



## Planning Report for 2023/0830



## Report to Planning Committee

<b>Application Number:</b>	<b>2023/0830</b>
<b>Location:</b>	<b>Land East of Killisick Lane, Arnold</b>
<b>Proposal:</b>	<b>Erection of 45 dwellings, including associated infrastructure, landscaping and open space.</b>
<b>Applicant:</b>	<b>Strata Homes and Trustees of Norman Foster's Estate</b>
<b>Agent:</b>	<b>DLP Planning Ltd.</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 relates to land allocated for housing in the Gedling Borough Local Planning Document – Part 2 Local Plan, located on the northern edge of Arnold. The site forms part of 'Site H8: Killisick Lane' that is expected to deliver approximately 230 homes, including at least 43 affordable homes. A development brief has been adopted as a Supplementary Planning Document (SPD) for the three sites northeast of Arnold which includes site H8 that includes a wider masterplan detailing how the site should be developed.
- 1.2 The site is roughly rectangular in shape and is comprised of agricultural fields measuring some 2.6 hectares. The site is bounded by vegetation, of varying densities, on all sides. In terms of topography the site slopes quite steeply from its highest point on the west part of the site to the lowest on the east part.
- 1.3 To the north/ northwest of the site are additional parcels of land which also forms the housing allocation H8, beyond which is Dorket Head Quarry. To the east is adjoining agricultural fields with the housing allocation H7 (Howbeck Road/ Mapperley Plains) and protected open space for Henry Mellish Rugby Club beyond that forms part of the Nottinghamshire Green Belt.
- 1.4 Immediately to the south of the site is an established residential development forming Brechin Close, Strathmore Road and Shandwick Close. To the west of the site is Killisick Lane (a public bridleway) and beyond are additional parcels of land forming housing allocation H8 including the Hobbucks Local Nature Reserve.

- 1.5 The site is not within a fluvial flood risk area. However, land along the eastern boundary is an unnamed watercourse that is identified as being at risk from surface water flooding in the event of a 1 in thirty-year scenario.
- 1.6 There are no heritage assets on or directly adjacent to the application site.

## **2.0 Relevant Planning History**

- 2.1 There are no previous planning applications relevant to the determination for the application site.
- 2.2 A development brief has been adopted as a Supplementary Planning Document (SPD) for the three sites northeast of Arnold which includes site H8 that includes a wider masterplan detailing how the site should be developed.

## **3.0 Proposed Development**

- 3.1 The proposal relates to the development of 45no. dwellings, plus open space and associated infrastructure.
- 3.2 The development would essentially form a loop road accessed from the top of Strathmore Road. Dwellings would front onto the public road and be set-back from the street and, in combination with the front gardens and open spaces, provide a relatively open and green aspect.
- 3.3 The proposed dwellings comprise a variety of different house types, with a mixture of 3 and 5 bedrooms (including 14no. 3 beds and 31no. 5 beds). This includes provision of 9no. affordable units, in accordance with the adopted Supplementary Planning Document - Development Brief for Three Sites to the North East of Arnold SPD (2019).
- 3.4 The majority of the proposed units would be detached, some of which feature separate garages. There are also a smaller number of semi-detached/ terraced units, which are dispersed throughout the scheme to add interest and variety to the streetscene. The scale of development would be predominantly 2.5-storeys i.e. room-in-roof (24no. units), with the remainder of the units (21no. units) comprising 2-storey dwellings.
- 3.5 Off-street parking is proposed throughout the development and the layout of the development provides active frontages and natural surveillance. Three-bedroom dwellings would be provided with at least 2no. allocated spaces per dwelling, whilst four or more bedroom dwellings are to be provided with at least 3no. spaces per dwelling. Each dwelling would also be provided with an EV charging point and cycle storage.
- 3.6 The proposed development also includes the creation of new pedestrian/ cycle links to integrate the development with the wider public realm/ strategic allocation parcels and encourage accessibility and use of open space.
- 3.7 Existing boundary trees and scrub would largely be retained, including a significant area of woodland on the eastern part of the site. Specimen trees,

native hedgerow and wildflower meadow planting are proposed as part of the scheme. A swathe of open/ green space is proposed alongside the entrance to the site and would be bounded by existing and proposed planting. Ornamental shrub/ hedge planting would provide the front boundary treatment to the majority of plots and a number of 'street trees' are proposed within the highway verge.

