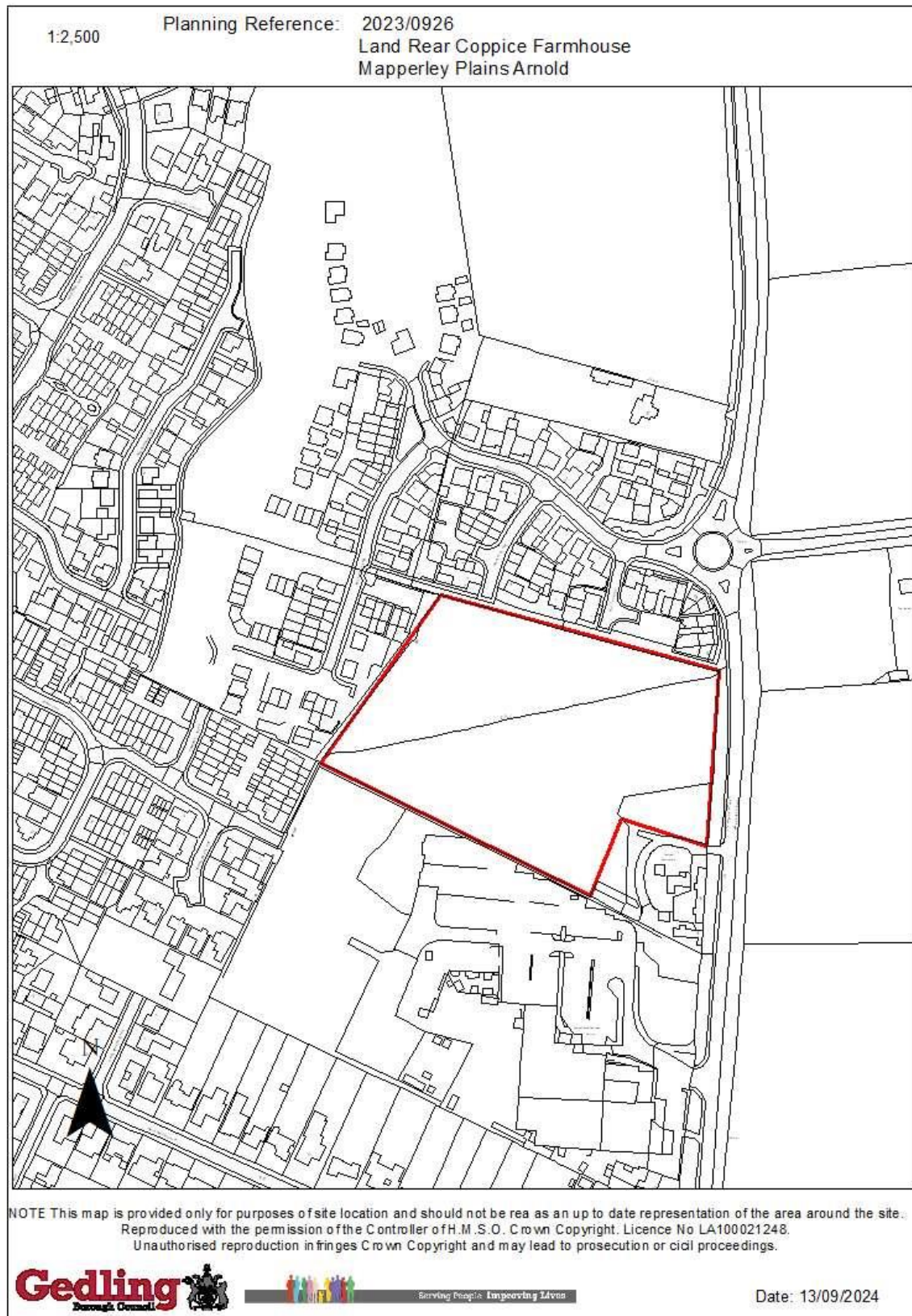


## Planning Report for 2023/0926



**Report to Planning Committee**

|                        |                                                                                                                                                            |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application No:</b> | <b>2023/0926</b>                                                                                                                                           |
| <b>Location:</b>       | <b>Land Rear of Coppice Farmhouse, Mapperley Plains, Arnold, Nottinghamshire</b>                                                                           |
| <b>Proposal:</b>       | <b>Erection of 54 dwellings (38 open market and 16 affordable dwellings), along with the provision of associated public open space and infrastructure.</b> |
| <b>Applicant:</b>      | <b>Cameron Homes</b>                                                                                                                                       |
| <b>Agent</b>           | <b>GraceMachin Planning &amp; Property</b>                                                                                                                 |
| <b>Case Officer:</b>   | <b>Claire Turton</b>                                                                                                                                       |

**In accordance with the Gedling Borough Council Constitution, this application is required to be determined by Planning Committee as it is an application proposing more than 9 dwellings and a legal agreement is required.**

**1.0 Site Description**

- 1.1 The site comprises a parcel of Greenfield land located on the western side of Mapperley Plains within the built-up area of Nottingham. The site measures approximately 2.12 ha in size and has historically formed part of a wider agricultural landholding.
- 1.2 This site forms part of the Residential Allocation H7, within the Gedling Borough Local Plan Document (adopted July 2018).
- 1.3 The Site is broadly rectangular in shape and is bound along its northern and western boundaries by the remainder of Allocation Reference H7, which is now under development by Davidsons Homes, for a residential scheme comprising 164 no. dwellings, including new vehicular and pedestrian access, garages, parking, roads, footpaths, infrastructure, drainage and attenuation / detention basins, landscaping and open space (Application Reference 2019/0213). Along its southern boundary, the site adjoins Brookfields Garden Centre and associated uses, which are also allocated for residential development under Allocation Reference H7 of the LPD.
- 1.4 To the east, the site fronts onto Mapperley Plains (the B684), whilst within its south-eastern corner, the landholding abuts the rear yard belonging to Coppice Farm. Planning permission has previously been approved for a residential development of 3 no. dwellings to the rear (west) of Coppice Farm itself (Application Reference 2022/0426).

