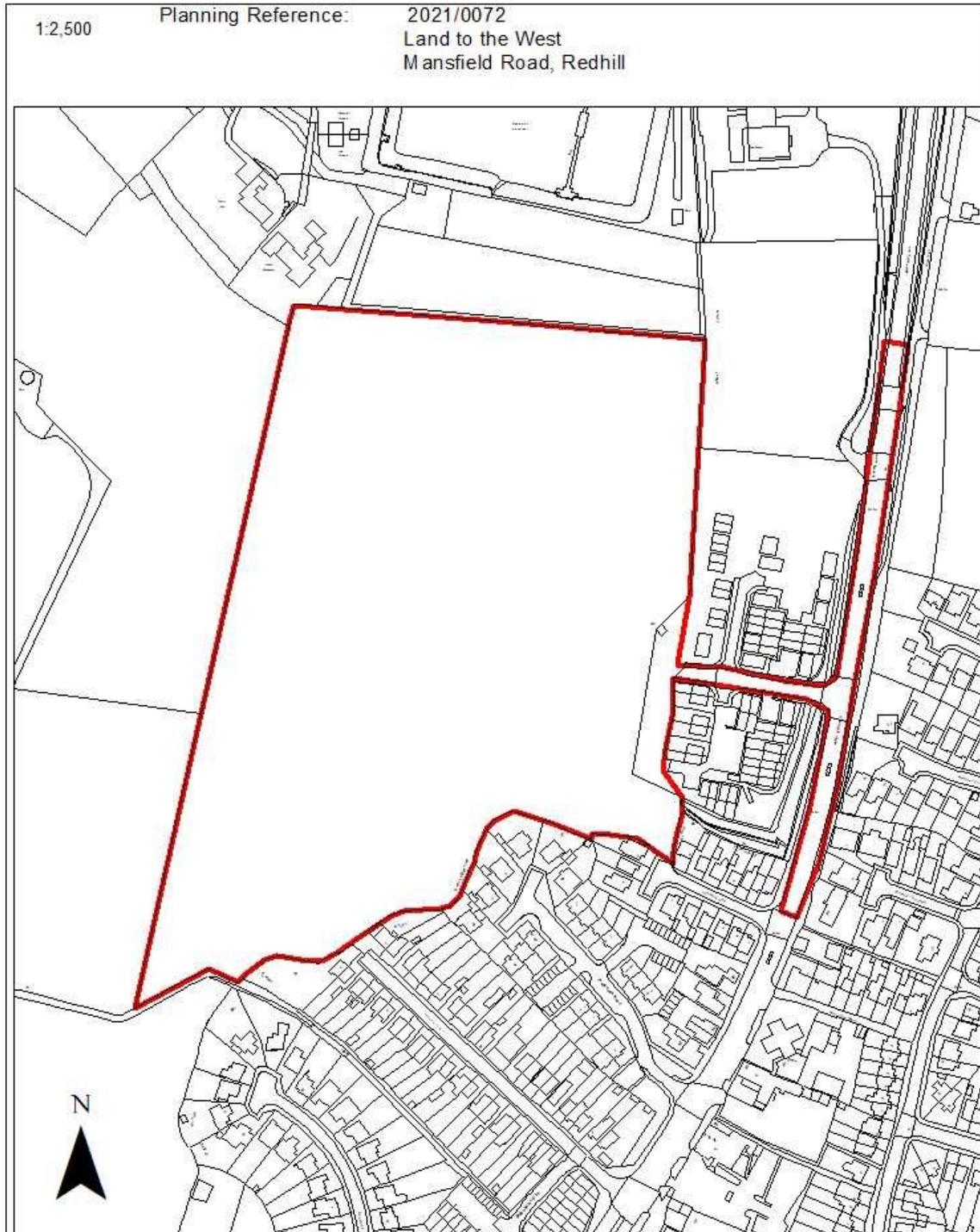




## Planning Report for 2021/0072



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**Report to Planning Committee**

