- 6.7 In respect of residential amenity, rear gardens would be in the region of 10m in depth and views from properties would be across their own rear gardens. The proposed dwellings would be appropriately separated from one another to ensure that the amenity of future occupiers would be respected.
- 6.8 In terms of amenity for existing occupiers, the main impact would be through the creation of the proposed access points via Marion Avenue. This matter has already been considered as part of the allocation of the site in the development, through Examination when it was approved by the Secretary of State and subsequently adopted by Gedling Borough Council. It should be noted that the southern access off Papplewick Lane to the existing Sherwood Gate site (by Bellway Homes) was designed only for the development of the existing consented development for up to 300 units and could not have been altered due to the presence of existing dwellings on each side of the access. Accordingly, there are no other viable options to access the housing allocation.
- 6.9 Traffic would increase along Marion Avenue as a result of the proposals there would also be some inevitable disruption during the construction phase of the development, together with the occupiers of dwelling closest to the development located at Alison Avenue, Devitt Drive and Vincent Close. However, there is also a national and local requirement (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites. The layout of the scheme details dwellings set back from the boundary of these access points and in-between an area of open space to provide a buffer between the existing and proposed dwellings. Planting and boundary treatment along almost all of the garden boundaries with those properties that abut the application site would further limit noise and disturbance. A construction

management plan would also mitigate the impact during the construction phase of the development and is proposed as a planning condition.

- 6.10 Having regard to the above it is considered that the development would result in a scheme that would respect the character of the area and have an appropriate density of development. Whilst there would be some harm to residential amenity, in the context that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36 and LPD37. The development also complies with Policy NE1, NE2 and DES1 of the Linby Neighbourhood Plan 2018 – 2032.

Highway matters

- 6.11 The site would be accessed via a new T-junction which would be an extension of the existing cul-de-sac forming Marion Avenue which is located directly adjacent to the south of the site. The proposed point of access is located within Ashfield District Council and a separate application has also been made to them.
- 6.12 The internal site roads have been designed as 5.5m wide carriageways with 2.0m wide footpaths either side. Footpaths included within the development proposals would tie into the existing pedestrian infrastructure along Marion Avenue which then joins Hayden Lane. A pedestrian link to the adjacent development to the west of the site (being access off Delia and Dorothy Avenue) is also proposed.
- 6.13 A Transport Technical Note has been submitted in support of the application. The purpose of the Technical Note is to provide the necessary level of detail to the Local Authority that the site can be accessed safely and sustainably, whilst also assessing the transport impact the proposals would have on the existing highway network.
- 6.14 The Technical Note confirms that the proposed access from Marion Avenue, is acceptable and can be provided in line with Nottinghamshire County Council ('NCC') requirements. This includes the necessary visibility requirements being satisfied, and the ability for a refuse vehicle to comfortably enter, manoeuvre within and exit the site. It also provides a review of the person trip generation by all modes for the proposed development, based on Census and suitable TRICS data. It demonstrates that there would be negligible increase in vehicle trips. As a result, the development proposals would not result in any adverse impacts on the surrounding highway network, and no mitigating improvements are required in respect to the proposals.
- 6.15 The Technical Note highlights that the existing standard of pedestrian infrastructure within the surrounding network is excellent with opportunities to cycle/walk to Hucknall Town Centre and other local amenities, as well as local public transport facilities that provide access to a number of locations such as Nottingham, Sutton and Mansfield.
- 6.16 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Technical Note and have no objections to the proposals on the basis that the traffic generation from the site would be

acceptable within the wider highway network. Therefore, subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61.

- 6.17 Likewise, it is considered that with regard to parking provision as required by policy LPD57, along with the recently adopted 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' that the proposed layout demonstrates that each proposed dwelling would have sufficient off-street parking spaces and that there would be sufficient visitor spaces throughout the proposed development because the requirement is that a total of 49 off-street car parking for future residents and 11 visitor spaces (60 spaces in total), this would exceed the requirement set out in the SPD that would require a total of 56 spaces. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57. It also complies with Policy TRA1 of the Linby Neighbourhood Plan 2018 – 2032.
- 6.18 It should be noted that a planning condition is in place, as requested by the Highway Authority that the access needs to be constructed prior to any occupation of any dwelling, that would mean that permission would first be required for the access via Ashfield District Council (or otherwise via the Secretary of State at appeal, should Ashfield District Council refuse the application).