- 1.5 There is a public footpath running across the site from its north-eastern corner where it adjoins Mapperley Plains, and then traversing the landholding in a roughly diagonal line, before joining 'Crawford Rise' at its south-western corner.
- 1.6 The application site lies within Flood Zone 1 and is, therefore, at the lowest risk of flooding.

## **2.0 Relevant Planning History**

- 2.1 None for this site. Planning permissions for adjacent sites are explained in Section 1 of this report, above.

## **3.0 Proposed Development**

- 3.1 Full planning permission is sought for residential development of 54 no. dwellings (38 no. open market and 16 no. affordable dwellings), along with the provision of public open space, private gardens, sustainable drainage, roads, car parking and landscaping.
- 3.2 The scheme envisages a mix of house types and sizes, including 2 and 2.5 storey properties, and offering a range of terraced, semi-detached and detached properties ranging from 2 – 5 bedrooms. The proposal of 54 no. dwellings, over a Gross Site Area of 2.12 hectares produces a density of 25 dwellings per hectare.
- 3.3 Located centrally within the application site, it is proposed to include an area of public open space (measuring 1,476 square metres). A further, smaller area of public open space (measuring 696 square metres) will be provided within the south-western corner of the site.
- 3.4 Around the perimeter of the Application Site, existing hedgerow and tree planting will be retained and protected as part of this proposal, with the submitted Soft Landscaping Scheme providing details of additional planting to be provided both around this outer boundary and within the body of the Site itself, as well as within private garden areas.
- 3.5 The current application site will be accessed via the approved Davidsons Homes development immediately to the north, with Shipley Close (within the Davidsons Scheme) entering the site on its northern boundary. Within the application site itself, this road will be constructed to adoptable standards, and will link to the main street which runs along an east – west axis through the proposed development. A further adoptable spur will be provided to the north of this main street, whilst to the south, properties will be served by a series of private drives.
- 3.6 The existing public footpath which bisects the site is proposed to be diverted through the development. This is shown on the submitted plans but would need to form part of a formal footpath diversion order application, should planning permission for this current residential planning application be approved. The footpath is proposed to continue to enter the site at its north-

eastern corner from Mapperley Plains, before following dedicated footways through the development. The public footpath will then exit the site at its south-eastern corner, through the smaller area of Public Open Space, before linking through to Crawford Rise to the west.

#### **4.0 Consultations**

- 4.1 GBC Arboricultural Officer – Originally requested further details, which have been submitted. Now raise no objection to the application, subject to conditions, as set out in the conditions section of this report.
- 4.2 GBC Development and Parks and Open Spaces (POS) – No objection. Note that requisite 10% of the site is to be POS and would be seeking a figure of £63,840.00 if the POS is to be maintained by Gedling Borough Council, instead of a Management Company. For the avoidance of doubt, no play equipment is sought on this parcel of the allocated site in that the provision of play equipment on the Davidsons site meets the entire provision for the allocation.
- 4.3 GBC Strategic Housing – Originally negotiated the type of affordable housing to be provided on site. Now raises no objection to the proposal.
- 4.4 GBC Scientific Officer – No objection subject to conditions regarding electric vehicle charging and a construction emission management plan.
- 4.5 GBC Waste and Recycling Team – Provide advice regarding waste collection, which is set out in the conditions section of this report.
- 4.6 NCC Highways Officer – No objection, subject to conditions, to final amended plans. Sought clarification and amendments throughout the application process (discussed in main body of report).
- 4.7 NCC Rights of Way (ROW) – No objection subject to conditions. Arnold Footpath 3 runs through the application site. An application for a Footpath Diversion Order will be required.
- 4.8 NCC Planning Policy – No objection subject to conditions. Raise no concerns with regards to minerals safeguarding or archaeology. Request a financial contribution towards secondary and post-16 education and library provision. No contribution is sought toward primary provision, with adequate capacity in local schools.
- 4.9 Lead Local Flood Authority (LLFA) – Originally requested further drainage details. Now raise no objection subject to conditions.
- 4.10 The Environment Agency – No objection. The development falls within flood zone 1 and therefore there are no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency
- 4.11 NHS Nottingham and Nottinghamshire – Request a contribution of £29,261.25 towards Primary and Community Care Services.

- 4.12 Nottinghamshire Police – No objection. Provide advice regarding designing out crime.
- 4.13 Severn Trent Water – No comments received.
- 4.14 Neighbours – Over the course of the application letters have been received by 21 residents. Concerns are;-

Residential Amenity

Overlooking

Noise from properties once occupied

Noise from traffic once occupied

Noise throughout construction phase

Noise will affect their business as they work from home

Air pollution, dust and dirt throughout construction phase

Privacy throughout construction phase

The character of the cul-de-sac will change due to it being a new through road

Will make the new Davidson development an undesirable place to live

Highway Safety

Object to access from Beedham Way and Shipley Close

Access should be from B684

The dictionary definition of “close” is no through road

Access road is not wide enough for additional traffic

Construction vehicles may not be able to enter site due to parked cars on access road

Emergency vehicles may not be able to use access road due to parked cars on access road

The roads on the new Davidson development were designed for that development only and not additional development.