<b>Application Number:</b>	<b>2021/0072</b>
<b>Location:</b>	<b>Land to the West of Mansfield Road, Redhill</b>
<b>Proposal:</b>	<b>Proposals for 141 dwellings with associated landscaping, public open space, highways and infrastructure on land west of the A60, Redhill.</b>
<b>Applicant:</b>	<b>Barwood Homes Ltd, MF Strawson &amp; Magal Investments LLP</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Criag Miles</b>

**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 on the west side of Mansfield Road, Redhill, approximately 2km to the north west of Arnold Town Centre. It forms the land to the rear of Phase 1 known as Eagles Edge residential development which has now been constructed and is largely occupied. The land is allocated for housing development in the adopted Local Planning Document (Part 2) for the development of 150 dwellings.
- 1.2 The site is roughly rectangular in shape and measures some 6.95ha. There are no built structures on the site and instead it consists of open grassland. The most notable feature of the site is its topography as it slopes significantly from west to east, and in part very steeply north to south on the southern part of the site. The current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Adams Drive.
- 1.3 The site lies adjacent to both established settlement edge and open fields. The site is bounded by suburban residential development to the south. To the east lies the recently completed Eagles Edge residential development comprising of 72 dwellings, and open agricultural fields adjoin the site to the north and west. Existing established trees and hedgerows line the site boundaries.
- 1.4 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 low risk of surface water flooding.

- 1.5 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site.

## **2.0 Relevant Planning History**

- 2.1 There is no relevant previous applications on the application site itself, but it is important to note that the adjacent site (Phase 1) was granted planning permission in December 2018 for the erection of 72 dwellings (Ref: 2016/0854), and the approved development includes provision for vehicular and pedestrian access through to the current application site from the A60 Mansfield Road via this development.

## **3.0 Proposed Development**

- 3.1 The application is a full application for the erection of 141 dwellings together with associated landscaping, public open space, and road infrastructure on Mansfield Road (A60).
- 3.2 The proposed development includes a range of one, two, three and four bedroomed properties with dwellings being one and two stories in scale. There would be 21 different house types, with a mix of detached, semi-detached and terraced housing. 21 of the properties are identified as being affordable, 15 of which 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 "Different degrees of enclosure to the street are proposed across the layout which give different characters at different locations. Internal streets will be more urban in character, with higher densities, more semi-detached and terraced properties, creating a greater sense of enclosure. Where the site meets open green space densities are lower, with properties mostly being detached, with parking on plot."
- 3.4 The proposed layout details a large area of open space on the west side of the site, and landscaping throughout the site. On the south part of the site would be a large retaining pond that would be landscaped along its roadside frontage.
- 3.5 There would be a mixed palette of materials including red brick, render, rough cast stone facing materials and grey and red roof tiles.

## **4.0 Consultations**

- 4.1 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 broadly satisfied with the submitted arboricultural impact assessment and technical tree protection method statement as the replacement planning 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, but further technical information should be provided by condition. A condition should also 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 Planning Document 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 proposals have no comments to make in respect of the proposed development.
- 4.7 NHS Primary Care Trust – note that the erection of 141 dwellings would require a contribution of £78,030 towards the expansion of primary care provision to include Stenhouse Medical Practice, Highcroft Surgery and Daybrook 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 £799,180, which is broken down as a secondary education contribution of £603,842 (based on 23 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), and a special education contribution of £90,322 (1x place x £90,322 per place) to be expended within the Arnold secondary planning area.
- 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 Transport and Travel Services, it is requested that a contribution of £35,000 is made to provide new future residents with a 3 month bus pass for use on existing services. It is also proposed that a contribution of £57,400 be provided to create two new bus stops on each side of Mansfield Road (north and south) as the current distance to existing bus stops is deemed too far from the site. In respect of libraries, they state that they have a requirement to provide “a comprehensive and efficient library service for all” and as a result of the development a contribution of £5,074 is required towards maintaining optimum stock levels.

