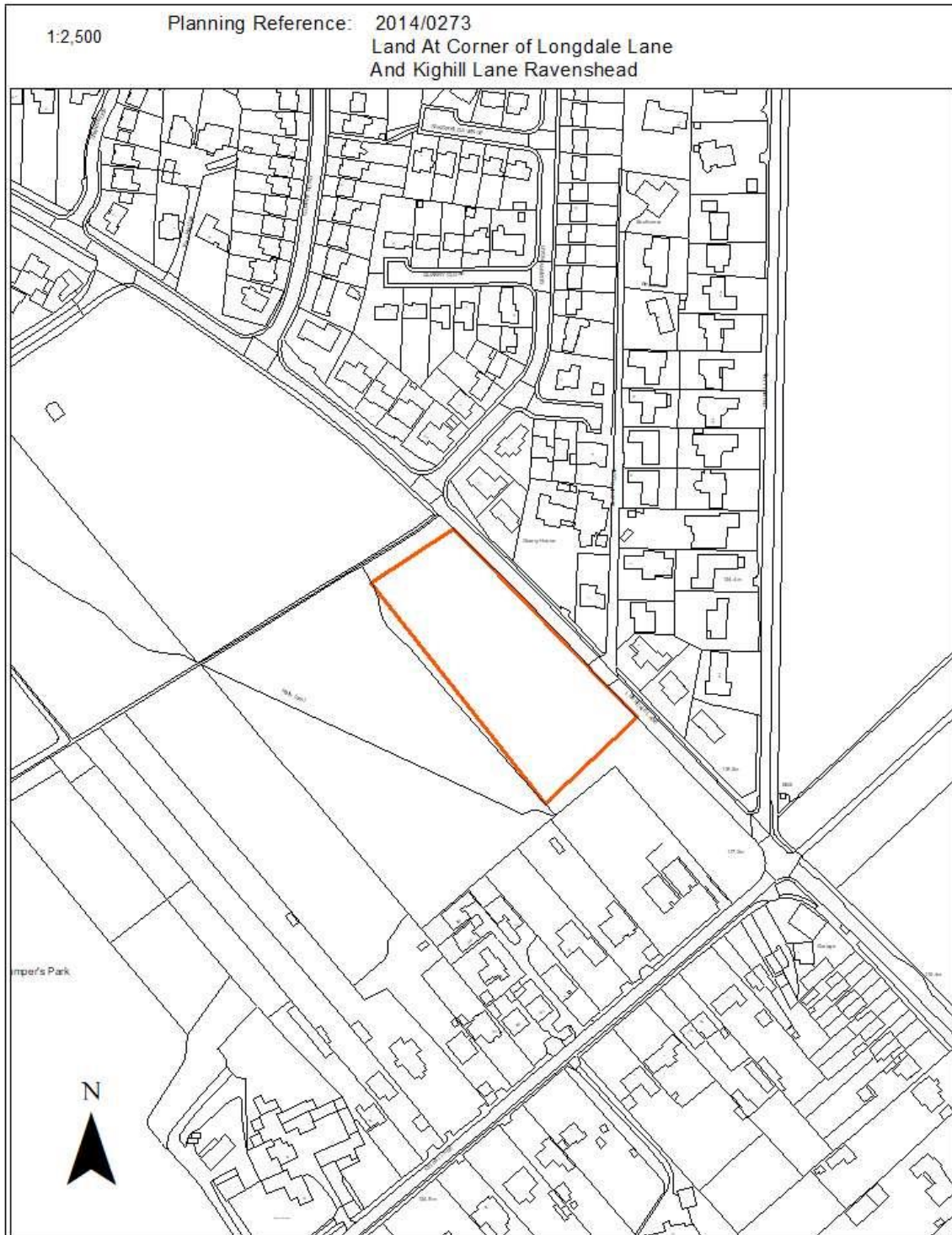




Planning Report for 2014/0273



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

Application Number:	2014/0273
Location:	Land at Corner of Longdale Lane And Kighill Lane Ravenshead
Proposal:	Outline Planning Permission for up to 31 No. dwellings with all matters reserved
Applicant:	Aldergate Properties Ltd
Agent:	Mr Paul Stone
Case Officer:	Lewis Widdowson

This application is referred to Planning Committee to seek approval to modify a Section 106 Agreement which is pending, in respect of the above development.

The application has a resolution to grant Outline Planning Permission at Planning Committee in August 2018 , subject to conditions and 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, Management Company and Educational Facilities.

The application was subsequently referred back to Planning Committee in October 2022 to seek amendments to the Section 106 Agreement with a further resolution to grant Outline Planning Permission.