- 3.8 The access to the site would be taken via Strathmore Road, by providing an extension to where the existing carriageway currently terminates, at the southern boundary of the site. This would result in the carriageway width on Howbeck Road being narrowed to approximately 6.2m, in order to ensure that the visibility to westbound vehicles can be achieved.
- 3.9 A pedestrian link would also be provided to Killisick Lane.

#### **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.
- 4.2 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.
- 4.3 Environment Agency – Has no objection to the proposal but notes that the development is within 250m of a landfill site that could result in contamination.
- 4.4 Gedling Borough Council Scientific Officer – Advises having reviewed the Eastwood Consulting Engineers, Phase 2 Geotechnical & Geo-environmental Site Investigation, ref. 48015-ECE-XX-XX-RP-C-0002, dated May 2023 (that considers contamination from all sources), confirms that no further assessment for land contamination is required and therefore no planning conditions are deemed necessary. In relation to air quality, they confirm that the site is not in an area of current air quality concern. In relation to electrical changing, they note that a EVCP and Parking Plan has been submitted and that it would be incorporated within the development. Advises that small developments require submission of a short Construction Emission Management Plan (CEMP) to control emissions from demolition and construction activities and that this can be controlled by condition.
- 4.5 NHS Primary Care Trust – note that the erection of 45 dwellings would require a contribution of £24,384 towards the expansion of primary care provision to include Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Practice.
- 4.6 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 £237,550, which is broken down as a secondary education contribution of £210,032 (based on 7 pupils x £27,518 per place) and a post 16 education contribution of £27,518 (based on 1 pupil x £27,518 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).

- 4.7 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the proposed site is in close proximity to an existing minerals extraction site named Dorket Head (Policy MP6b of the Nottinghamshire Minerals Local Plan). This active site is used for the extraction of Brick Clay and is associated with the adjacent brick factory in the manufacture of fired clay products. Depending on the timescales of the environmental permit being granted and fill commencing and the development of the housing on the site, there may be a slight overlap in the occupation of the houses and fill operations being undertaken. Considering the noise assessment submitted by the applicant and previous noise assessments conducted by the operator as well as conditions in place, environmental impacts (e.g. noise from vehicles on site) should be minimal but may still be detectable. The County Council would encourage the applicant to continue to discuss their development with Ibstock, the quarry operator, to understand timescales between the two developments. In terms of waste, the site is also to the south of areas of Dorket Head Landfill, comprising areas of the quarry being restored by landfill. The geotechnical investigation and geo-environmental site investigation details that there is no potential for ground gas migration from the non-hazardous landfill site due to the geology between the landfill site and the proposed development. Inert materials will be used to fill the current worked areas of Dorket Head and therefore there are no further issues to raise. In relation to archaeology, it was recommended that a pre-commencement condition be required so that a programme of archaeological work can be prepared and submitted for consideration. However, following the submission of a geophysical survey the county archaeologist has advised that the outcome of the survey has demonstrated that there are no areas of potential interest on the site and that no condition is required. In respect of sustainable travel a contribution of £45,000 is sought to provide sustainable travel improvements and to enhance local bus services.
- 4.8 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 as they would still be within capacity, 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.
- 4.9 Parks and Street Care – Advise that the site falls within the Councils adopted policy - New Housing Development, supplementary Planning Guidance for open space provision which is partly referenced in the supporting information. Comments that the SPG open space for new housing development requires 10% of the total development area of 2.6 hectares to be open space, of the total 10%, 60% for amenity open space and 40% for play area. If the play provision can't be provided on site an off-site contribution based on the planning gain calculator would be sought. The SPG stipulates requesting the highest calculation, in this case, the calculation based on the Development area. On

the basis that amenity space is provided on site, the green belt recreational area to be provided to the east of the site will have a play area, and we would seek a contribution towards this, in the circumstances as it is not to be provided on site. A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance.