- 4.10 Highway Authority – The initial response from the highway authority requested changes to the layout in terms of the location and design of car parking spaces, tracking for refuse vehicles would be required and some site levels would need to be clarified. Following the submission of revised plans, and re-consultation with the highway authority, they confirm that they do not object to the proposals and that overall the scope of development is such that it will not significantly affect the capacity of nearby junctions, the proposed level of parking is considered sufficient and that minor changes to the proposed layout including are acceptable, 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 comprising of a minimum of 1728sqm of amenity open space and 1152sqm of open space used for a play area or informal sports facilities. They also confirm that a contribution would only be needed if this requirement was not met and / or if this authority were required for the future upkeep of these area (none are applicable in this instance).
- 4.12 Strategic Housing Manager – notes that 30% affordable housing would normally be required which would equate to 42 dwellings in total but acknowledges that the proposals have been considered through a viability assessment and that only 21 of the properties are now identified as being affordable of which 15 would be First Homes and the remaining 6 dwellings as affordable rent, which would comprise of 2 and 3 bedroomed properties. They agree with this housing mix.
- 4.13 Nottinghamshire Wildlife Trust – No response received. Any comments received will be reported verbally at the meeting.
- 4.14 Severn 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 24 letters of representation has been received, with 22 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 roads;
  - It would make it difficult to get out of the estate onto Mansfield Road;
  - The adjacent housing site floods in places due to existing ground conditions;
  - It would have an adverse impact on NHS services due to an increase in residents;
  - There would be a loss of habitat that would affect wildlife;
  - It would encroach onto the Green Belt;
  - It would adversely affect Bestwood Country Park;
  - It would cause congestion within the existing estate as a result of additional vehicles;
  - It would adversely affect air quality;
  - Countryside views would be lost;

- The proposed development would create additional demand for school places where schools are already full;
- The development would have an adverse impact on the amenity of existing residents during construction;
- It would create too many houses within the area;
- It is a greenfield site that should not be developed;
- It would have an adverse impact on local wildlife,
- It would harmfully affect views from existing properties;
- There would be significant noise disturbance during construction;
- The road infrastructure in the area is already at capacity;
- There is no need for any new dwellings; and
- Site too small to accommodate the number of proposed dwellings.

## **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
- LPD30 – 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
- LPD64 – Housing allocations – X3 – Land West of A60 B

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).

## **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 under policy LPD 64 – (X3) Land West of A50 B, which indicates the application site is allocated for the development of approximately 150 units, of which there should be 45 affordable units delivered. The site is not part of the Green Belt as it was removed upon the adoption of the LPD in July 2018.
- 6.2 Whilst the site is allocated for 150 units, and 141 is proposed, it should be noted that the Policy LPD64 states that the numbers set out within the Policy are approximate and that “Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable”. Therefore, the principle of development is supported and the proposal deemed to comply with LPD64 (X3 – Land West of A60 B) and guidance within the NPPF.
- 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 1 - 4 bedroomed dwellings. 141 dwellings are proposed to be erected across the site, which would result in a density of development around 30 dwelling per

hectare. Policy LPD33 requires a density of 30 dwellings per hectare unless there is convincing evidence of a need for a different figure. In this instance, if a density of 30 dwellings per hectare was applied to this site, allocation would be for some 205 dwellings and not 150. The main constraint to developing the site in its entirety is topography where there are large changes in land levels across the site, which essentially constrain the site from new housing development because of the costs associated with re-profiling the land. The result is that only 141 dwellings are proposed taking account land levels and the cost of re-profiling some of the site, together with retaining walls, etc. The impact on the layout is positive as there would be over 2ha of open space provided within the site as a result (the requirement being some 0.2ha). In these circumstances it is considered that there is convincing evidence that the density should be reduced.

- 6.6 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.
- 6.7 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 2.69ha 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.
- 6.8 In respect of residential amenity for future residents, 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.
- 6.9 In terms of amenity for existing occupiers, the main impact would be through the continuation of the existing access road from Mansfield Road into the application site via Phase 1 (Eagles Edge) as traffic would increase as a result of the proposals and there would also be some inevitable disruption during the construction phase of the development. However, it has always been the intention that Phase 2 would be accessed via Phase 1 and the layout that was previously approved took account of this requirement in terms of the approved layout and there is also a national and local requirement (as set out in Section 5 of the NPPF) for the delivery of allocated housing sites. It is considered that the proposed dwellings would be set back sufficiently from the existing dwellings forming Phase 1 (Eagles Edge) not to have a harmful impact in terms of overlooking, loss of daylight / sunlight or having an overbearing impact. 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 limited harm to residential amenity during the construction phase, the impact would be minimal and given that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36, LPD37 and LPD64.