Ecology and Biodiversity

- 6.19 In terms of ecology Policy 18 – Protecting and Enhancing Biodiversity requires that "... Where proposals affect sites supporting priority habitats or species, it should be demonstrated that the need for the development outweighs the need to safeguard the biodiversity and other value of the site.
- 6.20 A Preliminary Ecological Appraisal (PEA) has been submitted in support of the application which incorporates a Phase 1 Habitat Survey and Protected Species Assessment. The report summarises the potential ecological constraints to the planning application and includes measures to protect species during site clearance and recommendations to improve the biodiversity status of the site post development.
- 6.21 The document confirms that the site currently comprises an area of felled broadleaved woodland with scattered tree stumps and log piles. The area is bordered by a remaining patch of woodland, scattered trees, scrub and tall ruderal herbs.
- 6.22 The application site is not subject to any ecological designation. The nearest site of ecological importance is over 1km away to the north, Linby Quarries (SSSI). There are 12 Local Wildlife Sites (LWS) that are within 2km of the site. However, the nearest of these is located 0.5km away. Connectivity to these designated sites is generally limited by barriers to dispersal including urban development to the south, the B6011 to the north and the River Lean to the east. Additionally, these sites are designated for their woodland, grassland, marshland and ponds of high ecological value not directly related to this site.

- 6.23 The application site also lies within 1km of the indicative boundary for core breeding area for European nightjar and Woodlark (*Lullula arborea*) however the remnant broadleaved woodland habitat within the site was considered unsuitable to support breeding nightjar and woodlark due to high levels of disturbance and its close proximity to existing residential development. Therefore, these designated species and the Sherwood pSPA are not considered to be impacted by the development.
- 6.24 The habitats on site were evaluated as having only low 'Site' value at the time of the assessment although it is acknowledged within the report that the value of the site was previously of a higher value due to the greater presence of broadleaved woodland habitat before clearance. The remnant woodland to the west supported a species-poor understorey due to lack of management and as such was considered to hold low conservation value.
- 6.25 In terms of mitigation the applicant states that the proposals have "sought to maximise the provision of on-site biodiversity as much as possible whilst also ensuring that the development remains viable and deliverable. The scheme has been informed by qualified, experienced Ecologists who have guided the formation of the site layout and on-site landscaping scheme" and that the proposed areas of open space has "incorporated a number of measures to enhance biodiversity. A summary of these measures are as follows:
- A broad range of grassland species are proposed within the soft landscaping scheme. This includes amenity grass, meadow grassland and wetland grass mixture that aims to provide a mixture of grassland habitat.
 - The soft landscaping scheme also includes a total of 447 shrubs, 20 trees and 6 specimen shrub and climbers, across a range of 32 different species.
- There are also a number of measures that have been incorporated elsewhere within the scheme to enhance the ecological potential of the site. A summary of these measures include the following.
- The incorporation of hedgehog highways (13cm x 13cm hole) into the base of garden fences to create a corridor across the site for hedgehogs.
 - Bat boxes (or bricks) will be incorporated into 8 of the proposed dwellings.
 - 4 sparrow nest boxes and 4 bird nest box will be incorporated into the external walls of the proposed dwellings."
- 6.26 In addition to the above, the applicant would be happy to agree to the conditioning of a Landscape Ecological Management Plan (LEMP) that will ensure that the above mentioned enhancements are effectively managed, monitored and delivered by the proposed development. This will also assist in securing further enhancement and appropriate landscape treatments to maximise biodiversity within the on-site areas of open space.
- 6.27 To assess the mitigation further a biodiversity impact assessment was prepared, which concluded, after taking account of these mitigation measures that 5.6 habitat units (66.35%) would be lost as a result of the development. The applicant has also offered a payment towards off-site BNG improvement but at this time there is no adopted policy framework to justify or allow this and it should be acknowledged that 'Policy 18 – Protecting and Enhancing Biodiversity' does not allow for off-site mitigation. It is stated that a loss of habitat should be weighed against the benefits of the proposals. At a national level there is

currently no requirement to provide biodiversity net gain as part of this application as it was registered in March 2023, prior to the legislation coming into force. In this instance the development of 30 dwellings would contribute towards meeting the authority's housing targets by developing on an allocated housing site. In this scenario it is considered that mitigation measures as set out in both the Ecological Impact Assessment and the Biodiversity Net Gain would be sufficient to meet the requirements set out in LDP - Policy 18. Natural England also do not object to this application.

