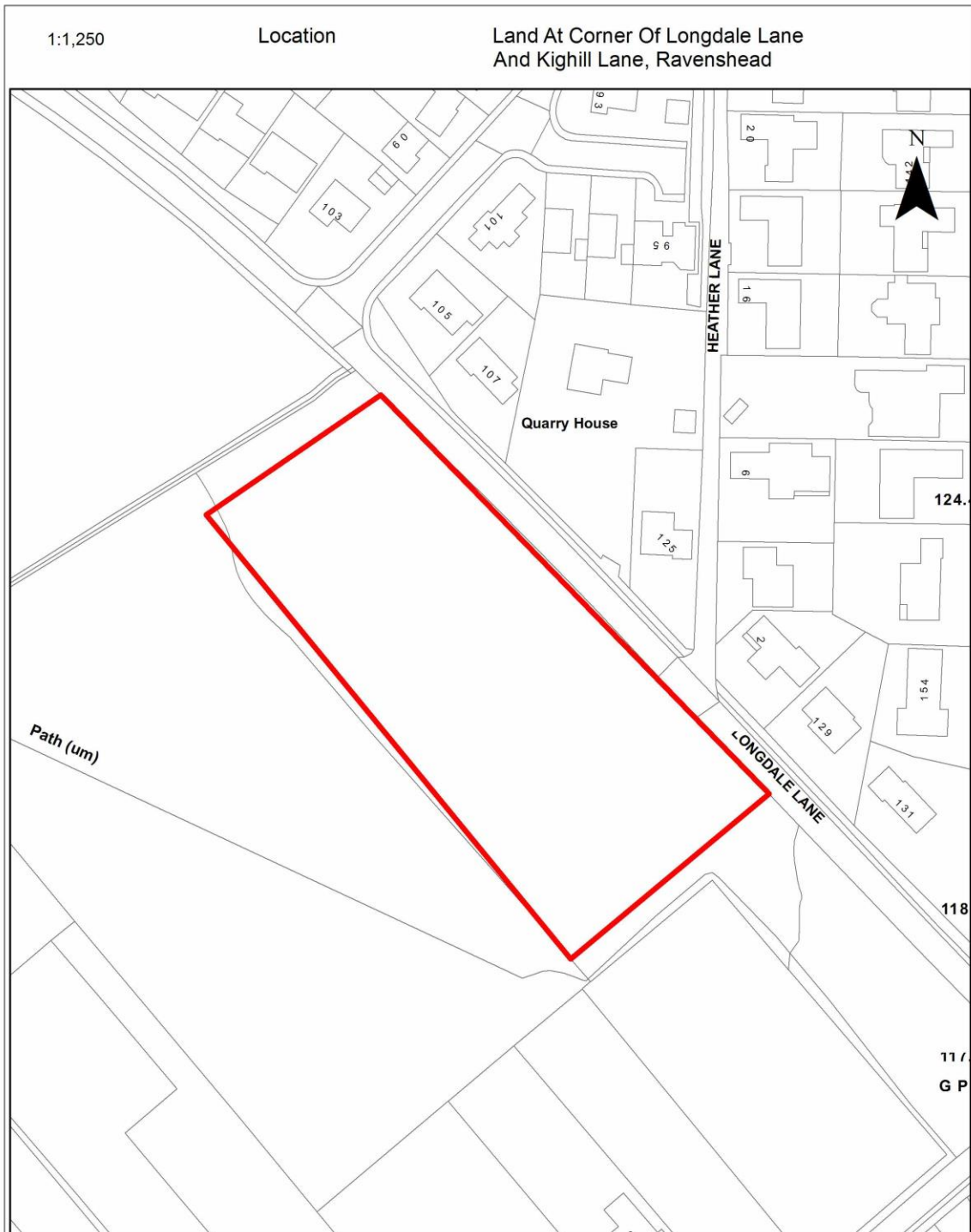




## Planning Report for 2014/0273



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

<b>Application Number:</b>	<b>2014/0273</b>
<b>Location:</b>	<b>Land at Corner of Longdale Lane and Kighill Lane</b>
<b>Proposal:</b>	<b>Outline Planning Permission for up to 31 No. dwellings with all matters reserved</b>
<b>Applicant:</b>	<b>Aldergate Properties Ltd</b>
<b>Agent:</b>	<b>Mr Paul Stone</b>
<b>Case Officer:</b>	<b>David Gray</b>