1.0 Introduction

1.1 The application was before members of the Planning Committee in October 2022 and previously in August 2018. Initially, the resolution was to grant outline planning permission for up to 31 dwellings (with all matters reserved) 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 to secure planning obligations for the provision of, or financial contributions towards, affordable housing, local labour agreement, transport infrastructure improvements, open space, management company and educational facilities; and subject to the conditions set out in the original committee report that is reproduced in full at the end of this addendum report.

- 1.2 Whilst progress was made in relation to the legal agreement it was not concluded. At the subsequent meeting in August 2018, it was resolved that the applicant has the option to develop all or part of the site as a custom build/self-build development. The only changes proposed to facilitate this was the introduction of a phasing condition with subsequent amendments to proceeding conditions. This allowed conditions to be discharged on a phased basis rather than for the site as a whole. A list of revised conditions incorporating these changes (as approved in August 2018) can be found at the end of this addendum report.
- 1.3 The purpose of this application being presented back to Planning Committee is to seek approval for changes to the Section 106 Agreement (compared to what was previously agreed in October 2022). These changes include:
- Allow the formation of access up to base coarse level to serve the development without triggering the requirement for contributions at commencement of development e.g. serviced plots.
 - Confirming the option to make a commuted sum payment in lieu of on-site affordable housing provision in accordance with Gedling Borough Councils Affordable Housing Supplementary Planning Document.
 - A viability clause to provide a review mechanism that enables assessment of the costs associated with the development and how this affects the provision of affordable housing and other agreed developer contributions.
 - To provide Section 106 Contributions pro rata for each phase of development rather than at the commencement of development to facilitate potential self-build development.
 - A revised Bus Stop Improvements Contribution of £25,800 has been requested by Nottinghamshire County Council Transport and Travel Services.
- 1.4 There are no other proposed changes to the proposed development or to the previously approved planning conditions.

2.0 Assessment

- 2.1 To facilitate development the NPPF (2023) requires plans and planning decision to be deliverable and for local planning authorities to maintain the supply of housing. Planning committee resolved in August 2018 to also include phasing and potential self-build plots as part of the approved (outline) development. The applicant has stated that they intend to provide access to base coarse level to allow the provision of these self-build plots.
- 2.2 In light of the above scenario, it is considered appropriate to allow the revision of relevant trigger points to make Section 106 Contributions payable per phase given it would be unreasonable to expect a single house plot to trigger the entirety of planning contributions. As a result, the approach to the wording of the associated Section 106 Agreement needs to be updated to align with these changes.
- 2.3 There is a national and local requirement (as set out in Section 5 of the NPPF) for the delivery of a sufficient supply of homes. Paragraph 66 of the NPPF

states, inter alia, that there should be an expectation of at least 10% Affordable Housing for major developments. Exemptions to this 10% requirement should be made if the site or proposed development "(c) is proposed to be developed by people who wish to build or commission their own homes". The proposal to enable the amended wording of the relevant Section 106 Agreement and its Obligations is therefore considered to be in accordance with both national and local planning policy.

- 2.4 It is considered that the proposed changes are reasonable and justified given the nature of the proposals and that the changes would allow the S106 to be concluded and the permission implemented. For the avoidance of doubt, and as noted above, the proposed amendments to facilitate self-build plots could affect the Section 106 Obligations such as Affordable Housing and a Local Labour agreement, if less than 10 non self-build properties are built, and subject to a possible viability review.
- 2.5 Copies of the previous Committee Reports from 2018 and 2022 have been attached to this item to provide greater context, see appendices 1 and 2.

Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into planning obligations 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, Transport Infrastructure Improvements, Open Space, Healthcare Facilities, Management Company, Local Labour Agreement 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 phase of the 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 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule
- 4 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.

- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with details approved.
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, 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.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in 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.) The development shall be undertaken in accordance with the approved details.
- 9 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 within a phase of development on site. The approved measures shall be implemented prior to any other works commencing on the phase of development.
- 10 No part of the development hereby permitted, within a phase of development, 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.
- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.
- 12 No development shall take place, within a phase of development, 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.

- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase 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.
- 14 Before development is commenced, within a phase of development, 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 tree protection plan to graphically show the locations of any tree and root protection barriers; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) 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.
- 15 No external artificial lighting shall be provided, within a phase of development, 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.
- 16 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 in relation to each phase of development. 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.

- 17 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.
- 18 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.
- 19 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.
- 20 Development must not commence, within a phase of development, 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.
- 21 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.
- 22 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.

- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

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.

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 enable the site to be developed in a phased manner
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014
- 5 In the interest of highway safety and in accordance with Policy LPD61.
- 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 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 9 In the interest of Highway Safety and in accordance with Policy LPD61.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.

- 12 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).
- 13 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.
- 14 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.
- 15 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).
- 16 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.
- 17 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).
- 18 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough
- 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.
- 22 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.
- 23 In the interest of sustainable travel

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.

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. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). 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).

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

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. 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.

Informative: 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).

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 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.