Impact on Trees and Hedgerows

- 6.28 The planning application is supported by a British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (including Tree Protection Plan). The report provides evidence to demonstrate that the proposed development is acceptable from an arboricultural perspective and includes recommendations and guidance to mitigate any impact on the existing trees on site, as a result of the proposed development.
- 6.29 The tree survey recorded the details of 29 individual trees and 13 tree groups, which can generally be described as peripheral/boundary trees and groups, growing along the perimeter of the site. The proposals would require the removal of further trees on site in order to facilitate the proposed development, as indicated on the Tree Protection Plan. The proposed tree removals will not have any significant impact on the overall character of the area, or on the immediate street scene. The proposed loss of trees and shrubs would be mitigated through the provision of new tree and shrub planting.
- 6.30 None of the trees recommended for removal are protected by a Tree Preservation Order (TPO). There are three Oak trees located on the north west boundary (T4, T5 and T8) that are subject to a TPO. However, these will be retained as part of the proposed development and the layout ensures that no development is located within the root protection areas to ensure the longevity of the trees. Furthermore, a number of Tree Protection Measures have also been recommended in order to minimise the potential for any foreseeable detrimental impact occurring to the retained trees, whilst site-specific construction methodology has been recommended in the proximity of several trees, including the protected Oak Tree.
- 6.31 The Gedling Borough Council Arborist confirms that he is satisfied with the submitted tree protection method statement as the replacement planning plan and overall landscape plans provide suitable mitigation for the trees that would be removed. Tree protection and replacement tree planting can be secured by a planning condition. It is therefore considered that the proposal complies with the objectives of the NPPF and ACS Policy 10 and with policy LPD 19 of the adopted Local Planning Document.

Flooding and Drainage

- 6.32 In respect of drainage, a flood risk assessment and drainage strategy has been submitted in support of the application and identifies that the site falls within flood zone 1 so is at a low risk of flooding. The Environment Agency do not object to the proposals. In the area there are surface and foul water sewers that the development can link into and the foul water would be pumped to the existing Trent Water foul sewage system to the south of the site (as previously approved as part of the development of the adjoining site). Surface water is intended to be linked into a drainage pond located on the east part of the site together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. The approach identified is considered to be acceptable and subject to conditions, as identified by the Lead Flood Authority, the drainage strategy as outlined is considered to be acceptable and comply with policies LPD3 and LPD4.

Climate Change

- 6.33 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. EV charging points are proposed on the units to encourage electric car usage, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

Archaeology

- 6.34 Policy LPD 30 – Archaeology requires that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards. The consultation response from the County Archaeologist states that an archaeological watching brief would not be a practical consideration on large residential developments and instead recommend that a geophysical survey be undertaken, in order to justify any further archaeological mitigation (if necessary) through planning conditions. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

Planning Obligations

- 6.35 The application meets the trigger for a number of contributions to make the development acceptable in planning terms.

Affordable housing

- 6.36 In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 30% of the dwellings as affordable housing. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable

Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing.

- 6.37 However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.38 First Homes is a relatively new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a First Home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value). Certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes. This equates to 9 dwellings. This would be secured via a planning obligation. The level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of First Homes.
- 6.39 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6th October 2022 and approved. Accordingly the local requirements for First Homes are as follows:
1. A First Home must be discounted by a minimum of 30% against market value.
 2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
 3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
 4. Applicants should either:
 - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
 - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
 - have permanent employment within Gedling Borough Council's administrative area; or
 - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.
- 6.40 Three First Homes are therefore now required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022, 6 affordable rented dwellings are also proposed. The Strategic

Housing Manager does not object to the amount or form of proposed affordable housing. Therefore, the level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

6.41 The contributions sought from various other statutory consultees are summarised below:

- Transport and travel – a developer contribution of £7,700 for improvements toward bus stop provision is sought. The bus stops that are identified as requiring improvement are on Ethel Avenue and will be spent on polycarbonate bus shelter and solar lighting.
- Education - a contribution of £157,524, which is broken down as a secondary education contribution of £131,270 (based on 5 pupils x £26,254 per place) and a post 16 education contribution of £26,254 (based on 1 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- Primary Care Trust – a contribution of £16,256 towards the expansion of primary care provision to include The Om Surgery, Torkard Hill Medical Centre and Whyburn Medical Practice.
- Parks and Street Care – note that the required 10% POS is identified on the open space plan and is to be maintained by a Management Company, details of which would need to be submitted and approved in writing. Furthermore, contribution of £49,469.36 should be paid towards the construction of off-site play equipment and £20,891.60 for its future maintenance as none have been identified on the application site.
- A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore, the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed.
- Local Labour Agreement – A local labour agreement would be required.