- 4.10 Strategic Housing Manager – notes that 20% affordable housing would be required, which would equate to 9 dwellings, including 5 First Homes and 4 affordable rental properties.
- 4.11 Nottinghamshire Wildlife Trust – No comments received.
- 4.12 Severn Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.13 The Friends of The Hobbucks Nature Reserve – raise concerns about the impact on wildlife and the increased footfall that would be placed upon the Hobbucks due to the loss of this space. They also raise concerns that local infrastructure such as doctors and schools need to be improved to so that they are capable of accepting the increased population; that there should be a Biodiversity Net Gain to benefit the Hobbucks Nature Reserve; that the bridlepath and hedgerow should be protected during building process and not used for construction; that access to the site would be via a small cul-de-sac which has already seen driveways blocked by survey vehicles; that measures should be in place to limit noise and disturbance to local residents during construction and that the risk of flooding/drainage been accounted for during the building phase including the stream bordering the site.
- 4.13 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 26 objecting to the application and 2 neither objecting nor supporting the application. The grounds of objection include:
- That the proposed access to the site via Strathmore Road is too narrow to serve the proposed development and it would be a road safety issue for local residents;
  - The adverse impact the development would have on the roads in the vicinity of the site;
  - It could lead to flooding of existing residential properties;
  - There would be a loss of green space;
  - It would create too many houses within the area and they should be elsewhere;
  - It is a well used recreational area for dog walking;
  - It would harm wildlife associated with the Hobbucks Nature Reserve;
  - It would create additional traffic movement through the existing estate;
  - There would be limited construction access;
  - That it would have an adverse impact on NHS services due to an increase in residents;
  - It would have a harmful impact on schools as there would be a much greater demand;

- There would be a loss of hedgerows and habitat;
- It would adversely affect air quality;
- There are no solar panels or other green technologies proposed;
- The development would have an adverse impact on the amenity of residents along Strathmore Road (and the adjoining roads) owing to the increase in traffic, particularly during construction;
- 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;
- There would be a lack of green space;
- There would be a loss of green belt;
- Hedgerows would be replaced by fences;
- 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
- LPD10 - Pollution
- 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
- LPD58 – Cycle Routes, Recreational Routes and Public Rights of Way
- LPD61 – Highway safety
- LPD62 – Comprehensive Development
- LPD64 – Housing Allocations

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, and Enhancing Local Identity; 14 Managing Travel Demand; 16: Green infrastructure, parks and open space, Policy 17: Biodiversity 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; 9 - 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’ (2001); ‘Low Carbon Planning Guidance for Gedling Borough (May 2021),’ Gedling Borough Council ‘Interim Planning Policy Statement: First Homes’ (2022), and the Development Brief for the three sites north east of Arnold (SPD) 2019.

## **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.
- 6.2 The application site is allocated for residential development in the development plan as it forms part of the housing allocation (H8 Killisick Lane) under Policy LPD 64 for 230 homes. The supporting text for this allocated site - H7 (as detailed in paragraphs 3.14 and 3.15 of the LPD) refers to access being from Killisick Lane, however, it also states that additional access may be taken from Strathmore Road. The principle of development on this site is therefore established.
- 6.3 A Development brief has been adopted as a SPD for the three sites northeast of Arnold which includes site H8. The development broadly comprise with the wider master plan which accompanies that the SPD.
- 6.4 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 Minerals and Waste