The roads on the Davidson development are soon to have traffic calming measures

Children play out on the access street as it is currently safe to do so

Additional traffic will affect disabled residents

Traffic congestion from additional cars

The existing roundabout on the B684 is already busy

Additional traffic is a danger to pedestrians

Existing residents will be at danger when reversing off their drives

Safety throughout construction phase from construction vehicles

Damage to road surface throughout construction phase

Mud on road from construction vehicles

A full traffic assessment is required

The pavement between the existing roundabout on the B684 and Brookfields Garden Centre is extremely narrow. The applicants should create a safer pavement or create a footpath entrance at the corner of the new development onto Plains Road.

The County Council should review more bus routes in the area.

Other

Pollution

Disruption to water, drainage and electricity throughout construction phase

Impact on wildlife

There is a family of foxes, badgers, hedgehogs and lots of birds that flourish in the field

There will be a need for additional services such as schools, doctors and dentists

Additional people will impact on the already weak public transport

Consider further bus stops on Mapperley Plains

Consider bungalows

Flooding / drainage issues

The septic tank adjacent to plot 25 is used by 441, 443 and 445 Mapperley Plains. This should be fenced off. The current owners of the septic tank need to know who the land owner is.

Foul drainage requires careful considerations.

Existing culvert at the site is not big enough for the amount of water that flows into it

The green field currently acts as a buffer to flooding

Has an Environmental Impact Assessment (EIA) been carried out?

Has the Footpath Officer been consulted?

The area has been taken out of the Green Belt

The area will become over populated

This development is not in line with the sustainability agenda

This field is the only open public space left after the two new build estates in the area

Loss of green space – whilst some green space is proposed this is tiny

Bought their new house next to a field to enjoy nature

Was told no new housing was proposed for a few years

A brownfield site should be considered

Opposed to idea of more housing

De-valuation of property

Does not wish to live close to social housing

Increase in litter

People use the site as an illegal cut through to Howbeck Road

Less houses should be proposed

## **6.0 Relevant Planning Policies**

6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise. The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (2023) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The NPPF seeks to ensure a high standard of amenity for existing and future users of land and buildings.

National Planning Policy Framework:

Part 2 – Achieving sustainable development

Part 4 – Decision making

Part 5 – Delivering a sufficient supply of homes

- Part 8 – Promoting healthy and safe communities
- Part 9 – Promoting sustainable transport
- Part 11 – Making effective use of land
- Part 12 – Achieving well-designed and beautiful places
- Part 14 – Meeting the challenge of climate change, flooding and coastal change
- Part 15 – Conserving and enhancing the natural environment

### 6.3 Gedling Borough Council Aligned Core Strategy (ACS )2014:

Policy A - Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals.

Policy 1 - Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 2 – The Spatial Strategy – Sets out a hierarchical approach of urban concentration and regeneration, that supports the principle of residential development in the main built up area of Nottingham.

Policy 8 – Housing Size, Mix and Choice sets out the objectives for delivering new housing.

Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its “structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”.

Policy 14 – Managing Travel Demand - The need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy 16 – Green Infrastructure, Parks and Open Spaces – Green Infrastructure should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities.

Policy 17 – Biodiversity – New development should provide new biodiversity features, and improve existing biodiversity features wherever appropriate.

Policy 18 – Infrastructure – New development must be supported by the required infrastructure, and contributions will be sought from development proposals.

Policy 19 – Developer Contributions sets out that new developments will be required to meet the reasonable cost of new infrastructure required as a consequence of the proposal.

### 6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18<sup>th</sup> July 2018. The relevant policies in the determination of this application are as follows:

LPD4 – Surface Water Management states “all development proposals should, wherever possible, include measures to pro-actively manage 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.

LPD11 – Air Quality states “Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated.”

LPD18 – Protecting and Enhancing Biodiversity – Development proposals will be expected to take opportunities to incorporate biodiversity in and around development, wherever possible.

LPD 21 - Provision of New Open Space - Planning permission will be granted for residential development on sites of 0.4ha and above where it provides a minimum of 10% open space.

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

LPD 33 – Residential Density sets out that proposals for residential development will not be granted unless they are above a residential density of 30 dwellings per hectare.

LPD 35 – Safe, accessible and Inclusive Development provides detail on how development can create attractive, safe, inclusive and healthy environments

Policy LPD 36 - Affordable Housing - Planning permission will be granted for new residential development on sites of 15 dwellings or more subject to the provision of affordable housing. The following percentage targets will be sought in the sub-market ... Arnold / Mapperley 30%.

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.”

LPD 48 – Local Labour Agreements - The Borough Council will seek to negotiate planning agreements to secure local labour agreements for developments of 10 or more dwellings, on 0.5 hectares of land or development that will create more than 15 jobs.

LPD 57 Parking Standards sets out the requirements for parking.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”



LPD 64 Housing Allocations – Urban Area and edge of Hucknall – The site forms part of a larger housing allocation H7 Howbeck Road/Mapperley Plains.

6.5 Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (December 2013). Part 1 Waste Core Strategy

Policy WCS2 Waste Awareness, Prevention and Re-Use – 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.

Policy WCS10 Safeguarding Waste Management Sites – There are no existing waste management facilities in the vicinity of the proposed development.