6.42 The applicant has provided a draft Head of Terms document agreeing to providing these contributions through a S106 legal agreement, should permission be granted.

6.43 There is a requirement for contributions sought to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation and guidance as outlined in paragraph 57 of the NPPF and ACS19. All of the above contributions are considered to comply with relevant guidance in respect of being pertinent to the application under consideration.

6.44 The planning obligations in relation to education, affordable housing, education, NHS Primary Care, public play provision and bus stop improvements, as set out above are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the

Community Infrastructure Levy Regulations 2010 (as amended). It also complies with Policies COM1 and DC1 of the Linby Neighbourhood Plan 2018 – 2032. The requirements would be secured as planning obligations through a s106 agreement.

Other considerations

- 6.45 With the development meeting the threshold identified in policy LP48, a Local Labour Agreement would also be sought in the Planning Obligation
- 6.46 In response to the matters raised through representations, most of these matters have been considered above. In relation to others: it is unavoidable that there would be a loss of trees as a result of the development because the site is already allocated in the development plan for housing development. Hedgerows would be removed to gain access to the site and this is already considered above.
- 6.47 The impacted services as a result of the development would mainly be in Ashfield DC, hence why contributions for healthcare, education and bus stop improvements fall within the administrative area of Ashfield DC. There is no right to a view, and it is not considered that the amenity of existing occupiers would be compromised given the distance of the site to properties on either Marion Avenue. Furthermore, it has been concluded that the highway network has capacity to absorb the vehicle movements that would be created, and the land is allocated for residential development.
- 6.48 The Borough Council's Scientific Officer has considered the potential for contamination on the site. They note there to be a low risk of contamination however a condition should be in place for the applicant/developer to have a contingency plan in place should development reveal any contaminated made ground.

7.0 Conclusion

- 7.1 Having regard to the above it is noted that the principle of the development is supported Policy 2 of the ACS. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question.
- 7.2 As a result the application is deemed to comply with policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57 and LPD61 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document; Affordable Housing Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

- 8.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, public transport improvements; education; health; play equipment; monitoring and a local labour agreement; and subject to the conditions listed for the reasons set out in the report.**

Conditions

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

2. The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:

Site Location Plan (ref: n2064_001) - submitted 15th March 2023
Planning Layout (ref: n2064_008F) - submitted 6th February 2024
House Type Pack Rev A - submitted 4th August 2023
Preliminary Ecological Appraisal - Reference BG22.187 REV1 submitted 15th March 2023
Open Space Plan (ref: n2064_015C) - submitted 14th March 2024
Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023
Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023
Design and Access Statement - (ref: n2064_DAS) - submitted 15th March 2023
Flood Risk Assessment Report Ref: 2206730-01A - submitted 15th March 2023
Landscape Management Plan Ref: GL2077 - submitted 15th March 2023
Outline Trees, Arboricultural Consultancy Report Reference: JH0223ALISONAVE dated February 2023 - submitted 15th March 2023
Transport Technical Note Ref: 2206730-02 - submitted 15th March 2023
Soft Landscape Proposals (ref: GL2077 01 Rev A) - submitted 15th March 2024

3. No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.

5. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Marion Avenue as shown on drawing number Planning Layout (ref: n2064_008F) - submitted 6th February 2024 has been provided in full.
6. Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.
8. Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.

9. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment Report Ref: 2206730-01A - submitted 15th March 2023 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. 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 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence 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 effectiveness.
10. All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
11. The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment (ref: BG22.187.13) - submitted 4th December 2023 and the Biodiversity Impact Assessment for Net Gain - Reference BG22.187.2 submitted 15th March 2023 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.

12. The approved Landscaping Scheme pursuant to the Soft Landscape Proposals (Ref: GL2077 01 Rev A - submitted 15th March 2024) and the Landscape Management (Plan Ref: GL2077 - submitted 15th March 2023) must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
13. No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
14. From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
15. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
16. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for

its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

- 17 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

Reasons

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
2. To define the permission and for the avoidance of doubt.
3. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
4. To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
8. To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
9. A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

10. To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
11. To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (2023).
12. To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
13. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
14. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
15. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (2023).
16. To ensure the development is safe and suitable for use.
17. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority,

then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.

The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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

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

The applicant is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council. The applicant should also note that there are planning obligations made under the provisions of Section 106 of the Town and Country

Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.

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

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

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