- 6.5 The supporting text of Policy LPD 64 also refers to maintaining an appropriate standoff between the housing development on H8 and the adjacent quarry workings (to the north). It is stated that prior extraction of brick clay from the site should be considered through the planning application process. Consideration should be given to whether extraction is viable and feasible. Consultation with Nottinghamshire County Council as the Minerals and Waste Planning Authority will be required.
- 6.6 Nottinghamshire County Council have responded to state that the proposed site is in close proximity to an existing minerals extraction site named Dorket Head (Policy MP6b of the Nottinghamshire Minerals Local Plan) and that it is actively used for the extraction of Brick Clay and is associated with the adjacent brick factory in the manufacture of fired clay products. They advise that depending on the timescales of the environmental permit being granted and fill commencing and the development of the housing on the site, there may be a slight overlap in the occupation of the houses and fill operations being undertaken. However, Considering the noise assessment submitted by the applicant and previous noise assessments conducted by the operator as well as conditions in place, environmental impacts (e.g. noise from vehicles on site) should be minimal but may still be detectable. It should also be noted that the application site would be located in the southern part of the south of the housing allocation (H8), which would maintain a significant standoff to the operational quarry
- 6.7 In terms of waste, the site is also to the south of areas of Dorket Head Landfill, comprising areas of the quarry being restored by landfill. The geotechnical investigation and geo-environmental site investigation details that there is no potential for ground gas migration from the non-hazardous landfill site due to the geology between the landfill site and the proposed development. Inert materials will be used to fill the current worked areas of Dorket Head and therefore there are no further issues to raise.

## Impact on the character of the area and residential amenity

- 6.8 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.

The characteristics, opportunities and constraints of the site, along with the Development Brief for the wider allocation (i.e. 'Development Brief for Three Sites to the North East of Arnold SPD' (2019)), have intrinsically informed the layout of the proposed development.

- 6.9 There would be a good range of house types and sizes, including 3 and 5 bedroomed dwellings. 45 dwellings are proposed to be erected across the site, which would result in a density of development around 17.3 dwellings 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 78 dwellings, that would unbalance the development of the wider allocation. The density is also representative of the existing neighbouring development along Strathmore Road and Brechin Close. The main constraint to developing the site in its entirety is topography where there are changes in land levels across the site, which essentially constrain the site from new housing development. The result is that 45 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 an area of 0.6ha 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.

- 6.10 Streetscene elevations have been submitted in support of the application and show an attractive streetscape 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. It is considered that the proposed layout reflects good urban design practice being designed with a clear street hierarchy and a variety of spaces. Dwellings are set-back from the street and, in combination with the front gardens and open spaces, provide a relatively open and green aspect.
- 6.11 In total some 0.6ha of amenity open space is proposed throughout the site. The Parks and Open Space Team advise that the SPG open space for new housing development requires 10% of the total development area of 2.6 hectares to be open space, of the total 10%, 60% for amenity open space and 40% for play area. If the play provision can't be provided on site an off-site contribution based on a planning gain calculator is sought. The SPG stipulates requesting the highest calculation, in this case, the calculation based on the Development area. However, on the basis that amenity space is provided on site, the green belt recreational area to be provided to the east of the site will have a play area, and we would seek a contribution towards this in the circumstances as it is not to be provided on site. A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance. The applicant is agreeable to providing this. As a result, the application is deemed to comply with policy LPD21.
- 6.12 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.
- 6.13 In terms of amenity for existing occupiers, the main impact would be through the continuation of the existing access road from Strathmore Road (and adjoining roads) 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. 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 was also considered as part of the Development Brief for the three sites north

east of Arnold (SPD) 2019. 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 would further limit noise and disturbance. A construction management plan would also mitigate the impact during the construction phase of the development.

- 6.14 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, LPD37 and LPD64, as well as the Development Brief for the three sites north east of Arnold (SPD) 2019.

#### Highway matters

- 6.15 The site would be accessed via a new junction which would be an extension of the existing cul-de-sac forming Strathmore Road which is located directly adjacent to the south of the site.
- 6.16 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 Strathmore Road. A pedestrian link to the adjacent development to the north of the site is also proposed which forms part of the wider housing allocation (H8). A pedestrian link would also be provided to Killisick Lane.
- 6.17 A Transport Statement has been submitted in support of the application. The purpose of the Transport Statement 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.
- 6.18 The Transport Statement confirms that the proposed access from Strathmore Road would mean that the junction with Strathmore Road and Howbeck Road would need to be amended meaning that the carriageway width on Howbeck Road being narrowed to approximately 6.2m, in order to ensure that the required visibility to westbound vehicles 2m x 43m, can be achieved. It is stated that the proposed build out would tie back in with the existing footway, as required. Detail of the proposed build out would be agreed as part of a S278 Agreement with the Highway Authority.
- 6.19 In respect of accident data, the Transport Statement notes that no accidents have been recorded within the study area across the most recent 5-year period, highlighting there are no existing road safety issues. In terms of vehicle movements as a result of the proposals, the statement estimates that it is likely to generate 23 two-way vehicle trips in the AM and PM peak hour and concludes that "the development proposals are expected to generate a