#### Highway matters

- 6.11 The application site (Phase 2) would be accessed via the Phase 1 completed development to the east of the site, with the A60 Mansfield Road/Phase 1 junction access being upgraded to traffic signal control.
- 6.12 As part of the Transport Assessment for the Phase 1 development, the applicant infrastructure designed and modelled a signal-controlled T-junction which would be sufficient to accommodate the traffic associated with both Phase 1 and Phase 2 of the proposed development. The principle of the design was agreed by NCC. The design of the Phase 1 site access has been modified in order to accommodate the Lodge Farm Lane development site access, consisting of 148 dwellings on the opposite side of the A60 Mansfield Road. The combined site access junctions form a signal-controlled staggered crossroads. The revised junction design has already been agreed in principle by NCC.
- 6.13 A Transport Assessment 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 In terms of vehicle movements it states that the development would generate “up to 98 two-way vehicle movements in a peak hour. These movements will divide at the site access junction, with 74% departing to/arriving from the south in the direction of Nottingham.” It also states that “In addition to the site access junction both as a standalone T-junction and as a staggered crossroads to accommodate the Lodge Farm Lane development access, the impact of the additional development traffic was assessed at the A60/A614 Ollerton Road roundabout, A60 Mansfield Road/Redhill Road signal-controlled T-Junction and the A60 Mansfield Road/B6004 Oxclose Lane/Cross Street signal-controlled junction.” It was concluded that the proposed development would not result in an impact on the study area junctions and, therefore, no mitigation is proposed.
- 6.15 In terms of non-car journeys, it is estimated that the proposed development would generate 13 pedestrian journeys, 3 cycle journeys, and 28 bus journeys during a peak hour. It was suggested that these additional trips could be accommodated by the existing infrastructure and the proposed measures, but the applicant now accepts that further infrastructure would be required in the form of 2 new bus shelters on each side of Mansfield Road (A90) and subsidised bus travel for new residents. A separate Travel Plan has been

prepared to encourage sustainable modes of transport and that they are available to future residents from the first occupation of the site. It concludes that through the initiatives promoted within the plan, in addition to the number of sustainable travel options that are available within the immediate vicinity; the desired level of modal shift amongst users of the site can be achieved.

- 6.16 Further detail information has been submitted to demonstrate that all internal roads have the necessary visibility requirements being satisfied, and the ability for a refuse vehicle to comfortably enter, manoeuvre within and exit the site. 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.
- 6.17 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transportation Assessment and additional information 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.
- 6.18 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. The requirement in the SPD is that a total of 321 car parking spaces for future residents and visitor spaces would be required and 356 off-street spaces would be provided. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57.

### 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 The applicant an ecological appraisal has submitted in support of the application which incorporates a desk study, Extended Phase 1 Habitat survey and more detailed Phase 2 survey in relation to bats and badgers. 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 appraisal confirms that no part of the Site is covered by any statutory designation of international or national significance, and there are none immediately adjacent to the Site. There are no statutory sites of international importance within 10km of the Site and no sites of national importance within 2km of the Site. There are two Local Nature Reserves (LNRs) within 2km of the Site, these are The Hobbucks LNR and Sandy Banks LNR. There is one Local

Wildlife Site (LWS) within 1km of the Site, Bestwood Country Park LWS. It is stated that the majority of the site is characterised by “arable land and improved grassland of limited (Site-level) intrinsic ecological value”. The only other habitat present within the site are the hedgerows which border the southern and eastern boundary, with these being of Local level value.