6.6 Low Carbon Planning Guidance for Gedling Borough (May 2021)

Parking Provision for Residential and Non Residential Developments SPD (2022)

Interim Planning Policy Statement: First Homes (2022)

Open Space Provision for New Housing Development SPG (2001).

Development brief for three sites to the north east of Arnold (2019).

### **Assessment of Planning Considerations**

#### **7.0 Principle of Development**

7.1 The application site is allocated for residential development as the site forms the southern part of the housing allocation H7, Howbeck Road/Mapperley Plains for approx. 205 homes, allocated under Policy LPD 64 of the Local Plan but did not form part of planning application 2019/0213 (for the erection of 164 dwellings) on the northern part of the housing allocation H7, a number of which are now occupied.

The principle of development on this site is established through the allocation in the adopted Local Plan under LPD64. Therefore, the principle of development is supported.

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

#### **8.0 Design / Impact on Visual Amenity and Character of the Area**

8.1 The design of the proposal is considered to be acceptable and not have an unacceptable impact on the character or visual amenity of the area.

- 8.2 There would be a good range of house types and sizes, including 2, 3, 4 and 5 bedroomed dwellings, 2 and 2.5 storey properties, terraced, semi-detached and detached properties. 54 dwellings are proposed across the site which results in a density of 25 dwelling per hectare. This is slightly lower than the 30 dwelling per hectare threshold identified in policy LPD33; however, the design and layout is considered to respect the character of the area. The site also incorporates 2 no. areas of public open space. Therefore, a slightly lower density of development is considered to be appropriate in this instance.
- 8.3 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed with double fronted properties on key corner plots. Materials would be a mixture of red brick under red and grey tiled roofs with a smaller number of plots including white render, to add interest and assist in legibility.
- 8.4 Around the perimeter of the site, existing hedgerow and tree planting will be retained and protected with additional planting proposed around the outer boundary of the site and within the body of the site.
- 8.5 To conclude this section, it is considered that the overall design, layout and housing mix of the proposal complies with the relevant planning policies set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework and the Aligned Core Strategy Policies 8 and 10 and Policies LPD 33, 35 and 37.

## **9.0 Impact on Residential Amenity**

- 9.1 The amended proposal is not considered to have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 9.2 A number of neighbouring objections have been received regarding the impact on residential amenity on the occupiers of Shipley Close through the creation of the access road (highway safety is assessed later in this report). In particular this is through noise from traffic accessing the site throughout the construction phase and once the development is built out and occupied, should planning permission be granted. With regards to noise during the construction stage, house building sites are not uncommon next to existing residential areas and noise from construction traffic is only temporary in nature. If noise levels do become a noise nuisance then the Council's Environmental Health team would be able to control this. With regards to noise once the development is built out, should planning permission be granted, it is not considered that an access road serving an additional 54 dwellings would create a sufficient level of noise to be classed as a noise nuisance. A road serving this number of dwellings is not uncommon for a residential area.
- 9.4 Furthermore, the installation of the roundabout at the junction of the B684 and Beedham Way was designed to accommodate traffic for the whole of the allocated housing site (H7 in the adopted Local Plan). It was always intended

that access to the remainder of the H7 site (this specific application site) was to come from the new roundabout via the adjacent new estate.

- 9.5 Neighbours have also raised concerns regarding loss of privacy through the construction phase. Again, there would be some inevitable disruption during the construction phase. The retention of hedgerows will somewhat help to shield the site from existing neighbouring properties. House building sites are not uncommon next to existing residential areas and are only temporary in nature. However, there is a national and local requirement for housing delivery (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites.
- 9.6 Neighbour objections have also been received concerning dust and dirt during the construction phase. The Council's Scientific Officer has raised no objections to the proposal, subject to a number of conditions. One such condition is the submission of a Construction Emissions Management Plan to minimise the emission of dust and other emissions to air during site preparation and construction, in accordance with LPD11.
- 9.7 The proposal is not considered to cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring occupiers. This is primarily due to layout and separation distances between the proposed dwellings and between the proposed dwellings and existing properties as well as the location of the windows on the proposed dwellings and the existing hedgerows, which are proposed to remain. The properties with the shortest separation distance are plot 1 and 17 Shipley Close which are 8 metres apart. However, these are two side elevations containing no main aspect windows. With regards to separation distances between adjacent windows, the closest separation distances are within the site itself between plots 41 and 49 at 21 metres.
- 9.8 The proposed units themselves are of an adequate size to provide an acceptable level of amenity for proposed occupiers and adequate garden sizes are proposed to serve all dwellings.
- 9.9 For the reasons stated above, it is considered that the proposal complies with the relevant planning policies regarding amenity set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 32 and 37.

## **10.0 Highway Safety**

- 10.1 A single access is proposed to serve the development. This is through the adjacent Davidson Homes development directly to the north, via the new roundabout on the B684 Mapperley Plains, and then through Shipley Close. The access point through Shipley Close will enter the site on its northern boundary, towards the western side of the development. This road will link to the main street within the site which runs along an east – west axis through the proposed development. A further adoptable spur will be provided to the north of this main street as well as a series of private drives, serving smaller groups of properties.

- 10.2 One of the most frequent neighbour objection to this proposal is the access road through the existing Davidson Homes development, with a number of neighbours stating that direct access to the site should be from the B684 Mapperley Plains. However, paragraph 5.22 of the Council's "Development brief for the three sites to the north east of Arnold (January 2019)" provides the following statement regarding access to the wider allocated H7 site (which comprises this current application site and the existing Davidson Homes site);-

*"All sites will be served with a Primary Access Road. Access to Site H7 will be provided via a new roundabout interchange with Mapperley Plains and Catfoot Lane."*

As such, the clear intention at the site allocation stage was for a single primary access road from the new roundabout on the B684 Mapperley Plains to serve the whole H7 allocated site which this current application is part of.

- 10.3 Furthermore, the Highway Authority has assessed the planning application, including the applicant's Transport Assessment, and has raised no objection to the proposed access arrangements stating that;-

*"Table 4 of the Transport Assessment shows the development will generate 64 and 51 person trips in the AM and PM peaks respectively. This has then been prorated in accordance with Method of Travel to Work Census data which reduces these values to 44 and 35 vehicles. Our own interrogation of the TRICS database has produced lower vehicle trip rates, and so the applicant's methodology is considered more robust."*

*Junction capacity assessment has been undertaken at the B684 / Catfoot Lane roundabout. Table 6 of the TA shows it will still operate within its theoretical maximum in the 2028 future year assessment scenario which is acceptable. Development traffic has been distributed on the network in accordance with Travel to Work origin/destination data from the 2011 Census which does not result in significant volumes of additional traffic at nearby junctions and so no further performance analysis is necessary."*

- 10.4 Following negotiations, clarifications and amendments, the Highway Authority now raises no objection to the proposed roads within the application site itself. Internally, the road layout comprises of a 5.5m wide carriageway with 2.0m wide footways on both sides, which is considered to be acceptable. Following a request from the Highway Authority, the applicant has submitted tracking details to show that it is possible for a dustcart and car to pass one another on all parts of the proposed adopted highway, specifically on bends / turns of more than 20 degrees. Also at the request of the Highway Authority, swept path analysis within the turning heads has been undertaken and is sufficient to accommodate a dustcart and a turning area has been made available to the rear of plots 27 and 28 for the occupiers at plot 26 to enter/exit the shared driveway in a forward gear.
- 10.5 A Section 106 Legal Agreement is being prepared and will include the provision of a private management company to maintain all shared private

driveways serving more than 5 properties. This would need to be signed prior to the grant of any planning permission.

- 10.6 Following negotiations, clarifications and amendments, the shared private drives now measure the required dimensions of 4.8m wide for the first 8.0m behind the highway boundary with an additional 0.5m for each side that is bound by a wall/fence/hedge or similar type obstruction. Bin collection points are also provided within 25 metres of the adopted highway (which is the maximum carry distance so that refuse vehicles do not have to enter the private driveways).
- 10.7 Following negotiations, driveway parking between plots have been widened to allow cars to park comfortably in the spaces and car parking spaces and have been re-positioned so that they are in close proximity to the property which they serve.
- 10.8 The Council's Parking Provision for Residential and Non Residential Developments SPD (2022) states that the parking requirement for houses in urban areas is as follows;-
- 2 bedrooms – 2 allocated spaces plus 0.2 unallocated spaces
  - 3 bedrooms – 2 allocated spaces plus 0.3 unallocated spaces
  - 4 plus bedrooms – 3 allocated spaces plus 0 unallocated spaces or 2 allocated spaces plus 0.6 unallocated spaces.
- 10.9 The proposal complies with the parking standards above.
- All the 2 bed units on site provide 2 car parking spaces so each have a requirement for 0.2 unallocated spaces.
  - All the 3 bed units on site provide a minimum of 2 parking spaces so each have a requirement for 0.3 unallocated spaces.
  - All but one of the 4 and 5 bed units on site provide a minimum of 3 parking spaces so do not have any unallocated parking requirement. The 1 no. 4 bed affordable housing unit (plot 40) has 2 no. allocated parking spaces and, as such 1 unallocated parking space is also provided adjacent to this parking area.

Taking the above into account a total of 9 unallocated parking spaces are required within the development. The proposal exceeds this and provides 11 unallocated visitor parking spaces.

The 11 spaces provided are located as follows:

- 6 no. spaces adjacent to the central public open space
- 1 no. space adjacent to plot 6 on the western edge of the site
- 3 no. spaces at the end of main street on the eastern edge of the site
- 1 no. space in front of plot 40 in the northern part of the site

It is considered that these spaces are distributed throughout the site and are acceptable in this respect.

- 10.10 There is an existing public footpath (Arnold Footpath 3) which traverses the site. The submitted plans show that this footpath will remain but will be re-routed through the site to enable the housing development. Nottinghamshire County Council's Rights of Way Officer has raised no objection to this proposal, subject to conditions. The diversion of the footpath will require approval through a separate footpath diversion order. The applicant is aware of this but for clarity this should also form part of an informative, should planning permission be approved for this current residential development application. If this application is granted planning permission then no part of the development, or any temporary works or structures, would be able to obstruct the public right of way until a footpath diversion order has been granted. The footpath diversion order application would also assess precise details of the design and specification of the proposed diverted footpath.
- 10.11 For the reasons stated above, it is considered that the proposal complies with the relevant planning policies regarding highway safety set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 57, 61 and the Council's Parking Standards SPD.