negligible amount of vehicular traffic and will not, therefore, result in a material impact on the existing road safety record and no further assessment of the impact of the proposed development on the wider highway network is required.” 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.

- 6.20 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transport Statement 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. There is a requirement for a S278 Agreement for the junction improvement and subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61.
- 6.21 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. Each 3 bedroomed dwelling would have at least 2 off-street parking spaces and each 5 bedroomed dwelling would have at least 3 spaces in accordance with the SPD. Therefore, having regard to the above, the overall level of car parking provision complies with the Supplementary Planning Document and LPD57.
- 6.22 It should be noted that a planning condition is in place (should permission be granted), as requested by the Highway Authority that the access improvements to Strathmore Road and Howbeck Road needs to be constructed prior to the occupation of any dwelling, that would mean that permission would first be required via the S278 Agreement before a dwelling is occupied.

#### Ecology and Biodiversity

- 6.23 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.
- 6.24 The applicant an ecological appraisal has submitted in support of the application which incorporates a desk study, and an Extended Phase 1 Habitat survey. 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.
- 6.25 The appraisal confirms the site is “dominated by improved grassland and is bordered by a defunct hedgerow to the north, and a semi-mature tree line to the west. A semi-natural broadleaved woodland lies to the east, and pockets of mixed dense scrub are seen throughout the site. The site is bound by Killisick Lane to the west, separating the site from the Hobbucks Nature Reserve (Local Nature Reserve, LNR), which contains a semi-natural broadleaved woodland.

Red Hill LNR is also located north-west of the site however this is fragmented from the Hobbucks via Calverton Road. The site is in a semi-rural location, with residential properties along the southern boundary. The Hobbucks Nature Reserve is located to the west, a commercial quarry is located to the north, and Mellish Rugby Football Club is located to the east of the site. The south of the site is largely dominated by residential and commercial properties within the wider area.”

- 6.26 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 Redhill LNR. There are three Local Wildlife Site (LWS) within 2km of the Site, Fox Covert Grassland, Marshy Grassland, and Lamp Wood. It is stated that “Direct impacts of habitats in nearby designated sites as a result of the proposed development are considered unlikely based on the existing low value habitats on site which are not dependent on the LNRs, and the small footprint of the development. The retention of boundary features on the site also means that the habitat connectivity to the LNRs is retained.”
- 6.27 In terms of habitats, it is stated that habitats on site have been evaluated as having local value in relation to the immediate surroundings and a regional context. The site is dominated by habitats including improved grassland, dense scrub, treeline and defunct species-poor, native hedgerow, which are considered to hold a low biodiversity value. However, the semi-natural broadleaved woodland which accounts for the eastern extent of the site holds an elevated value as it is local habitat of principle importance (LHPI). No evidence of protected species were found on the site during the survey period. The potential presence of bats and other protected species has also been assessed and it was considered to be unlikely.
- 6.28 In terms of biodiversity enhancement it should be noted that the application was submitted prior to the requirement to provide 10% Biodiversity Net Gain (BNG) on major applications. A BNG assessment has been submitted which demonstrates that there would be a marginal loss of habitat units (8.9%) and an increase in hedgerow units of some 26.47%.
- 6.29 In terms of mitigation, the proposals have sought to maximise the provision of on-site biodiversity improvements 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:
- Proposed mown general purpose meadow mixture to the east
  - Gardens for properties
  - Mixed scrub around the periphery of the site (north, west)
  - Grassland strip to the north & west of the residential properties - Seeded with EH1 hedgerow mix
  - 31 small trees positioned along access roads
  - Modified Grassland within the Public Open Space

- 4 small trees along the northern edge of the site, expected to achieve moderate condition with oversailing vegetation.
  - 4 medium sized trees proposed within open space to the east of the site extending from the retained woodland
- 6.30 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.
- 6.31 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). The Nottinghamshire Wildlife Trust have not commented on the application.
- 6.32 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. At a national level there is currently no requirement to provide biodiversity net gain as part of this application, and in this instance the development of 45 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 the Ecological Appraisal would be sufficient to meet the requirements set out in LDP - Policy 18.