- 6.22 In terms of protected species, the surveys have identified that the hedgerows are used by commuting and foraging bats and that two mature trees present within these hedgerows have low potential to support roosting bats. The bat assemblage is overall considered to be of no more than of Local-level value. Lieslers, a fairly rare bat, was recorded but only in very limited numbers. Badgers are not currently active within the site, however previous surveys recorded field signs of them and there is a disused sett on the eastern boundary of the site. Local records were provided for a range of common and widespread bird species which are considered to be using the site for foraging and breeding within the site. Local records of the notable species brown hare and hedgehog were provided and the site is considered suitable to support both species although given the size of the site any population is likely to be of less than local value.
- 6.23 In terms of mitigation the applicant has 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. A summary of these measures are as follows:
- Enhancement of existing hedgerows via gap planting with suitable native species;
  - Planting of a native species rich hedgerow along the western boundary;
  - New native tree and shrub planting throughout the green open spaces within the site;
  - Creation of wildflower grassland within areas of proposed Public Open Space, to increase the site’s ecological value; and
  - The creation of SuDS features that are designed to accommodate wildlife surrounded by species-rich wet wildflower grassland that would be incorporated into the detailed Soft Landscaping Scheme for the site along with specifications for new planting and other habitat creation.
  - In addition, it is recommended that measures to restore and enhance existing habitats, through the installation of bird and bat boxes to ensure successful establishment of new habitats, and to maintain the value of all ecological features in the long-term are detailed within an Ecological Management Plan (EMP) secured by planning condition.
- 6.24 The ecological appraisal concludes that the proposals would avoid ‘significant harm’ to biodiversity and that the mitigation and enhancements proposed will deliver net gains for biodiversity on the site (as a whole). Natural England also do not object to this application and the local Wildlife Trust have not commented on the application.
- 6.25 It should be acknowledged that Policy 18 – Protecting and Enhancing states that a loss of habitat should be weighed against the benefits of the proposals. With the application having been with Gedling Borough Council since February 2021, there is no requirement to provide biodiversity net gain as part of this application,

and in this instance the development of 141 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 Appraisal would be sufficient to meet the requirements set out in LDP - Policy 18.

### Impact on Trees and Hedgerows

- 6.26 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.
- 6.27 The survey has identified 13 individual trees, seven groups of trees and eight hedgerows, totalling 28 items. Of these 28 items, two have been categorised as A, of high quality and value, 12 have been categorised as B, of moderate quality, and 11 have been categorised as C, of low quality. In addition, three category U trees were recorded and due to their impaired condition, these items should be removed irrespective of development proposals. Within this assessment there are Tree Preservation Orders (TPO) along the east and north boundaries of the site.
- 6.28 It is proposed that 3 of the dead trees (T6, T17 and H25) be removed from the site. It is also proposed that trees be removed to enable access to the site. Tree reference G20 which comprises of a field maple, silver birch and common hazel trees is proposed to partially be removed. However, upon further inspection by the tree officer recommends removal of all of these trees as the retention of the open rock outcrop that G20 resides upon the bank would require stabilisation that rendered the retention of the trees untenable. The trees were deemed unstable being supported in the main on collapsing rock.
- 6.29 The proposed tree removals would 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 through a detailed landscaping plan. The retained trees would be protected during construction. The Gedling Borough Council Arborist confirms that he is satisfied with the submitted tree protection method statement, and on the basis that replacement tree planting is secured he has no objection to the proposals. 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

- 6.30 In respect of flooding and 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 south 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 Lead Flood Authority have no objections to the overall drainage strategy as a concept but request a condition requiring a detailed technical surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy. As such, it is considered that, the drainage strategy as outlined is considered to be acceptable and complies with policies LPD3 and LPD4.

### Climate Change

- 6.31 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 also 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

- 6.32 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 submitted Heritage Statement concludes that “...there is considered to be low potential for previously unrecorded archaeological activity to be present within the site relating to prehistoric and Roman occupation of the area. There is some potential for boundary features, such as ditches and banks, to survive below ground relating to the medieval parkland boundary and the parish boundary. However, there is no reason to believe or expect that the site will contain archaeological deposits of such significance that it would require preservation in situ or preclude development. If any below-ground deposits are present, they are likely to be poorly preserved due to modern agricultural activity, thereby reducing their significance. Therefore, this assessment should provide sufficient information to determine a planning application when it is submitted. No further archaeological works should be required prior to determination of that application.” The consultation response from Nottingham County Council does not recommend any further archaeological works or conditions. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

### Planning Obligations

- 6.33 The application site is larger than 10 residential units and therefore liable for planning obligations. Following consultation with consultees, planning policies would require the following obligations to be met:
- A requirement for 30% affordable housing meaning that 42 units would normally need to be provided in the form of 11 First Homes and 31 Affordable Rent;