## **11.0 Drainage / Flood Risk**

- 11.1 The site is located within Flood Zone 1 and is therefore at a low risk of flooding. Nonetheless, due to the size of the proposal a full Flood Risk Assessment was submitted with the application. The Environment Agency were consulted on the application and have raised no objections.
- 11.2 The Lead Local Flood Authority (LLFA) has assessed the submitted surface water drainage information and found it to be acceptable. This is subject to a condition requiring precise details of surface water drainage being approved prior to the commencement of development.
- 11.3 Foul drainage will be dealt with through the Building Regulations process, should planning permission be granted.
- 11.4 Following the neighbour letter, the area of the site containing an existing septic tank serving the properties on Mapperley Plains is now proposed to be fenced off from the proposed new dwellings.
- 11.5 For the reasons stated above, subject to conditions, drainage at the site is acceptable and the proposal will not increase flood risk in the area. As such, the proposal is considered to be in accordance with Part 14 of the NPPF, Policy 1 of the ACS and LPD4.

## **12.0 Ecology**

- 12.1 The site is a greenfield site located within an urban area. There is the possibility that species may be present within the grass or within the trees / hedges on site. As such, an Ecology Survey was submitted in support of the planning application.

- 12.2 This survey concludes that the proposal will not impact on ecology or protected species at the site or in the area, subject to a number of conditions. These include tree and hedgerow protection during construction and a low impact lighting strategy. The survey recommends a precautionary approach during construction works including final checks for any bats prior to any works to trees on site, works to take place outside of the bird breeding season unless hedgerows are first inspected for the presence of nesting birds and precautionary methods of construction. Ecology enhancements are also recommended such as the installation of bat and bird boxes.
- 12.3 This application was submitted prior to the legislation being published requiring a 10% Biodiversity Net Gain (BNG).
- 12.4 For the reasons stated above, subject to conditions, the proposal will not have an unacceptable impact on ecology and is in accordance with Part 15 of the NPPF policy 11 of the ACS and LPD18.

### **13.0 Sustainability**

- 13.1 In respect of the Low Carbon Planning Guidance for Gedling Borough the applicant has taken into account the relevant guidance and in particular, the checklist at Appendix 1, which is intended to be used in support of planning applications. The developer states that their standard approach is to reduce emissions through fabric improvements such as high levels of insulation and energy efficiency appliances. The site is close to local transport links, including footpaths and bus stops as well as being close to local amenities. Trees and hedgerows are proposed to remain as part of the development. The scheme is intending to provide a SUDs drainage system. As recommended in Section 17 of this report, conditions should be attached to the grant of any planning permission requiring electric vehicle charging points and bird nest boxes.

### **14.0 Planning Obligations**

- 14.1 The application meets the trigger for a number of contributions to make the development acceptable in planning terms.
- 14.2 In accordance with LPD36, as the proposed development is for more than 15 dwellings, the development must provide 30% of the dwellings as affordable housing. The Council's Housing Manager requested that 11 of these units be affordable rented units and 5 to be First Homes. Negotiations have taken place with the applicant and a 4-bedroom affordable rented unit is now being proposed to meet demand within the borough. As a result, the housing mix for the affordable rent is 5 x 2-bed, 5 x 3-bed and 1 x 4-bed. The housing mix for the First Homes is 5x 2-bed.
- 14.3 The contributions sought from various statutory consultees are summarised below:
- Affordable housing – 11 housing units to be affordable rented units and 5 housing units to be First Homes.

- Education Contribution - £272,430 as a contribution towards secondary educational facilities in Arnold's Secondary Planning Area and £60,540 as a contribution towards post 16 educational facilities in Arnold.
- Library Contribution - £2,047 to be used by Nottinghamshire County Council as a contribution towards enhancing library provision at Arnold Library.
- Primary Healthcare Contribution - £29,261.25 RPI Index Linked to be used by the Integrated Care Board towards providing additional accommodation at Highcroft Surgery, Stenhouse Medical Centre and Plains View Surgery
- Open Space Contribution – Public Open Space to be provided on site as well as a maintenance sum of £63,840.00.
- Transport and travel – A £7,500 travel plan monitoring fee. A management scheme and management company for the future maintenance of the private driveways.
- S106 Monitoring fee – A S106 monitoring fee.
- Local Labour Agreement – A local labour agreement.

14.4 By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing. However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.

14.5 First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000.

14.6 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6<sup>th</sup> October 2022 and the Interim Planning Policy Statement was adopted. Accordingly, the local requirements for First Homes are as follows:

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000



3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
4. Applicants should either:
  - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
  - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
  - have permanent employment within Gedling Borough Council's administrative area; or
  - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

14.7 All of the above contributions are deemed to comply with guidance as outlined in paragraph 57 of the NPPF, which identifies the tests required to seek a planning obligation, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

14.8 A Section 106 Legal Agreement has been drafted to secure the contributions set out in paragraph 14.3 of this report.

## **15.0 Other Issues**

15.1 The site is located within a former coal mining area and, as such, the standard coal mining informative should be attached to any grant of any planning permission providing advice for building in a former coal mining area.

15.2 The Council's Scientific Officer advises that conditions should be attached to the grant of any planning permission regarding a Construction Emission Management Plan and electric vehicle charging points. This is in accordance with Policy LPD11 as well as the NPPF.

15.3 The majority of neighbour concerns have been addressed throughout the main body of this report. However, the remaining neighbour concerns are addressed below.

15.4 Concerns have been raised that there will be a disruption to water, drainage and electricity throughout construction phase. There is no reason as to why services would be disrupted during the construction phase. If this did happen, this would be a private matter.

15.6 Neighbours have raised concerns that there will be a need for additional services such as schools, doctors and dentists. As explained in Section 14.1 of this report, the developer has agreed to pay Nottinghamshire County Council a financial contribution towards local schools and a financial contribution towards local doctors' surgeries. A financial contribution towards dentists has not been requested.