### 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. The applicant has since submitted a geophysical survey that demonstrated no evidence of any potential remains and following an updated response from the County Archaeologist, no condition is now required. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

### Impact on Trees

- 6.35 The planning application is supported by a Tree Survey, Impact Assessment and a Method Statement (including Tree Protection Plan). The report details that three individual trees (T5 - Sycamore, T7 – Wild Cherry and T8 – common Hawthorn) along the south, west and north boundaries would need to be felled and in part other hedgerows, and parts of existing woodland to facilitate the future development of the site.
- 6.36 None of the trees recommended for removal were protected by a Tree Preservation Order.
- 6.37 The Tree Officer 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 also be secured by a planning condition.
- 6.38 By way of mitigation a landscaping scheme has been submitted that would
- Retain and improve the hedgerows on the east-west green corridor between The Hobbucks and the Recreation Area, and consider the retention of other existing hedgerow features as boundary treatments of amenity features to retain the historical field boundary pattern;
  - Retain and enhance existing hedging and trees at the boundary of Site H7 adjacent to Mellish Rugby Club and The Gables;
  - Retain and enhance hedgerow and buffer planting at the eastern edge of Site H7 adjacent to Mapperley Plains;
  - Provide a landscape buffer in the proposed green corridor along the western edges of Site H7, which are defined by rear gardens of properties on Roxburgh Close; and
  - Integrate existing and new hedge and tree planting as boundary treatments on streets and adjacent to open spaces to create a soft street scene and attractive setting for new development and open spaces
- 6.39 Subject to this mitigation it is considered that the impact on trees would be acceptable and is deemed to comply with policy LPD18.

### Flooding and Drainage

- 6.40 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. A small part of the east part of the site is at higher risk of flooding. The Environment Agency do not object to the proposals.

- 6.41 Foul water disposal is proposed to be Foul effluent will discharge via gravity to the 150mm public foul sewer in Strathmore Road, south of the site via a new connection.
- 6.42 Surface water is intended to be via gravity to the unnamed watercourse located along the eastern boundary linked into an underground drainage tank located on the east part of the site (under the area of open space) 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 Lead Flood Authority do not object to this approach.
- 6.43 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.

#### Planning Obligations

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

#### Affordable housing

- 6.45 In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 20% 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.
- 6.46 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.
- 6.47 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 be acceptable and



comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of First Homes.

6.48 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.

6.49 Five 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, 4 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 be acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

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

- Transport and travel – a developer contribution of £45,00 is sought to provide sustainable travel improvements and to enhance local bus services.
- Education – a contribution of £237,550, which is broken down as a secondary education contribution of £210,032 (based on 7 pupils x £27,518 per place) and a post 16 education contribution of £27,518 (based on 1 pupil x £27,518 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy).
- Primary Care Trust – a contribution of £24,384 towards the expansion of primary care provision to include Highcroft Surgery, Stenhouse Medical Centre and Daybrook Medical Practice

- Parks and Street Care –A contribution of £60,037.20 via commuted sum payment is therefore requested for play equipment and further £27,360.00 is requested for future maintenance
- 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.
- A requirement for S278 Works to have been completed to the junction of Strathmore Road and Howbeck Road.

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

6.52 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.

6.53 The planning obligations in relation to education, affordable housing, NHS Primary Care, public play provision together with road and sustainable transport 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

6.54 With the development meeting the threshold identified in policy LP48, a Local Labour Agreement would also be sought in the Planning Obligation

6.55 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.

6.56 The impacted services as a result of the development would be addressed by contributions for healthcare, education and sustainable 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 Strathmore Road or Brechin Close. 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.