- A contribution of £78,030 towards the expansion of primary care provision to include Stenhouse Medical Practice, Highcroft Surgery and Daybrook Medical Practice.
- A contribution of £35,000 is made to provide new future residents with a 3 month bus pass for use on existing services. It is also proposed that a contribution of £57,400 be provided to create two new bus stops on each side of Mansfield Road (north and south)
- A Local Education Authority contribution of £799,180, which is broken down as a secondary education contribution of £603,842 (based on 23 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), and a special education contribution of £90,322 (1x place x £90,322 per place) to be expended within the Arnold secondary planning area; and
- A contribution of £5,074 towards maintaining optimum stock levels at local libraries, as a result of the development

6.34 However, the NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. Paragraph 58 of the NPPF states that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”*

6.35 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. 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.

6.36 First homes is a 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) and 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.

6.37 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 6<sup>th</sup> October 2022 and the Interim Planning Policy Statement was adopted. 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.

The development as proposed would require 11 First Homes and 31 Affordable Rent to comply with the national guidance and the Interim Position Statement adopted by the Council in October 2022.

6.38 In this instance a financial viability assessment was submitted with the application. It concludes that the development is able to support all planning obligations with the exception of affordable housing, largely due to the scheme not reaching the Benchmark Land Value (BLV). It states that there is no financial headroom available to provide 11 First Homes and 31 Affordable Rented dwellings on the site and if it were to provided the scheme would be unviable. The primary reason being is the abnormal costs associated with developing the site is unusually high, this is mainly due to the topography of the site and the requirement to re-profile the site and erect retaining walls. The total abnormal cost (which is defined as additional or unusual costs that a developer might face when developing a site) is £4,536,993, which has been assessed as correct by an externally appointed independent Quantity Surveyor.

6.39 To consider whether this is reasonable having regard to the provisions of the paragraph 58 of the NPPF, an externally appointed independent viability expert has also reviewed the viability assessment that takes account of the abnormal costs. They explain that with a fixed developer profit of 20% on revenue the scheme return would return a negative residual land value and is therefore deemed to be unviable. It would only be viable if the level of affordable housing provided was reduced 21 units (instead of 42 units) that the development would be viable. Therefore, in summary, they conclude that they agree with the applicant that the scheme is unable to support a full allocation of affordable housing and instead 21 units would be provided as well as all of the other identified contributions. This would comprise of 15 First Homes and 6 affordable

rented units. It should be noted that the applicant has amended the design of the affordable housing to include a single storey dwelling to meet local demand.

- 6.40 The key matter for consideration in this regard is whether the development can be supported on this basis and whether such development could be considered to be sustainable development, the delivery of which is a key objective of national and local planning policies.
- 6.41 Having regard to the above it is accepted that providing a higher proportion of affordable housing would make the scheme effectively unviable. Local Planning Document Policy 36 states that a lower affordable housing requirement may be justified provided there is sufficient evidence which takes account of all potential contributions from grant funding sources and a viability assessment has been undertaken by the Council which demonstrates this. Gedling Borough Council Affordable Housing SPD sets out the requirements for negotiations on the content of s106 agreements in respect of affordable housing with input from Housing Strategy and Development Management. In this instance, it is accepted that provided the full requirement of affordable housing would make the development unviable and it would be unreasonable to insist on its inclusion, given the reference to this matter in local planning policy LPD 36. Even though there are significant costs to developing the site, 15 First Homes and 6 affordable housing units would still be delivered, as well as all of the other planning obligations detailed above.
- 6.42 The applicant has provided a statement 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. As such, the development is therefore deemed to comply with guidance as outlined in paragraph 55-58 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).

#### Other considerations

- 6.44 With the development meeting the threshold identified in policy LPD48, a Local Labour Agreement would also be sought in the Planning Obligation
- 6.45 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.