- 15.7 Objections have been raised on the grounds that additional people will impact on the already weak public transport and further bus stops are required on Mapperley Plains. Nottinghamshire County Council were consulted on the application but have not requested any financial contributions to bus stop improvements. They have, however, requested that introductory free bus passes are provided to new residents in order to encourage the use of sustainable transport methods. The applicant agrees to this through their submitted Travel Plan.
- 15.8 A neighbour has asked the Council to consider bungalows. The applicant has not proposed any bungalows on this development and this has also not been requested by the Council's Strategic Housing team. The proposal is considered to provide an appropriate mix of house types and tenures as set out in paragraph 8.2 of this report.
- 15.9 A neighbour has raised the question as to whether an Environmental Impact Assessment (EIA) been carried out? The proposal is not EIA development as set out in the EIA Regulations and, as such, an EIA has not been carried out.
- 15.10 A neighbour states that the site has been taken out of the Green Belt. This is correct, the site was taken out of the Green Belt and allocated for housing development as part of the current Local Plan. A neighbour also states that a brownfield site should be considered for housing instead of this green field site. However, the site is already allocated for housing development in the Gedling Local Plan and, as such, the principle of residential development at this site is already established.
- 15.11 Concerns have been raised that the area will become over-populated. The density of development is slightly less than set out in LPD33, as explained in paragraph 8.2 of this report. The S106 legal agreement ensures that the development contributes to local services as set out in paragraph 14.1 of this report.
- 15.12 Neighbours raise concerns that this development is not in line with the sustainability agenda. As explained in paragraph 13.1 of this report, the applicant has demonstrated how the proposal will comply with the Council's Low Carbon Planning Guidance for Gedling Borough.
- 15.14 Neighbours state that this field is the only open public space left after the two new build estates in the area. Although the field has a public right of way running through it, it is privately owned and not a public open space.
- 15.15 Concerns have also been raised regarding the loss of a green space, on the grounds that a neighbour bought their house next to a field to enjoy nature, on the grounds that neighbours were told that no new housing was proposed on this site and some neighbours stated that they were opposed to the idea of more housing in general. This site is allocated in the Local Plan for housing development and, as such, the principle of residential development at the site is already established.
- 15.16 De-valuation of property is not a material planning consideration which can be afforded significant weight in the decision making process.

15.17 One neighbour states that they do not wish to live close to social housing. However, there is a need for social housing in the area and Policy LPD64 states that in the region of 31 dwellings on this allocated site needs to be affordable housing.

15.18 A neighbour requests that Nottinghamshire County Council (NCC) reviews bus service provision in the area. NCC has assessed the current planning application but has concluded that there is good access to local bus routes and that contributions towards local bus service provision will not be sought.

## 16.0 Conclusion

16.1 The proposed development is consistent with local and national planning policies. The site is allocated for residential development in the Local Plan, the design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 4, 5, 8, 9, 11, 12, 14, and 15), Policies A, 1, 2, 8, 10, 14, 16, 17, 18 and 19 of the ACS, Policies LPD 4, 11, 18, 21, 32, 33, 35, 36, 37, 48, 57, 61 and 64 of the LPD, Policies WCS2 and WCS10 of the RWLPWCS, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision SPD, Low Carbon Planning Guidance for Gedling Borough, Open Space Provision SPD and Development brief for three sites to the north-east of Arnold.

**17.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway Authority to secure 5 no. First Homes and 11 no. affordable rented units (affordable housing) on the site, areas of public open space on the site as well as a maintenance contribution, a travel plan monitoring fee, a S106 monitoring fee as well as a contribution to education, libraries, primary healthcare, and a local labour agreement and subject to the conditions listed for the reasons set out in the report.**

## Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted documents;-

Garage Type STS, House Type 761, House Type 920, House Type Chapman, House Type Crane, House Type Gardener, House Type Harrison,

House Type Hermitage, House Type Heywood, House Type Hudson, House Type Kipling 1, House Type Kipling 2, House Type Seymour, received 15<sup>th</sup> January 2024

Amended Site Location Plan, received 28<sup>th</sup> June 2024

House Type 1158, received 28<sup>th</sup> June 2024

Application forms and certificates, received 4<sup>th</sup> July 2024

Amended Proposed Site Layout 2326-03-01 Rev R, received 16<sup>th</sup> August 2024

Amended travel Plan (ref: T23541 rev B dated 08/05/24)

- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings are first occupied.
- 5 No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the first occupation of the development. These details shall include:

A schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

An implementation and phasing programme

Hard surfacing materials

- 6 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the current or next planting season with others of similar size and species.
- 7 The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Method Statement, received by the Local Planning Authority 3<sup>rd</sup> September 2024 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in

accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.

- 8 Occupation of the proposed dwellings shall not take place until their respective driveways/parking areas have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0m from the rear of the public highway, and which shall be drained to prevent the discharge of surface water from the driveways/parking areas to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 9 No development shall take place, including any works of demolition, until a Construction 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 demolition and construction works
- 10 From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 11 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be

undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

- 12 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy Plains Road Mapperley, December 2023, Woods Harwick., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- o No surcharge shown in a 1 in 1 year.
- o No flooding shown in a 1 in 30 year.
- o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

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

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

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 13 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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.
- 14 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.
- 15 The development hereby permitted shall be carried out in accordance with details contained in the submitted Ecological Appraisal, received by the Local Planning Authority 15<sup>th</sup> January 2024. In particular;-

No building on site shall be occupied until details of bird nest boxes and bat boxes have been implemented in accordance with Table 6 of the Ecological Appraisal. The bird and bat boxes shall then be retained thereafter for the lifetime of the development.

No development shall be commenced until details of a low impact lighting strategy will for the site during and post-development have been submitted to and approved in writing by the Local Planning. Development shall then be carried out in accordance with the approved details.

Prior to any tree pruning or felling, a close-up inspection of any features that could be used by roosting bats will be undertaken to determine the presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.

A precautionary working method will be implemented during construction, including the following measures:

- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape.
- Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.
- In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist.
- If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should

be moved by hand to a sheltered, vegetated area away from disturbance.

## Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 In the interests of visual amenity
- 4 In the interests of visual amenity
- 5 In the interests of visual amenity
- 6 In the interests of visual amenity and biodiversity
- 7 In the interests of visual amenity and biodiversity
- 8 In the interests of highway safety
- 9 In the interests of highway safety
- 10 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 11 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 12 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 13 In the interests of maintaining and enhancing biodiversity.
- 14 To ensure the character of the area and residential amenity is respected and to comply with policies ACS10 and LPD32.
- 15 In the interests of maintaining and enhancing biodiversity.



## Reasons for Decision

The proposed development is consistent with local and national planning policies. The site is allocated for residential development in the Local Plan, the design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF (Parts 2, 4, 5, 8, 9, 11, 12, 14, and 15), Policies A, 1, 2, 8, 10, 14, 16, 17, 18 and 19 of the ACS, Policies LPD 4, 11, 18, 21, 32, 33, 35, 36, 37, 48, 57, 61 and 64 of the LPD, Policies WCS2 and WCS10 of the RWLPWCS, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision SPD, Low Carbon Planning Guidance for Gedling Borough, Open Space Provision SPD and Development brief for three sites to the north-east of Arnold.

## Notes to Applicant

- 1 The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.  
The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal:  
[www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)
- 2 With regards to condition 14, 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) and The Electric Vehicles (Smart Charge Points) Regulations 2021.
- 3 It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- 4 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).

- 5 With regards to condition 17 all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
- 6 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.
- 7 The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
  - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
  - b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

Correspondence with the Highway Authority should be addressed to:  
[hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk)

The development will require the diversion of a public right of way. The grant of permission for this development does not authorise the obstruction or diversion of this public right of way and an unlawful obstruction to this right of way/highway is a criminal offence and may result in the obstructing development being required to be removed.

- 8 A separate application for an Order to divert the public right of way/highway will be required under Town and Country Planning Act 1990 legislation. This is a separate legal process and the applicant will need to contact Gedling Borough Council.
- 9 The advice from Nottinghamshire Police is set out below;-

“We would further encourage the developers to consider the security benefits that the latest Secured By Design (SBD) Homes Guide 2024 which can be found at the link below, and which contain details of the specifications recognised nationally as providing the security aspirations for the developer:

<https://www.securedbydesign.com/images/HOMES%20GUIDE%20May%202024.pdf>

Ideally, the site would also apply for, and achieve the Secured by Design Gold Standard.

Construction site security is also of concern when this development progresses, and there is also guidance provided by Secured by Design, and this can be viewed at

[https://www.securedbydesign.com/images/CONSTRUCTION\\_SITE\\_SECURITY\\_GUIDE\\_A4\\_8pp.pdf](https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf)

Secured by Design (SBD) is a police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. ‘Secured by Design’ is proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure, and sustainable environments. Secured by Design is owned by the UK Police Service and is supported by the Home Office, Building Control Departments in England (Part Q Security – Dwellings), Scotland (Building Standard 4.13) and Wales (Part Q Security – Dwellings) all reference SBD.

Secured by Design (SBD) is a place-based approach to crime reduction that brings together standards of physical security with the broader principles of Crime Prevention Through Environmental Design (CPTED) to set minimum requirements that enable properties to be awarded SBD status. The results of several studies have shown that housing design plays a key role in influencing offender decision-making, the risk of surveillance and standards of physical security being primary deterrents (Armitage & Tompson, 2022).”

10 With regards to the public right of way at the site;-

- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks’ notice is required to process the closure and an alternative route on should be provided if possible.
- If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.

- If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.
- No materials or contractor's vehicles should be stored/parked on the path prevent access to or along the path at any time (unless a temporary closure of the path has been applied for and granted)
- Should vehicles run over the path during the development, the applicant must ensure that the surface is repaired and made safe for the users of the path, be that pedestrian, equestrian or cyclists.
- Where the right of way runs across the site, there are currently open fields on either side with no adjacent boundary. This open aspect should be retained as far as is practicable as part of any development, with good practice design principles applied to either ensure that the route does not become enclosed and/or is incorporated it as part of a greenspace corridor. See NCC development guide.
- The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.
- Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption. [licences@viaem.co.uk](mailto:licences@viaem.co.uk)

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email [countryside.access@nottscc.gov.uk](mailto:countryside.access@nottscc.gov.uk)

- If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit> and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic.

The proposed dwellings shall not be occupied until Arnold Footpath 3 has been formally diverted in accordance with the details shown indicatively on drawing 2326-03-01 Rev P. Any temporary works or structures shall not obstruct the right of way unless/until arrangements have been made with the Highway Authority to introduce a Temporary Prohibition of Pedestrians Order.

For the avoidance of doubt, vegetation removal does not constitute the commencement of development.