6.57 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; public open space; highway improvements; 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:

Construction Management and Mitigation for Killisick Lane – July 2023  
Transport Statement P2247\_20230810 - TPS August 2023  
Noise Impact Assessment NIA-10905-23-11104 V2.0.  
Arboricultural Method Statement BG23.146.18 Rev 1  
Arboricultural Impact Assessment BG23.146.17 Rev 1  
Preliminary Ecological Appraisal BG23.146 Rev 1

Archaeological Desk Based Assessment – MAPArch 5.19.23  
Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3  
Landscape & Visual Impact Assessment BG23.146.10 Rev 1  
Location plan BY00131-STH-B01-00-DR-A-003-P02 Revision A  
Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F  
EVCP and Parking Plan BY00131-STH-B01-00-DR-A-0005.-P02 Revision A  
Single Garage – MY-SG1-01  
Landscape Management Plan BY00131-STH-B01-00-DR-A-0011  
Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02  
Welcome Centre MY-P-405 Revision –  
S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02  
Production Management Plan BY00131-STH-B01-00-DR-A-0016-P01  
Close Coupled Substation Pyramid Roof Detail General Arrangement GTC-E-SS-0012\_R2-1\_1\_of\_1  
Bologna BM-C4-1000-A1 Planning Drawing 01 Revision P1  
Valencia BM-C5-0201-A1 Planning Drawing 01 Revision P3  
Naples BM-C5-0301-A1 Planning Drawing 01 Revision P3  
Siena BM-C5-0601-A1 Planning Drawing 01 Revision P3  
T2 BM-C3-0301-A2 Planning Drawing 01 Revision R3

3. No dwelling 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 Strathmore Road / Howbeck Road as shown on drawing number S278 Layout 48015-ECE-XX-XX-DR-C-0031 Revision P02 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. Construction of the development hereby approved shall comply with the Construction Management and Mitigation for Killisick Lane – July 2023. The

development shall be carried out in accordance with the approved details for its entire construction phase.

8. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment 48015-ECE-XX-XX-RP-C-0003 Issue 3 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:

- a. 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.

- b. 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.

- c. 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.

- d. 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.

- e. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

- f. Evidence of approval for drainage infrastructure crossing third party land where applicable.

- g. 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.

- h. 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.

9. 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.
10. No part of the development hereby approved shall commence until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Preliminary Ecological Appraisal BG23.146 Rev 1 and the Biodiversity Impact Assessment for Net Gain Matrix - submitted 15th November 2023 have been submitted to and approved by the Local Planning Authority in the form of a Land and Environmental Management Plan (LEMP) to secure recommended enhancements and habitat creation, and provide detail how enhancement will be managed subsequently. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development in accordance with the LEMP.
11. The approved Landscaping Scheme pursuant to the Landscape Masterplan BG23.146-BRGR-ZZ-ZZ-DR-L-0001 Revision P02 and the Landscape Management Plan BY00131-STH-B01-00-DR-A-0011 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.
12. 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.
13. 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 accordance with the EVCP and Parking Plan (Ref: BY00131-STH-B01-00-DR-A-0005.- P02 Revision A). 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.

14. The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Method Statement BG23.146.18 Rev 1 and Arboricultural Impact Assessment BG23.146.17 Rev 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.
15. 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.
16. 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.
17. The footpath connections to Killisick Lane and other parts of the housing allocation (H8) as detailed on Planning Layout BY00131-STH-B01-00-DR-A-0001PL-P05 Revision F shall be formed and made available for use prior to the completion of the development hereby approved.

## **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 within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
8. 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.
9. 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.
10. 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).
11. 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.
12. To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
13. 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.
14. To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having 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).

15. To ensure the development is safe and suitable for use.
16. To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
17. To ensure that connectivity is provided to other parts of the housing allocation and Killisck Lane and to comply with

### **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 there are planning obligation 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, 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@nottsc.gov.uk](mailto:hdc.south@nottsc.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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact [hdc.south@nottsc.gov.uk](mailto:hdc.south@nottsc.gov.uk) for details.

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.