- 6.46 The impacted services (as a result of the development) would be mitigated by the contributions requested like education, NHS and bus stop improvements. 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 the existing housing development (Phase 1) or dwelling located to the south of the site. 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.
- 6.47 The Borough Council's Scientific Officer has been consulted to consider the potential for contamination on the site. Having considered the *Phase 1 and Phase 2 Geo-environmental Site Assessment submitted with the application*, he considers that a condition should be in place to require the applicant to provide further technical details prior to the commencement of development as well as a condition so that the applicant/developer has a contingency plan in place should development reveal any contaminated made ground. In addition, the applicant has requested of air quality, also requested a condition requiring an air quality assessment to be provided and a construction management plan to minimise dust, noise and disturbance during the construction period. These matters can be secured by condition.

## 7.0 **Conclusion**

- 7.1 Having regard to the above it is noted that the principle of the development is supported by 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. As a result the application is deemed to comply with guidance contained in the NPPF (2023); policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57, LPD61 and LPD64 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, education improvements; healthcare enhancements; bus stop installations; library improvements 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	Plan Ref:	3424-01 A2	received 02 Feb 2021
Planning Layout	Plan Ref:	REDH-SK-001-I-A1	26 September 2023
Materials Layout	Plan Ref:	02352 - 005-A-A1	received 02 Feb 2024
Open Space Plan	Plan Ref:	Redh-SK-002-A1	received 13 September 2023
Proposed House Type M2 604	24/Three	Plan Ref: P243-22017-001 -A2	received 19 April 2023
Proposed House Type B2	24/Three	Plan Ref: P243-22017-002-A2	received 19 April 2023
Proposed House Type 834 HQ1 2.1	24/Three	Plan Ref: P243-22017-003 -A2	received 19 April 2023
Proposed House Type 904 HQ1 3.1	24/Three	Plan Ref: P243-22017-004 -A2	received 19 April 2023
Proposed House Type BH_725	24/Three	Plan Ref: P243-22017-005 -A2	received 19 April 2023
Proposed House Type BH_866	24/Three	Plan Ref: P243-22017-006 -A2	received 19 April 2023
Proposed House Type BH_891	24/Three	Plan Ref: P243-22017-007 -A2	received 19 April 2023
Proposed House Type BH_937	24/Three	Plan Ref: P243-22017-008 -A2	received 19 April 2023
Proposed House Type BH_986	24/Three	Plan Ref: P243-22017-009 -A2	received 19 April 2023
Proposed House Type BH_1030	24/Three	Plan Ref: P243-22017-010 -A2	received 19 April 2023
Proposed House Type BH_1142	24/Three	Plan Ref: P243-22017-011 -A2	received 19 April 2023
Proposed House Type BH_1196	24/Three	Plan Ref: P243-22017-012 -A2	received 19 April 2023
Proposed House Type BH_1220	24/Three	Plan Ref: P243-22017-013 -A2	received 19 April 2023
Proposed House Type BH_1290	24/Three	Plan Ref: P243-22017-014 -A2	received 19 April 2023
Proposed House Type BH_1324	24/Three	Plan Ref: P243-22017-015 -A2	received 19 April 2023
Proposed House Type BH_1420	24/Three	Plan Ref: P243-22017-016 A-A2	received 19 April 2023
Proposed House Type BH_1428	24/Three	Plan Ref: P243-22017-017 -A2	received 19 April 2023
Proposed House Type BH_1578	24/Three	Plan Ref: P243-22017-018 -A2	received 19 April 2023
Proposed House Type BH_1696	24/Three	Plan Ref: P243-22017-019 -A2	received 19 April 2023

Proposed Sectional Street Scenes 24/Three Plan Ref: P243-22017-S01 C-A0 received 19 April 2023

Landscape and Visual Baseline Ref: edp4818\_r004b- B- A4 received 02 Feb 2021

Phase 1 and 2 Geo-environmental Site Assessment Ref: RSK 302161 R01 A4 received 02 Feb 2021

Travel Plan Ref: ADC-1759-RP-C-v3 3- A4 received 02 Feb 2021

Transport Assessment Ref: ADC-1759-RP-A-v4 4 A4 received 02 Feb 2021

Planning Statement Chave Planning Ref: 1046.R01.2 2 A4 received 02 Feb 2021

Arboricultural Technical Note Ref: edp4818\_r001a A A4 received 02 Feb 2021

Flood Risk Assessment Ref: ADC-1759-RP-B-v2 received 02 Feb 2021

Design & Access Statement received 02 Feb 2021

Swept Path Analysis Refuse Vehicle Ref: DR-400 B-A1 received 26 September 2023

s278 Arrangement Works - Phase 2 General Arrangement Ref: ADC2896-DR-101-P6-A1 received 26 September 2023