**1.0 Site Description**

- 1.1 The application site comprises an area of 0.86ha. The site forms part of a land ownership that extends to a total land area of 2.64 ha.
- 1.2 The red line plan indicating the area for development is rectangular with its longest edge fronting Longdale Lane, which is located to the East. A blue line location plan indicates that the applicant also owns further land that surrounds the site in a 'b' shape.
- 1.3 Kighill Lane is located to part of its southern boundary; the other part of its southern boundary is formed by a field off Kighill Lane.
- 1.4 To the west of the site is mature woodland known as Trumpers Wood, which is subject to a Tree Preservation Order. The woodland is a designated Local Wildlife Site as indicated on the LPD – Part C: Policies Map which is within the blue line of the submission documents in the same ownership as the application site.
- 1.5 The site is indicated as a Housing Allocation on LPD – Part C: Policies Map.
- 1.6 There is an existing residential development to the north of the site.
- 1.7 To the east of the site on the opposite side of Longdale Lane are residential properties.
- 1.8 There are a few properties on Kighill Lane, which are located within the Green Belt.

## **2.0 Proposed Development**

- 2.1 Outline Planning Permission is sought for up to 31 No. dwellings with all matters reserved.
- 2.2 An indicative layout showing a potential means of access and layout has been submitted. Following the adoption of the Local Planning Document the agent has revised the scheme to omit all references to biodiversity corridors that were previously forwarded as 'very special circumstances' to support the development. Following the adoption of the Local Planning Document the application site has been released from Green Belt and 'very special circumstances' are no longer required in support the application.
- 2.3 The application is accompanied by an extended phase 1 habitat survey, and an ecological appraisal, together with a Tree Survey dated 2014.

## **3.0 Application Publicity and Procedures**

- 3.1 The application was originally publicised for representation on 2<sup>nd</sup> April 2014.
- 3.2 Following the original submission the agent requested a written agreement with the Borough Council to hold the application in abeyance in anticipation of the Local Planning Document - Part II, adoption.
- 3.3 The application was re-publicised with a Site Notice / Press Notice and Written Neighbour Letters for Representation.

## **4.0 Consultations**

- 4.1 The comments below have been made in respect of the application as following re-consultation on 6<sup>th</sup> June 2018 or as indicated, 2<sup>nd</sup> April 2014, following original submission.
- 4.2 Ravenshead Parish Council (received following April 2014 consultation, any further comments received will be reported verbally at Planning Committee):
  - 1. The frontage of the development is too intensely developed. Suggested that 1 or 2 less 3 to 4 bedroom homes are developed.
  - 2. Ravenshead Parish Council welcomes the development of older people's bungalows and this should be encouraged. Although the plot is not in the SHLAA and is disapproved for development it would mitigate the danger of other developments in other inappropriate Green Belt locations.
  - 3. If the development is approved the developer has to consider/support the improvement of the sewage and water disposal on Longdale Lane.
  - 4. The Parish Council disagree with para 3.21 of the Planning Statement. The Parish have not accepted that the Green Belt boundaries will need to be amended as part 2 of the Local Plan emerges.
  - 5. Contrary to para 3.2.4 Ravenshead Parish Council have not advocated amendments to Green Belt boundaries.
  - 6. Ravenshead Parish Council need assurance, should the site be developed, that adequate funding is made available to keep the woodland maintained over a long period of time.

#### 4.3 Nottinghamshire County Council (Highway Authority) –

The principle of the development is acceptable from a Highway Authority point of view, subject to the detailed access and layout being agreed.

The Highway Authority require the development to be served by a single point access onto Longdale Lane, with 2.4 m x 43 m visibility splays in both directions, 6.00 m radius kerbs, a 5.5 m carriageway and the provision of a 2.00 m footway across the site frontage from its northern boundary to the Kighill Lane junction.

The illustrative layout is indicative and the detailed design will have to accord with the County Council's Highway Design Guide the 6CsDG.

The Highway Authority do not object subject to conditions.

#### 4.4 Nottinghamshire County Council (Strategic Planning Observations) (received 24<sup>th</sup> July 2018) –

##### 4.4.1 Minerals and Waste

###### *Minerals*

In relation to the Minerals Plan, there are no Minerals Safeguarding and Consultation Areas covering the site. The site is approximately 300m to the north-east of a Sherwood Sandstone MSA/MCA and approximately 700m (at its closest extent) from areas of Bestwood II Quarry. Given this development would not bring housing any closer to the quarry than that already present it is unlikely that the proposed development would pose a sterilisation risk to extraction areas. Therefore, the County Council does not wish to raise any objections from a minerals perspective.

###### *Waste*

There are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities (as per Policy WCS10). As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development'. In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.

##### 4.4.2 Travel and Transport

###### *Bus Service Support*

Transport & Travel Services has conducted an initial assessment of this in the context of the local public transport network. Whilst there are no bus services currently serving Kighill Lane or Longdale Lane, this development is only a short walk from the main A60 road from where passengers can board frequent buses to Nottingham and Mansfield. At this time it is not envisaged that contributions towards local bus service provision will be sought.

#### *Current Infrastructure*

Transport and Travel Services request a contribution via Section 106 agreement for Bus Stop Improvements to the value of £15,000. This would be used towards improvements to the Kighill Lane Bus Stops (GE0003 Kighill Lane and GE0012 Kighill Lane). The current level of facilities at the specified bus stops is not at the standard set out in the Council's Transport Statement for Funding. Improvements are necessary to achieve acceptable standards and are reasonably related in scale and kind to the development (31 dwellings).

#### 4.4.3 Education

Nottinghamshire County Council request secondary education contributions from any proposed housing development on land at Longdale Lane / Kighill Lane Ravenshead.

A proposed development of 31 dwellings would yield an additional 7 primary and 5 secondary places.

Nottinghamshire County Council would therefore wish to seek an education contribution of £86,300 (5 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the development.

#### 4.4.4 (NCC) Ecology (received following April 2014 consultation)

*Following submission in 2014 the application site has been released from the Green Belt and comments relating to the designation of the application site as a Local Wildlife Site (LWS) are now out of date with the development plan for the area. The Woodland 'Trumpers Wood' is still within the applicant's ownership and the LWS designation is still relevant to this area.*

The site in question is locally designated as a Local Wildlife Site (previously known as a Site of Importance for Nature Conservation) - Trumpers Park Wood LWS 2/356. The site extends to approximately 3.2ha in size, of which approximately 1ha is open Lowland Heathland/Lowland Dry Acid Grassland (albeit damaged by recent ploughing), whilst the other 2.2ha is Oak-birch Woodland. The proposals involve the retention of the woodland area, but the loss of the majority of the heathland area to housing.

An ecological appraisal of the site has been carried out, dated 26 February 2014. This highlights that the site has recently been subject to a management regime which has damaged the habitat which was present on the open part of the site, highlighting that this area is ploughed. However, this area is erroneously referred to variously as an 'arable field' or 'cultivated land'; it

should be noted that the site is neither of these, having not been subject to any sort of agricultural production or the growing of crops. Furthermore, surveys have demonstrated that heathland species, such as heather, sheep's sorrel and wavy-hair grass persist at the site, and it is the County Council's opinion that heathland vegetation would regenerate quickly if the unfavourable management regime were to be ceased.

Although the affected area of heathland is relatively small (*the application site*) (c.0.8ha), it should be noted that heathland is a characteristic habitat of the Sherwood area and that large areas (c.90% since 1920) have been lost to agricultural improvement, forestry, and development. The remaining areas are therefore extremely important, even those which are small and fragmented (as is the case here). The loss of this heathland area is therefore a significant concern for the County Council.

If planning permission were to be granted it is suggested that a number of planning conditions be attached to the permission in relation to the applicant providing a Woodland Management Plan, a Landscape Plan and a Lighting Plan.

Following further information received with regards to bats and lizards further comments were received from Nottinghamshire County Council Ecology (2014 consultation). They can be summarised as follows:

### **Surveys**

Surveys for reptiles should be carried out prior to the determination of this application, the purpose of which would be to confirm the presence or likely absence of reptiles on the site, the extent to which they would be affected by development, and to allow appropriate mitigation measures to be secured. I note that the applicant's ecologist has provided further comment on this matter, identifying the confirmed presence of Common Lizards on land immediately to the north. Contrary to what is asserted, it is my view that this underlines the need for a reptile survey, rather than the opposite, as it now appears very likely that reptiles use the application site. To reiterate, paragraph 99 of Government Circular 01/2005 (which I understand remains in force), states that:

*"It is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."*

In relation to bats, I am satisfied that the site itself is not likely to be of high value for bats and that no features with the potential to support roosting bats would be affected by the development, if permitted. Nevertheless, mitigation would be required to control artificial lighting from falling on site boundaries along which bats can reasonably be expected to forage.

4.5 Nottinghamshire Wildlife Trust (received following April 2014 consultation) –

State that the site was ploughed prior to the submission of the application, which destroyed the acid grassland/heathland part of a Local Wildlife Site (formerly SINC). This is seen as disappointing as Nottinghamshire has lost 90% of its heathlands since the 1920's and 97% - 99% of its unimproved grasslands since the 1930's.

A bat and reptile survey should be carried out before a decision is made on this application, especially as lizards were found on the adjacent site.

The potential Special Protection Area means the application should be viewed in context of Natural England's latest advice note. In addition there are concerns about the cumulative impact of residential development on the pSPA.

Should planning permission be forthcoming the proposed woodland management would need to be secured through robust conditions together with a biodiversity management plan.

*Following submission of further information (letter 20<sup>th</sup> June 2014) regarding additional bat and reptile surveys the following comments were received: -*

It is still considered that reptile surveys are justified as common lizards could be associated with boundaries but in the event of approval, as a minimum, the mitigation described in the final paragraph of section 'Survey for Reptiles' should be secured.

As with previous the correspondence; the Wildlife Trust require a reasonable package of mitigation secured for the loss of a substantial part of the Local Wildlife Site.

4.6 NHS

Contributions towards Primary and Community Care Facilities would be sought following a calculation which shows the likely impact of the new population in terms of additional consultations. A contribution towards health care would be sought via Section 106 obligation based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

Precise details of this figure will be updated verbally at Planning Committee.

4.7 Nottinghamshire County Council (Forestry Manager) –

The proposal would be unlikely to cause significant adverse effect upon the trees that surround the site if they are secured from harm by the erection of a protective fencing as described within the Arboricultural report submitted with the application. The protection measures should be secured by appropriate condition.

4.8 Police Architectural Officer (received following April 2014 consultation) –

No concerns have been raised but would like to notified should a reserved matters application be received to ensure the homes meet Section 58 of the National Planning Policy Framework which states 'create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'.

4.9 Natural England (received following April 2014 consultation)

The comments can be summarised as follows: -

- The development is unlikely to affect statutory nature conservation sites;
- Natural England have not assessed the impact on protected species, as the Standing Advice procedure should be used by the Local Planning Authority.
- The development would be located in an area where enhancements to Green Infrastructure are supported;
- The Local Planning Authority should consider the impact on local site designations on the site and close by;
- The development may provide opportunities for biodiversity enhancements, such as bird boxes;
- Development may provide opportunities to enhance character of the surrounding natural and built environment such as access.

4.10 Environment Agency (received following April 2014 consultation) – Standing Advice has been provided for this low risk application, No comment from the EA.

4.11 Severn Trent Water (received following April 2014 consultation) – No objection; subject to a condition requiring surface water and foul sewage details.

4.12 Housing Strategy and Development Officer –

The development would require 30% affordable housing in the Ravenshead submarket area. In accordance with the Borough Council's Affordable Housing Policy.

4.13 Scientific Officer –

The site has been predominantly used for agriculture. A land contamination study should be carried out prior to commencement and any necessary remediation carried out. This can be adequately controlled through conditions.

4.14 Economic Development Officer –

The proposed development meets the threshold for a local labour agreement to be developed and implemented in accordance with the Construction Industry Training Board (CITB) and the National Skills Academy for Construction's "Client Based Approach, Local; Local Client Guidance for England".

4.15 Parks and Street Care



The application site covers a site area of 0.86Ha and above the threshold of 0.4ha which would require a contribution towards public open space.

If 10% open provision is not being provided on site a contribution in lieu of the non-provision on site to enhance existing publicly accessible facilities nearby, with an additional 10 year maintenance contribution to support this if the site is to be maintained by the Borough Council.

Offsite contribution required to enhance nearby recreational, play or sport open space areas. (Assuming no onsite provision) **£50,893.00**

10 year maintenance monies required: **£21,138.80** if maintained by the Borough Council.

4.16 Neighbouring Properties were notified, a Site Notice posted and the application has been advertised in the Local Press.

10 letters of representation were received as a result and the comments can be outlined as follows: -

- The site is within the Green Belt;
- The site is designated as a site for nature conservation;
- The site has never been used for growing crops;
- The site has been ruined by bulldozing oaks, hawthorns and birch trees;
- Ploughing has only been undertaken since 2000 in order to get planning permission;
- Bioactive herbicide has been used intensively on the site;
- All new housing in Ravenshead has been directed to the south side of the village;
- There would be an overload on the existing sewage system and soakaway;
- Additional traffic on Longdale Lane would impact negatively on highway safety;
- The local school is oversubscribed;
- Longdale Lane is already hazardous and dangerous and there have been road accident deaths;
- Another planning fiasco;
- The site used to be heathland with ancient footpaths, all destroyed by the applicants;
- Traffic on Longdale Lane does not adhere to the 30mph speed limit;
- Insufficient capacity at the local doctors surgery;
- Inadequate infrastructure for another housing estate;
- Details submitted with the application include a letter from NCC making it clear that despite the ploughing of the site it is still important as it was part of Sherwood Forest;
- The site should be protected as few sites like the application site remain;
- The Borough Council should protect biodiversity and wildlife not just provide new homes;
- The site has been used as a common for many years;
- 80% of world heathland has been lost since 1800, and of the remaining 5% is in the UK, so it is globally rarer than rainforest.

- Change in National Planning Guidance has given too much leeway to developers;
- The density proposed is higher than the new development on Longdale Lane;
- The Council's consultants say a density of 25 dwellings per hectare is appropriate, whilst this plan is for 39 dwellings per hectare;
- The landowner is not known for biodiversity interest, so may not deliver biodiversity corridor and woodland management proposed;
- There is a lack of public transport in the area;
- The development would increase traffic at the health centre, schools and shops in the village;
- There would be an increase in car journeys to take children to schools outside Ravenshead;
- The nearest bus stop is on Nottingham Road which is not really feasible for the elderly or less mobile;
- There would be a lack of public places to walk to, like a park or green open space.
- There would be nowhere in Ravenshead for dogs to run free;
- Green Belt should not be developed for short term convenience;
- Land provides a wildlife corridor between Newstead Abbey and Blidworth;
- The Borough Council would need to ensure the woodland management proposals are carried out;
- All Planning Contributions and Obligations will need to be explicit and comprehensive;
- Drainage is inadequate and overloaded;
- Longdale Lane floods in heavy rain with water 18 inches deep;
- Local flooding has worsened since the Cornwater fields housing development was constructed;
- The existing soakaway is located in the proposed biodiversity area;
- Recent new development in Ravenshead is out of character in style and is a visual and environmental clash.
- Each house would have 2 cars and parking provision needs to reflect this;
- The development would be too dense;
- If the Green Belt is to be developed this should be by way of a properly debated, widely consulted and defensible plan;
- Plans showing the spacing of housing are misleading;
- Need to preserve the open semi-rural village environment;
- The development would result in an inappropriate urban environment.

## **5.0 Planning Considerations**

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

### **5.2 Relevant Policies & Background Information**

This planning application is for the construction up to 31 new dwellings, new access, amenity space and open space on land at the corner of Longdale Lane and Kighill Lane.

### 5.3 National Planning Policies

5.4 National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development (paragraphs 11-16). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- NPPF Section 9: Promoting sustainable transport
- NPPF Section 5: Delivering a sufficient supply of homes
- NPPF Section 12: Achieving well-designed places
- NPPF Section 14: Meeting the challenge of climate change, flooding and coastal change
- NPPF Section 15: Conserving & enhancing the natural environment

5.5 With regard to plan-making, decision-taking and implementation, the following sections and annex of the NPPF are most relevant to this planning application:

- NPPF: Planning conditions and obligations (paragraphs 54 – 57)
- NPPF: Annex 1: Implementation (paragraphs 212 - 217)

5.6 In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

### 5.7 Local Planning Policies

Gedling Borough Council at its meeting on 10<sup>th</sup> September 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. It is considered that the following policies of the ACS are relevant:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 3: The Green Belt
- ACS Policy 8: Housing Size, Mix and Choice
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 11: The Historic Environment
- ACS Policy 14: Managing Travel Demand
- ACS Policy 15 (Transport Infrastructure Priorities);
- ACS Policy 16: Green Infrastructure, Parks & Open Space
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

5.10 At Full Council on 18<sup>th</sup> July 2018 the Borough Council Adopted the Local Planning Document Part II which is now part of the development plan for the area. The following LPD policies are relevant to this application:

- LPD 7 Contaminated Land
- LPD 10 – Pollution
- LPD 11 – Air Quality
- LPD 32 – Amenity
- LPD 33 – Residential Density
- LPD 34 – Residential Gardens
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD63 – Housing Distribution
- LPD67 – Site Allocations – Ravenshead

5.11 Additionally, the following Supplementary Planning Documents and Guidance (SPD's and SPG's) are relevant:

- Open Space Provision SPG (2001)
- Affordable Housing SPD (2009)
- Parking Provision SPD (2012).

5.12 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- The principle of developing the site and whether the proposal makes efficient and effective use of land;
- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Transport and connectivity
- Water resources, flood risk and drainage
- Pollution and Contamination
- Public Open Space
- Socio Economic Impacts
- Other material considerations

## **6.0 The principle of developing the site and whether the proposal makes efficient and effective use of land**

6.1 The NPPF attaches great importance to sustainable development. It states paragraph 11 that: '*plans and decisions should apply a presumption in favour of sustainable development*'. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

6.2 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the GBACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:

- Within or on the edge of the built up area of Nottingham
- Adjacent to the sub regional centre of Hucknall

- Key villages (Bestwood, Calverton, and Ravenshead)
- Other villages.

- 6.3 The application site is located within the defined village envelope of Ravenshead which has recently been removed from the Green Belt following the adoption of the Local Planning Document. The redevelopment of the site for residential purposes accords with the hierarchy of urban concentration and regeneration with Ravenshead being a Key Village for growth.
- 6.4 The application site has been allocated for residential development in Policy LPD67 – Ravenshead. Policy LPD67 allocates the site as Housing Allocation H18 and indicates an approximate minimum density of 30 homes. Given the application is for the residential development of up to 31 homes it accords with the density provisions of LPD67 and would make an effective and efficient use of the land.
- 6.5 Given the location of the development within the village envelope of Ravenshead which has been identified as a Key Settlement for growth and its allocation under LPD67 there would be no objection in principle to the residential redevelopment of the site. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore considered acceptable in principle.

## **7.0 Ecology / Trees**

- 7.1 The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 15 of the NPPF, Policy 17 of the ACS, LPD18, and Policy LPD67. The application site is adjacent to a Local Wildlife Site (LWS) to the south west.
- 7.2 The application site, now a housing allocation, was previously designated as a Site of Importance for Nature Conservation under the Replacement Local Plan (2014). However, following the adoption of the Local Planning Document the application site has been removed from the SINC/LWS.
- 7.3 Policy LPD18 (Protecting and Enhancing Biodiversity) sets out that development proposals affecting designated sites and priority habitats and species should only be permitted if there is no significant harm to the biodiversity site. Any harm should be avoided, and where this is not possible the impacts should be mitigated. The policy goes on to state that lastly, residual impacts should be compensated. Policy LPD67 states in its supporting text that the site adjoins woodland Tree Preservation Order which is also a Local Wildlife Site which is in the same ownership as the application site. It will be necessary to ensure that mitigation measures are in place to protect the Local Wildlife Site from disturbance due to the development through appropriate management plan and for the provision of other mitigation measures including for example, wildlife corridors and potential to provide compensatory habitat on part of the site.
- 7.4 Following the allocation of the whole of the site, within the submitted red line plan, the agent has subsequently written and amended the plans and

documents to remove all reference to the biodiversity corridors to the southeast and northwest of the application site.

- 7.5 The applicant has provided information regarding the Local Wildlife Site (reclassified from SINC) designation and has undertaken a Phase 1 Habitat Survey and Ecological Appraisal, albeit that the studies are presently out of date due to the length of time the application has been held in abeyance. The agent has, however, indicated that the studies would be updated to support any subsequent reserved matters application.
- 7.6 Paragraph 175 of the NPPF states: When determining applications, local planning authorities apply the following principles:
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.7 I note the contents of the Ecological Appraisal, however, since the date of publication the application site has been removed from the SINC which previously designated the area as acid grassland and heathland. Therefore under the current policy framework the main material planning consideration in relation to ecology and trees would be the impact of the development on the Local Wildlife Site adjoining the site which is also covered by a Group Tree Preservation Order.
- 7.8 Given the removal of the application site from the LWS I do not consider the requirement for biodiversity offsetting on areas of the application site to be appropriate in this instance. I do however note that the Ecological Appraisal identifies the woodland and woodland edge of scrub and perennials as having high biodiversity potential.
- 7.9 The conditions attached to this report would seek precise details to form the basis of the wildlife and ecology mitigation strategy. The conditions would require, at reserved matters stage, an updated Extended Phase 1 Habitat Survey and Ecological Appraisal and mitigation strategy to cover the boundary of the application site with the woodland / Local Wildlife Site - to the south west. It would also require details of management to the woodland area, in particular the edge adjacent to the development, to incorporate thinning of the crowded tree stock and invasive sycamores.
- 7.10 Given the statutory protection of the woodland by a Group Tree Preservation Order I also consider that a tree survey should also be sought as part of the reserved matters to ensure appropriate tree protection measures are in place prior to any development commencing to ensure that there is no adverse impact on the protected trees during construction.
- 7.11 I note that the ACS outlines the Green Infrastructure in the Plan Area and the possible Sherwood potential Special Protection Area. Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and

Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.

- 7.12 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight.
- 7.13 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.
- 7.14 Having regard to evidence submitted to the inquiry in 2010, the site is located within an area of ornithological interest for breeding nightjar and woodlark area within the RSPB IBA Boundary 5km buffer. The precise extents of any buffer zones are not known and therefore I am of the opinion that the proposal would have a minimal variance with Paragraph 3.17.3 of the Council's ACS and in my view the benefits of the scheme would outweigh any harm identified.
- 7.15 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.16 Subject to the details being sought to mitigate potential biodiversity impacts, whilst there is a minor variance with Section 11 of the NPPF, Policy 17 of the ACS, LPD18, and Policy LPD67 I consider that, on balance and taking into

account the public benefits achieved as a result of the proposal, it would constitute sustainable form of development.

## **8.0 The impact on neighbouring amenity**

- 8.1 Residential amenity considerations relevant to this proposal include the impact from noise generated from the development, the level of activity, overlooking, overshadowing and overbearing impacts, as well as impacts from construction and lighting. Criterion b. of Policy ENV1 of the GBRLP and LPD32 state that planning permission would be granted for development providing that it would not have a significant adverse impact upon the amenity of nearby properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.
- 8.2 The main impact from the development is likely to be from the construction phase of the development. The nearest buildings that could be affected are those properties on Longdale Lane opposite the application site. The impacts of the construction activities would be managed through a Construction Environmental Management Plan (CEMP) which would ensure that working hours, traffic, management, control of pollution, waste management, noise, dust, and vibration are all managed and controlled to acceptable standards. The CEMP and the requirements it needs to cover would be secured through planning condition. This would protect both the occupiers of existing dwellings as well as new occupiers of the dwellings within the site.
- 8.3 Whilst only indicative at present the Masterplan illustrates that a single access road using an access from Longdale Lane could be provided centrally on the site to ensure that the rear boundaries of the residential properties can be adjoined by the site boundaries and the private drives of the proposed new development.
- 8.4 It is considered that any amenity impacts from the development as a whole can be controlled to a large extent through the reserved matters application, such matters being required to be in accordance with the principles and parameters illustrated in the indicative masterplan and the attached conditions.
- 8.5 Given the above, I am satisfied that the proposed development would not result in any material impact on residential amenity subject to the detailed submission at reserved matters stage. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS and LPD 32.

## **9.0 Masterplan and Design**

- 9.1 Policies LPD35 and Policy 10 of the ACS requires development to create well defined and inter-connected spaces and streets that allow for convenient access. It also requires massing, scale and the proportion of development to be appropriate in the immediate context, site constraints, character of adjoining streets and spaces (including consideration of materials,



architectural style and detailing), the setting, public function and/or importance of the proposed development and the location within the townscape.

- 9.2 All matters are reserved at this point; however, I consider that the indicative Masterplan and the Design and Access Statement provide an appropriate framework to assess the potential design and layout of a residential development of this site.
- 9.3 Whilst only indicative a layout has been submitted in support of this application that indicates that a development of 31 dwellings can be accommodated on the application site without appearing over intensive. The layout illustrates the use of front facing development along Longdale Lane with strong frontages to the public realm, thereby supporting a safe environment through natural surveillance. Details of the appearance, landscaping, layout and scale of the proposed development would be required for consideration at the reserved matters stage, should outline planning permission be granted.
- 9.4 Overall it is considered that an imaginative design can be achieved on the site that suitably connects to the existing residential boundary of Ravenshead. I am content that an appropriate design can be achieved on site that would closely relate to existing features on the site and the architectural styles of the surrounding area. I am therefore satisfied that the application accords with the broad aims of the NPPF and Policy 10 of the ACS, along with policies ENV1, H7, H8, H16 of the Replacement Local Plan and emerging Policy LPD35.

## **10.0 Transport and connectivity**

- 10.1 LPD 35 requires that development should be safe, accessible and inclusive and should accommodate adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires that in considering proposals for new development reference will be made to the Highway Authority's highway design and parking guidance.
- 10.2 I note that the Highway Authority have not objected to the principle of the development. The proposal would be acceptable from a Highway Authority point of view subject to the detailed layout and design according to the County Council's Highway Design Guide the 6Cs Design Guide. I therefore consider that the proposal would accord with LPD 35 and T10 of the ACS subject to the Reserved Matters application addressing the requirements for safe access, and circulation of vehicles and pedestrians.
- 10.3 I note the HA request for a Travel Plan / Assessment to promote sustainable travel and should planning permission be forthcoming the appropriate condition would be attached to any approval.
- 10.3 I also consider the indicative scheme could provide a satisfactory level of off street parking provision in accordance with the adopted Parking Provision for Residential Development SPD.

## **11.0 Water resources, flood risk and drainage**

- 11.1 I note that the site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 11.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 11.4 Paragraph 103 states: ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’
- 11.5 In my opinion, given the site is low risk of flooding, subject to acceptable surface water drainage plans being approved at reserved matters the development is acceptable in terms of water resources, flood risk and drainage.

## **12.0 Pollution & Contamination:**

- 12.1 The relevant planning policies which need to be considered in relation to land contamination and pollution are set out in Section 11 of the NPPF, and LPD7, LPD10 and LPD11.
- 12.2 Section 11 of the NPPF as reinforced by local policy requires development to contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from levels of soil, air, water or noise pollution.
- 12.3 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 12.4 I note that Gedling Borough Public Protection considers that the site is unlikely to be affected by significant contamination and have no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to require a land contamination survey prior to development.
- 12.6 It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and LPD7, LPD10 and LPD11.

## **13.0 Public Open Space**

- 13.1 I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution or provided on site by way of a S106 planning obligation, in accordance with Policies 12 and 19 of the ACS, LPD 21 and paragraph 204.

This equates to an offsite contribution required to enhance nearby recreational, play or sport open space areas. (Assuming no onsite provision) of **£50,893.00**, and 10 year maintenance monies of: **£21,138.80** should the Public Open Space be adopted by the Borough Council.

#### **14.0 Socio Economic Impacts**

##### 14.1 Affordable Housing

In accordance with LPD 67 the development of the site would equate to the requirement of nine affordable homes to be provided onsite. The appropriate mix and tenure would be secured by the planning obligation in accordance with the Council's Affordable Housing SDP.

##### 14.2 Strategic Highways

Transport and Travel Services request a contribution via Section 106 for Bus Stop improvements to the value of **£15,000**. I consider that this is reasonable as the development will be required to be served by public transport and the existing facilities justifiably requiring updating.

##### 14.3 Economic

I note the comments from the economic development officer, the size of the site and the numbers of dwellings to be built meet the Council's thresholds to implement the Construction Industry Training Board (CITB) to create work and opportunities during the term of the build. Should planning permission be forthcoming CITB would form part of the s106.

##### 14.4 Education

An education contribution of £86,300 (5 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the development would be sought via s106.

##### 14.5 Health

Contributions towards Primary and Community Care Facilities would be sought following a calculation which shows the likely impact of the new population in terms of additional consultations. A contribution towards health care would be sought via Section 106 obligation based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

##### 14.6 Upkeep of un-adopted land not within residential curtilages

Given that the indicative layout illustrates that the development would result some private drives and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the private access drives and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.

## **15.0 Conclusion**

- 15.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made, acceptable. Given the considerations set out above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

- 16.0 Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards, Affordable Housing, Local Labour Agreement, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company and Educational Facilities; and subject to the following conditions:**

### **Conditions**

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.
- 4 No development shall commence on any part of the application site unless or until a detailed design of the major / minor T junction, as shown for indicative purposes on the illustrative layout has been submitted for approval.

- 5 No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 6 No part of the development hereby permitted shall be brought into use until a 2.00m wide footway has been provided across the site frontage on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 7 The formal written approval of the Local Planning Authority is required prior to commencement of any development within the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.)
- 8 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.
- 9 No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 10 A swept path for a Refuse lorry to turn and exit the site in a forward gear shall be submitted with the 'layout' reserved matter. The Refuse Lorry is an Elite 6 - 8x4MS wide Track (Euro 6 specifications).
- 11 No development shall take place until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.
- 12 Before development is commenced there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the

development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.

- 13 Before development is commenced there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A Woodland Management Plan detailing (i) any crown thinning of the crowded tree stock and invasive sycamores within the Local Wildlife Site adjacent to the application site, and (ii) any tree, shrub or undergrowth removal within the designated Local Wildlife Site adjoining the application site; (2) A tree protection plan to graphically show the locations of any tree and root protection barriers; (3) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (4) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.
- 14 No development shall take place until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 15 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological Assessment. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.

- 17 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 18 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 19 Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with: Site Characterisation: 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; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the 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.
- 20 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.
- 21 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.

## Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 3 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 4 In the interest of highway safety.
- 5 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 In the interest of Highway Safety.
- 9 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
- 12 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 13 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.



- 14 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 16 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 17 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 19 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) The Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Part 2 where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

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.

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.

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. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

Advice regarding travel plans can be obtained from the Travel Plans Officer at Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham.

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.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

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 the Highway Authority for details.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

**Date Recommended: 24th July 2018**