Proposed Highway Lighting & Electrical Works Via Ref: H08630/4005-A2 received 26 September 2023

Traffic signalised junction arrangement overall scheme layout Ref: TP2150932/TS101 - A2 received 26 September 2023

Ecological Appraisal prepared by Environmental Dimensions Partnership LTd, Reference edp4818\_r006a received 02 Feb 2021

3. Occupation of any proposed dwellings shall not take place until such time as the site access arrangement via Adams Drive (Phase 1) as shown on drawing number Planning Layout Plan Ref: REDH-SK-001-I-A1 received on 26 September 2023 has been provided in full.
4. No dwelling hereby approved shall take place until such time as the signal-controlled T-junction and associated works as detailed on s278 Arrangement Works - Phase 2 General Arrangement Ref: ADC2896-DR-101-P6-A1 received 26 September 2023, Proposed Highway Lighting & Electrical Works Ref: H08630/4005-A2 received 26 September 2023, and Traffic signalised junction arrangement overall scheme layout Ref: TP2150932/TS101 - A2 received 26 September 2023 drawings are fully complete and the signal control junction is operational
5. 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.

6. 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.
  
7. 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 (Plan Ref: ADC-1759-RP-B-v2) received on 02 Feb 2021 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.

8. 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.
9. 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 Appraisal prepared by Environmental Dimensions Partnership LTd, Reference edp4818\_r006a received 02 Feb 2021 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.
10. Notwithstanding the details contained within the landscape proposals contained on plan reference: Soft Landscape Proposals (ref: GL2077 01) - submitted 15th March 2023, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme 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.
11. 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.

12. 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.
13. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Technical Note Ref: edp4818\_r001a Rev A received on 02 Feb 2021 have been implemented in accordance with those approved details, with the exception of Tree reference G20 which can be removed due to its unsafe condition. 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.
14. Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a. An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments.
  - b. Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
  - c. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
16. Development shall not commence until an assessment of the air quality impacts (including exposure) of the proposal has been submitted to, and approved in writing by, the Local Planning Authority. The level of assessment/mitigation should be commensurate with the scale of development and should characterise the significance of the impact from all sources. Any air quality assessment should be carried out in accordance with relevant guidance by suitably qualified persons. Measures required, mitigating the air quality impacts of the development should be submitted to, and approved in writing by, the Local Planning Authority in the form of an Air Quality Mitigation Statement. Any mitigation measures shall be implemented before the completion of the development and shall thereafter be retained for the life of the development.
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.
18. Prior to the commencement of development hereby approved details of a Local Labour Agreement in relation to the construction phase of the development, and job creation once operational, shall be submitted to and approved in writing by the Local Planning Authority. The local labour agreement shall be implemented in accordance with the approved details thereafter.
19. No dwelling hereby approved shall be occupied until such time as the associated visitor car parking space has been formed, surfaced in a bound material (not loose gravel), and delineated and as a visitor parking space. It shall thereafter be retained for the lifetime of the development.

## **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. In the interest of highway safety.
4. In the interest of highway safety.
5. In the interest of highway safety.
6. In the interests of protecting neighbouring amenity and 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 Council's Local Plan.
7. 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.
8. 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.
9. 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).
10. 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.
11. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
12. 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 Council's Local Plan.

13. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development 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).
14. To ensure the development is safe and suitable for use.
15. To ensure the development is safe and suitable for use.
16. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration paragraph 192 of the National Planning Policy Framework (2023) and Policy LPD11.
17. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
18. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area and to accord with Policy LPD 48.
19. In the interest of highway safety and to define the permission having regard to Local Planning Document Policies LPD 57 and 61, and the Parking Provision for residential developments Supplementary Planning Document.

### **Notes to Applicant**

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 141 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

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](mailto: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).

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

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

The applicant should 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.

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@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk)