



Planning Report for 2022/0501

1:3,138

Planning Reference:

2022/0501

Land off Hayden Lane

Linby



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Report to Planning Committee

Application Number:	2022/0501
Location:	Land Off Hayden Lane, Linby
Proposal:	Full Planning Permission for 131 dwellings with access from Delia Avenue and Dorothy Avenue
Applicant:	Barwood Homes and Mr J E H Sztejer, Ms D L Sztejer, Mr T G Sztejer and Ms J M Sztejer
Agent:	Fisher German LLP
Case Officer:	Nigel Bryan

This application is referred to Planning Committee to seek approval to amend the planning application to be secured in respect of the above development.

1.0 Introduction

- 1.1 Planning application 2022/0501 was considered at the Planning Committee of 18th October 2023, where it was resolved to grant planning permission, subject to the signing of a Section 106 Legal Agreement securing planning obligations as set out in the report to the planning committee at Appendix 1 of this report . However, due to delays in completing the legal agreement, the permission has not yet been issued. There has been no material change to the development as proposed e.g. in layout; however, since the determination of the application there has been significant changes in policy, most notably the adoption of a new National Planning Policy Framework (NPPF), which is why the application is due to be re-considered.
- 1.2 For the avoidance of doubt, planning permission has not been granted for access to the site from Dorothy or Delia Avenue, which would need to be granted by Ashfield District Council. Therefore, the construction of dwellings may not be imminent but that is outside of Gedling Borough Councils control.
- 1.3 The original committee report from the 18th October 2023 is reproduced in full at the end of this committee report at Appendix 1.

2.0 Relevant Policies & Background Information

- 2.1 A significant period of time has passed since the Planning Committee initially resolved to approve this development, subject to the completion of a Section 106 Agreement securing planning obligations. The proposal was considered

taking into account the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Aligned Core Strategy (ACS), Local Planning Document (LPD) and relevant Supplementary Planning Documents. Since the application was last brought before Planning Committee, the NPPF has been revised.

3.0 The updated relevant policies are listed below:

3.1 National Planning Policies

3.2 National planning policy guidance is set out in the NPPF 2024, at the heart of which is a presumption in favour of sustainable development (paragraphs 11-14). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

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

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

- NPPF: Planning conditions and obligations (paragraphs 56 – 59),
- NPPF: Annex 1: Implementation (paragraphs 231 – 233).
- NPPF: Annex 2 Glossary

4.0 S106 Legal Agreement

4.1 Since the application was considered at the Planning Committee over 2 years ago there have been notable changes of planning policy that would impact on the legal agreement. Whilst the Council were progressing heads of terms for the Section 106 Agreement a revised NPPF was published in December 2024 removing the national requirement that a minimum of 25% of affordable housing units secured through Section 106 planning obligations should be for First Homes.

The updated NPPF is not specific on what tenure the affordable housing should consist of ; however, the Council has an 'Affordable Housing SPD' from December 2009, which is of some age but is considered consistent with the new NPPF, and identifies that a housing mix of 70% social rent and 30% intermediate housing e.g. affordable rent, low cost properties and shared ownership. In the glossary of the NPPF (annex 2) where Affordable Housing is defined, reference is made to a Written Ministerial Statement of 24th May 2021, which highlights 'the importance of social rent as part of the affordable housing tenure mix', as well as the importance of shared ownership homes. It does not explore Discounted Market Sales Housing (DMSH), however, the

Affordable Housing SPD is considered consistent with the Ministerial Statement. It is considered that the affordable housing mix should be updated to reflect that change in policy away from First Homes and provide Shared Ownership properties, as these are considered suitable for this site. The affordable housing mix is therefore to be changed from:

- 14 First Homes and 26 Affordable Rent, to
- 14 Shared Ownership properties and 26 Affordable Rent.

4.2 The other notable policy change is that on the 10th April 2024 Nottinghamshire County Council (NCC) adopted a 'Developer Contribution Strategy'. This up-to-date document changed the level of contributions sought for a wide range of developments. As a result, further consultation has been undertaken with NCC to outline what changes are proposed to the contributions sought for this particular application. For ease, a comparison table is produced below showing what contributions were sought on the initial resolution in February 2023 and what is now proposed, given the aforementioned policy changes.

Fig 1: comparison table of revised contributions

	Contribution resolved to be received in 2023	Amended contribution sought in 2025
Affordable	14 First Homes. 26 Affordable Rent.	14 shared Ownership and 26 Affordable Rent.
Transport and Travel:	Bus stop: £11,825	Bus stop: £24,500 Bus service contribution: £158,000
Education	Secondary: £551,334 Post 16: £105,016 SEND: £90,322 Total: £746,672	Secondary: £635,670 Post 16: None SEND: £104,566 Total: £740,236
PCT	£70,985	No change.
Library	£4,611	£5,843
Parks	10% POS provided, LEAP and no financial contribution, unless maintained by GBC	No change.

Monitoring	Payment per trigger	No change
Local Labour Agreement	Included	No change
Total (financial)	£834,093	£999,564

4.3 As noted above, some contributions have not altered whilst others have increased or reduced. Notable changes are a significant increase in the contribution toward public transport e.g. £158,000 toward bus services, and removal of First Homes, to be replaced with shared ownership properties. The overall payment of contributions would increase from £834,093 to £999,564. The agent has indicated that they would be agreeable to the changes proposed and that the scheme would remain viable.

3.4 Having regard to the above, it is recommended that the planning committee grant planning permission, subject to the signing of the updated S106 Legal Agreement, with the amended contribution 2025 figures as outlined in figure 1, and with the conditions as outlined in the original committee report from October 2023, reproduced below at Appendix 1, where it was previously resolved to grant permission.

Recommendation:

1. **Planning permission be GRANTED subject to the completion of a satisfactory section 106 agreement which secures appropriate planning obligations and subject to the conditions set out below; and**
- 2 **Should a satisfactory section 106 agreement which secures appropriate planning obligations not be completed by 03rd June 2026, or any further extension of time agreed in writing between the applicant and the local planning authority, that it be delegated to the Assistant Director for Planning to REFUSE planning permission.**

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
Site Location Plan, Scale 1:2500, Plan Ref: 3710-01
Location Plan, Submitted 14th April 2022
Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O Planning Layout, Submitted 5th October 2023
Design and Access Statement, Submitted 14th April 2022
House Type B1 Plans and Elevations, Scale 1:100, Plan Ref: 3710 45 House Type B1, Submitted 30th November 2022
House Type P Plans and Elevations, Scale 1:100, Plan Ref: 3710 46 House Type P, Submitted 30th November 2022
House Type Q Plans and Elevations, Scale 1:100, Plan Ref: 3710 47 House Type Q, Submitted 30th November 2022
House Type R Plans and Elevations, Scale 1:100, Plan Ref: 3710 48 House Type R, Submitted 30th November 2022
House Type A Plans and Elevations Scale 1:100, Plan Ref: 3710 30 House Type A, Submitted 14th April 2022
House Type B Plans and Elevations Scale 1:100, Plan Ref: 3710 31 House Type B, Submitted 14th April 2022
House Type C Plans and Elevations, Scale 1:100, Plan Ref: 3710 32 House Type C, Submitted 14th April 2022
House Type D Plans and Elevations, Scale 1:100, Plan Ref: 3710 33 House Type D, Submitted 14th April 2022
House Type E Plans and Elevations, Scale 1:100, Plan Ref: 3710 34 House Type E, Submitted 14th April 2022
House Type F Plans and Elevations, Scale 1:100, Plan Ref: 3710 35 House Type F, Submitted 14th April 2022
House Type H Plans and Elevations, Scale 1:100, Plan Ref: 3710 37 House Type H, Submitted 14th April 2022
House Type I Plans and Elevations, Scale 1:100, Plan Ref: 3710 38 House Type I, Submitted 14th April 2022
House Type J Plans and Elevations, Scale 1:100, Plan Ref: 3710 39 House Type J, Submitted 14th April 2022
House Type L Plans and Elevations, Scale 1:100, Plan Ref: 3710 41 House Type L, Submitted 14th April 2022
House Type M Plans and Elevations, Scale 1:100, Plan Ref: 3710 42 House Type M, Submitted 14th April 2022
House Type O Plans and Elevations, Scale 1:100, Plan Ref: 3710 44 House Type O, Submitted 14th April 2022,
House Type Chawton, Submitted 6th October 2023 Plan Ref: 1142,
House Type Kingston 1192 Submitted 6th October 2023,
Double Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-50
Double Garage, Submitted 4th May 2022 Single Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-51
Single Garage Submitted 4th May 2022 Open Space Plan, Scale 1:500, Plan Ref: HUCK-PL-002 D Open Space Plan, Submitted 6th September 2023
Site Access Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-100-B Site Access Plan, Submitted 30th September 2023

Refuse Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-615-F Refuse Vehicle Tracking, Submitted 30th August 2023
 Delivery Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-616 Delivery Vehicle Tracking, Submitted 5th May 2023
 Levels and Drainage Strategy, Scale 1:500, Plan Ref: 19000-HUCK-5-SK001-D Levels and Drainage Strategy, Submitted 16th June 2023
 Surface Water Flood Routing Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-SK005-B Surface Water Routing Plan, Submitted 16th June 2023
 Car Parking Plan, Scale 1:500, Plan Ref: HUCK-PL-004-D Car Parking, Submitted 9th May 2023
 Arboricultural Impact Assessment, Doc Ref: BG21.281.1. Land off Hayden Lane, Hucknall, Rev 5, Submitted 17th February 2023
 Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022
 Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022
 Landscape Masterplan, Doc Ref: BG21.281 Hayden Lane, Hucknall, Landscaping Masterplan Rev 2, Submitted November 2022
 Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3 Hayden Lane, Hucknall, Submitted April 2022
 Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Submitted April 2022
 Transport Assessment, Doc Ref: 19000 Hucknall, Submitted 8th June 2022
 Green Travel Plan Doc Ref: 19000 Hucknall, Submitted April 2022

- 3 No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
- 5 Occupation of any proposed dwellings shall not take place until such time as the site access arrangement as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
- 6 Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 7 Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited

to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.

- 8 Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.
- 9 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 Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall: Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169. Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods. No surcharge shown in a 1 in 1 year; No flooding shown in a 1 in 30 year.; For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. Evidence to demonstrate the viability (e.g Condition, Capacity and

positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. Evidence of approval for drainage infrastructure crossing third party land where applicable. Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 10 All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
- 11 The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
- 12 Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.

- 13 No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.
- 14 From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 15 The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
- 16 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 To define the permission and for the avoidance of doubt.
- 3 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 4 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 5 In the interest of highway safety.
- 6 In the interest of highway safety.

- 7 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 8 To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
- 9 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.
- 10 To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
- 11 To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2024).
- 12 To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
- 13 To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
- 14 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Council's Local Plan.
- 15 To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2024).
- 16 To ensure the development is safe and suitable for use.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 164 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would

fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Notes to Applicant

1. Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 39 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.
2. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottsc.gov.uk 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.
3. Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.
4. The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles. All electrical circuits/installations shall comply with

the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

5. The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil
6. 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.
7. The applicant is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council (Ref: V/2022/00350). The applicant should also note that there is a planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.



APPENDIX 1

Planning Report for 2022/0501



Report to Planning Committee

Application Number:	2022/0501
Location:	Land Off Hayden Lane Linby
Proposal:	Full planning permission for 131 dwelling with access from Delia Avenue and Dorothy Avenue.
Applicant:	Barwood Homes
Agent:	Fisher German LLP
Case Officer:	Craig Miles

The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings and a legal agreement is required.

1.0 Site Description

- 1.1 The application site is located to the east of Hayden Lane, which connects to Papplewick Lane, the main road connecting into Hucknall town centre. It comprises a single agricultural field of arable farm land and improved grassland and is enclosed by existing hedgerows running along the perimeter of the site's boundaries, to the north east and south, and small clusters of trees. The site measures some 4.81 hectares (ha). It is allocated for housing development in the adopted Local Planning Document (LPD).
- 1.2 To the south, the site adjoins Sherwood Gate' residential development which is a development approved for 255 dwellings. A significant amount of dwellings have been built out and are occupied. To the east and north are open agricultural fields.
- 1.3 The west boundary of the site adjoins an existing residential area forming the main urban area of Hucknall, more specifically the end of existing cul-de-sacs forming Dorothy Avenue and Delia Avenue. The administrative boundary of the Gedling Borough Council is up to the boundary with both Dorothy Avenue and Delia Avenue and beyond is Ashfield District Council.
- 1.4 At present the current vehicular and pedestrian access is achieved via adjoining fields which are accessed off Hayden Lane.
- 1.5 In terms of topography there is a gradual fall from south west to north east. The location, setting and topography allow for open views northward, although established hedge planting around the site boundaries obscures distance views and encloses the site.

- 1.6 The site is identified on the Flood Map for Planning as being within Flood Zone 1 (Low Probability of flooding) and it is also in an area at very low risk of surface water flooding.
- 1.7 The site is not subject to any statutory environmental designations. There are no designated heritage assets on or directly adjacent to the site. The nearest is Castle Mill (Grade II Listed) which is located off Linby Lane approx. 350m north east of the site and Hucknall conservation area is some 2km to the south of the site.
- 1.8 The nearest bus stop is located 300m east of the site off Ethel Avenue that provides connections to the Vaughan Estate via the Town Centre which hosts all key amenities and services, within the administrative area of Ashfield District Council

2.0 Relevant Planning History

- 2.1 The site is allocated for residential development under 'Policy LPD 64 Housing Allocations – Urban Area and edge of Hucknall of the Local Planning Document. The site is referred to as 'H10 - Hayden Lane' and is anticipated to deliver approximately 120 homes, including 36 affordable. It is noted that the Policy states that the numbers set out within the Policy are approximate and that "Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable".
- 2.2 Preceding its allocation, the site formed part of a wider area of safeguarded land, within the Aligned Core Strategy (2014). The remaining area of the 'safeguarded land' is known as 'Land North of Papplewick Lane' and is currently under construction by Bellway Homes 'Sherwood Gate'.
- 2.3 Policy 2 of the Aligned Core Strategy outlines that 'Land North of Papplewick Lane' had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining 'Land North of Papplewick Lane' site.
- 2.4 Adjoining the application site to the south, but within the wider 'safeguarded land' allocation is another application for the erection of 30 dwellings (Reference: 2023/0233), which remains undetermined. Its development is not reliant upon the delivery of this site as it is proposed that it would be accessed separately via Marion Avenue.
- 2.5 The application site crosses two administrative boundaries. Whilst almost all of the land where the proposed dwellings would be located are within Gedling Borough Council, a small proportion of the application site falls within Ashfield District Council. The small area of land is located at the end (north) of both Delia Avenue and Dorothy Avenue cul-de sacs. Clearly both Delia Avenue and Dorothy Avenue would be used to access the site which also falls in within Ashfield District Council. The applicant would therefore need permission from both Gedling Borough Council and Ashfield District Council (similar to the

adjoining Sherwood Gate' residential development which is access via Papplewick Lane).

3.0 Proposed Development

- 3.1 The application is a standalone full planning application and is for the erection of some 131 dwellings together with two new access points formed via Delia Avenue and Dorothy Avenue.
- 3.2 The proposed development includes a range of one, two, three and four bedroom properties with dwellings being two stories in scale. There would be sixteen different house types, with a mix of detached, semi-detached and terraced housing. Forty of the properties are identified as being affordable of which 14 would be First Homes and the remaining dwellings 26 as affordable rent which would comprise of 1, 2 and 3 bedroomed.
- 3.3 The layout has largely been designed around a centralised area of public open space, taking account of a loop road that would connect to Delia Avenue and Dorothy Avenue. Each dwelling would have their own off-street car parking space. On average there would be 2.5 spaces per dwelling.
- 3.4 Dwellings would generally face the highway and public realm in order to provide a continuous frontage to the street scene. Around the perimeter, some dwellings would also face the boundaries of the site to make the most of the views across the wider countryside and create vistas into the site with active frontages forming positive relationships with long distance views of the site.
- 3.5 Indicative landscaping proposals show that there would be enhanced landscape planting along the northern boundary of the site, and on the eastern most part of the site would be a large retaining pond (and pump station) that would be landscaped along its roadside frontage.

4.0 Consultations

- 4.1 Papplewick Parish Council – Have no objections, however raise concern about road congestion brought about by the proposed development as the centre of Papplewick village is already at capacity. They are also concerned about the pressure on the nearby green spaces such as Moor Pond Wood and Papplewick Playing Field.

Linby Parish Council – State that they support the principle of the development but have objected to the lack of green space within the development, that it would not lead to a net gain in biodiversity, that the housing mix could be improved, it would be a high density development, capacity of the highway network to accommodate development, no active travel measures and limited parking spaces.

- 4.2 Lead Local Flood Authority - raise no objection to the application subject to a condition requiring the submission of a detailed surface water drainage strategy that complies with the submitted Flood Risk Assessment and Drainage Strategy.

- 4.3 Gedling Borough Council Arborist – Confirms that he is satisfied with the submitted tree protection method statement as the replacement planning plan and overall landscape plans provide suitable mitigation for the trees that would be removed.
- 4.4 Environment Agency – Note that the application site falls within flood zone 1 and therefore there are no fluvial flood risk concerns. They refer to their standing advice.
- 4.5 Gedling Borough Council Scientific Officer - Notes that the application includes the following report submitted: Rolton Group, *Geotechnical and Geo-Environmental Report*, ref 210505-RGL-ZZ-XX-RP-G-0002 rev S2-P02, dated Nov. 2021. Having reviewed the report he is satisfied with the content and conclusions that no further site investigation works is required and the site is suitable for use. In relation to air quality he noted this would be a matter for the adjoining authority as there would be an increase in traffic on the adjoining road, although he noted that this has been considered in the submitted Wardell Armstrong., *Air Quality Assessment*, ref CA12334- 001- V2.0, dated April 2022. He confirms that he is generally satisfied with the content and conclusions.
- 4.6 Natural England - Natural England considered that the proposed development would not have significant adverse impacts on designated sites including the Linby Quarry SSSI and therefore has no objection to the proposals.
- 4.7 Primary Care Trust – note that the erection of 131 dwellings would require a contribution of £70,985 towards the expansion of primary care provision to include Okenhall Medical Practice, Whyburn Medical Practice and The Om Surgery.
- 4.8 Secondary Care Trust (Nottingham University Hospital) – have identified that the development would have a direct impact on their services and, as a result, are seeking a contribution of £141,808.
- 4.9 Local Education Authority (LEA) - note that there are adequate spaces in the locality for the projected increase in demand for primary education. However, there is insufficient space for secondary and post 16 education. As a result, the LEA seeks a contribution of £ 746,672, which is broken down as a secondary education contribution of £551,334 (based on 21 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy), plus a Special Educational Needs and Disabilities place of £90,322 (based on 1 pupil x £90,322 per place).
- 4.10 Nottinghamshire County Council (Planning Policy) – Have responded to advise that the application site does not affect any minerals safeguarding area. That a library developer contribution request is required to take account of the additional population and demand on services of £4,611. In relation to archaeology that a pre-commencement condition is required so that a programme of archaeological work can be prepared and submitted for consideration.

- 4.11 Highway Authority – The highway authority note that forward visibility around the bend into the site is tight for larger vehicles but acceptable. Traffic generation from the site would be acceptable within the wider highway network and, subject to conditions, the highway authority raise no objection to the application.
- 4.12 In addition, they request a contribution of £11,825 toward the enhancement of bus stop provision within the locality, which would be spent at one of two bus stops, AS0202 Ethel Avenue and AS0721 Ethel Avenue, which are in close proximity to the site. It is also requested that sustainable travel measures be put in place to secure free introductory bus travel for future residents.
- 4.13 Parks and Street Care – Confirm that more than 10% public open space would be provided based on the submitted drawings. They also confirm that an informal sports facility and Locally Equipped Area of Play (LEAP) as a minimum play requirement would be required, that is now shown on the proposed layout drawing.
- 4.14 Strategic Housing Manager – notes that 30% affordable housing would be required, which would equate to 40 dwellings, including 14 First Homes and 26 affordable rental properties.
- 4.15 Nottinghamshire Wildlife Trust – No response received. Any comments received will be reported verbally at the meeting.
- 4.16 Trent Water – No response received. Any response received will be reported verbally at the meeting.
- 4.17 A site notice was displayed near to the application site, neighbouring occupiers consulted by letter and a notice posted in the press.
- 4.18 As a result of consultation undertaken 54 letters of representation has been received, with 48 objecting to the application and 6 neither objecting nor supporting the application. The grounds of objection include:
- The adverse impact the development would have on road in the vicinity of the site;
 - That it would have an adverse impact on NHS services due an increase in residents;
 - There would be a loss of habitat;
 - It would adversely affect air quality;
 - That the proposed access to the site via Delia Avenue and Dorothy Avenue is too narrow to serve the proposed development;
 - The development would have an adverse impact on the amenity of residents along Delia Avenue and Dorothy Avenue owing to the increase in traffic, particularly during construction;
 - The site lies within a flood plain;
 - There would be limited construction access;
 - It would create too many houses within the area;
 - It would have a harmful impact on schools as there would be a much greater demand;
 - It is a greenfield site that should not be developed;

- It would have an adverse impact on local wildlife, contrary to the NPPF;
- It would harmfully affect views from existing properties;
- There would be significant noise and disturbance during construction;
- There would be a loss of trees;
- There would be a lack of green space;
- It would adversely impact on agriculture;
- The proposals lack details of landscaping;
- There would be a loss of green belt;
- Hedgerows would be replaced by fences;
- Services in Hucknall would be affected, but not Gedling;
- The road infrastructure in the area is already at capacity;
- There is no need for any new dwellings; and
- The impact of the proposed affordable houses would harmfully affect amenity of existing residents

5.0 Relevant Planning Policy

5.1 The Local Planning Authority adopted the Local Planning Document (LPD) Part 2 Local Plan on the 18th July 2018. The most pertinent policies to the determination of this application are as follows:

- LPD3 – Managing Flood Risk
- LPD4 – Surface water management
- LPD7 – Contaminated Land
- LPD11 – Air quality
- LPD18 – Protecting and Enhancing Biodiversity
- LPD19 – Landscape and Character and Visual Impact
- LPD21 – Provision of New Open Space
- LPD 30 – Archaeology
- LPD32 – amenity
- LPD33 – Residential density
- LPD35 – Safe, accessible and inclusive development
- LPD36 - Affordable Housing
- LPD37 - Housing type, size and tenure
- LPD48 – Local Labour Agreements
- LPD57 – Parking standards
- LPD61 – Highway safety
- LPD64 – Housing allocations – H10 Hayden Lane

5.2 The Aligned Core Strategy was Adopted in September 2014, the following policies are considered most pertinent to the determination of the application; A: Presumption in favour of sustainable development; 1: Climate change; 2: The Spatial Strategy; 8: Housing size mix and choice; 10: Design, 14 Managing Travel Demand; and Enhancing Local Identity and 19 – Developer Contributions.

5.3 With respect of the National Planning Policy Framework 2023 (NPPF) the following chapters are considered to be most pertinent to the determination of

the application; 2 – achieving sustainable development; 4 – decision making; 5 – Delivering a sufficient supply of homes; 6 – building a strong, competitive economy; promoting sustainable transport; 11 – making effective use of land; 12 - achieving well-designed places; 14 – Meeting the challenge of climate change, flooding and coastal change and 15 – Conserving and enhancing the natural environment.

- 5.4 Other policy guidance of note includes: 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' (2022); 'Affordable Housing Supplementary Planning Document (2009)' 'New Housing Development Supplementary Planning Guidance for Open Space Provision' (2021); 'Low Carbon Planning Guidance for Gedling Borough (May 2021)' and Gedling Borough Council 'Interim Planning Policy Statement: First Homes' (2022).

- 5.5 As the application site falls within the Parish of Linby, it is important to recognise that the Linby Neighbourhood Plan 2018 – 2032 forms part of the development plan. Within it, the application site is highlighted as being allocated for housing development (Page 20). The relevant policies within it are:

Housing – Policy HSG1

Place – Policy DES1

Character and Built Heritage – Policies CBH1 and CBH2

Landscape and Rural Character – Policies NE1 and NE2

Traffic and Transport – Policy TRA1

Employment and Infrastructure – Policies EMP1 and EMP2

Community Facilities and Assets – Policy COM1

Developer Contributions – Policy DC1

6.0 Planning Considerations

Principle of development

- 6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. The application site is allocated for residential development under policy LPD H10 – Hayden Lane, which indicates the application site is allocated for the development of approximately 120 units, of which there should be 36 affordable units delivered. The site is not part of the green belt as it was removed upon the adoption of the LPD in July 2018.
- 6.2 Whilst the site is allocated for 120 units, and 131 is proposed, it should be noted that the Policy LPD H10 states that the numbers set out within the Policy are approximate and that "Planning permission may be granted for proposals with higher numbers of homes subject to the overall scheme being considered suitable". Furthermore, Policy 2 of the Aligned Core Strategy outlines that 'Land North of Papplewick Lane' had the potential to deliver 300 dwellings. It is however worth noting that the implemented planning consents 2017/0201 and 2020/0258 suggest only 255 dwellings will be delivered once completed. This leaves a shortfall of 45 dwellings on the adjoining 'Land North of Papplewick Lane' site and overall there would not be a greater number of dwellings, if this

development is approved. Therefore, the principle of development is supported and the proposal deemed to comply with LPD64 (H10 – Hayden Lane) and guidance within the NPPF. It also complies with Policy HSG1 of the Linby Neighbourhood Plan 2018 – 2032.

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

Impact on the character of the area and residential amenity

- 6.4 The site layout is designed around a loop road that connects both entrances from Delia Avenue and Dorothy Avenue that would be adopted and create two new vehicle access points via these existing cul-de sacs. There would be two secondary access roads that what would link into the main access loop. On the whole, dwellings would mainly face onto this loop road, save for a small proportion of units accessed off private drives on the southern part of the site. There would be a mixture of frontage parking, integral garages and some to the side of units with detached garages. There would be a good range of house types and sizes, including 1, 2 3, and 4 bedroomed dwellings. 131 dwellings are proposed to be erected across the site, which would result in a density of development around 27 dwelling per hectare, which is considered to be appropriate in this instance given that the layout and character of the area is respected, and is deemed to comply with policy LPD33.
- 6.5 Streetscene elevations have been submitted in support of the application and show an attractive streetscape that is reflective of the wider strategic housing allocation that has already been developed with double fronted properties on key corner plots. Materials would be a mixture of red and buff brick under grey tiled roofs. Visually the design of the scheme is considered to be acceptable and would respect the wider character of the area.
- 6.6 A drainage feature has been identified on the eastern part of the site; however, it is not considered that it could reasonably be described as public open space given that it could at times be wet and not serve as functional recreational space. A large centralised area of open space measuring some 2100sqm is proposed and would contain an informal kick around area and Local Equipped Area for Play (LEAP). Furthermore, along the northern boundary and throughout the west part of the development would be smaller areas of informal open space totalling some 4000sqm. The open space officer confirms that the level of proposed open space exceeds the threshold required by Policy. As a result the application is deemed to comply with policy LPD21.
- 6.7 In respect of residential amenity, rear gardens would be in the region of 10m in depth and views from properties would be across their own rear gardens. The proposed dwellings would be appropriately separated from one another to ensure that the amenity of future occupiers would be respected.
- 6.8 In terms of amenity for existing occupiers, the main impact would be through the creation of the proposed access points via Delia Avenue and Dorothy

Avenue. This matter has already been considered as part of the allocation of the site in the development, through Examination when it was approved by the Secretary of State and subsequently adopted by Gedling Borough Council. It should be noted that the southern access off Papplewick Lane to the existing Sherwood Gate site (by Bellway Homes) was designed only for the development of the existing consented development for up to 300 units and could not have been altered due to the presence of existing dwellings on each side of the access. Accordingly, there are no other viable options to access the housing allocation.

- 6.9 Traffic would increase along both Delia Avenue and Dorothy Avenue as a result of the proposals there would also be some inevitable disruption during the construction phase of the development. However, there is also a national and local requirement (as set out in Section 5 of the NPPF) and key to the delivery is the development of allocated housing sites. The layout of the scheme details dwellings set back from the boundary of these access points and in-between an area of open space to provide a buffer between the existing and proposed dwellings. The imposition of a condition requiring further planting and boundary treatment along the garden boundaries with those properties that abut the application site could further limit noise and disturbance. A construction management plan would also mitigate the impact during the construction phase of the development and is proposed as a planning condition
- 6.10 Having regard to the above it is considered that the development would result in a scheme that would respect the character of the area and have an appropriate density of development. Whilst there would be some harm to residential amenity, in the context that the site is allocated for residential development, the application is deemed to comply with policies LPD19, LPD21, LPD32, LPD33, LPD35, LPD36 and LPD37. The development also complies with Policy NE1, NE2 and DES1 of the Linby Neighbourhood Plan 2018 – 2032.

Highway matters

- 6.11 The site would be accessed via two new T-junctions, which would be extensions of the two existing cul-de-sacs: Dorothy Avenue and Delia Avenue which are located directly adjacent to the west of the site. These proposed points of access are both located within Ashfield District Council and a separate application has also been made to them.
- 6.12 The internal site roads have been designed as 5.5m wide carriageways with 2.0m wide footpaths either side. Footpaths included within the development proposals would tie into the existing pedestrian infrastructure along Dorothy Avenue and Delia Avenue which join Hayden Lane. A pedestrian link to the adjacent development off Papplewick Lane to the east of the site is also proposed, but at present a close-boarded fence is in situ which prevents access.
- 6.13 The Transportation Assessment submitted with the application concludes that an appropriate level of parking provision would be available to serve the proposed development. It also concludes that the proposals would not have a negative impact on the local highway network in terms of safety.

- 6.14 An impact assessment has also been undertaken to calculate the likely vehicular trip generation of the site. Based upon the figures extracted from the TRICS database, the proposed development of 131 residential dwellings has been calculated to generate a total of 66 two-way trips during the AM peak hour and 69 two-way trips during the PM peak hour.
- 6.15 A separate Travel Plan has been prepared to encourage sustainable modes of transport and that they are available to future residents from the first occupation of the site. It concludes that through the initiatives promoted within the plan, in addition to the number of sustainable travel options that are available within the immediate vicinity; the desired level of modal shift amongst users of the site can be achieved. This has included free travel cards for new residents, and improvements to bus stops.
- 6.16 Nottingham County Council as Highways Authority have responded to state that they have considered the submitted Transportation Assessment and Travel Plan, and have no objections to the proposals on the basis that the traffic generation from the site would be acceptable within the wider highway network. Therefore subject to conditions, the highway authority raise no objection to the application and deemed to comply with policy LPD61. Likewise, it is considered that with regard to parking provision as required by policy LPD57, along with the recently adopted 'Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document' that the proposed layout demonstrates that each proposed dwelling would have sufficient off-street parking spaces and that there would be sufficient visitor spaces throughout the proposed development because the requirement is that a total of 335 spaces be provided within the site and 339 spaces are provided. Therefore, having regard to the above, the level of car parking provision complies with the Supplementary Planning Document and LPD57. It also complies with Policy TRA1 of the Linby Neighbourhood Plan 2018 – 2032.
- 6.17 It should be noted that a planning condition is in place, as requested by the Highway Authority that the access needs to be constructed prior to any occupation of any dwelling, that would mean that permission would first be required for the access via Ashfield District Council (or otherwise via the Secretary of State at appeal, should Ashfield District Council refuse the application).

Potential for Contamination

- 6.18 In terms of the potential for contamination a Geotechnical and Geo-Environmental Report has been submitted that broadly concludes that the site does not contain harmful contaminants and no further mitigation is required. The Borough Council's Scientific Officer has considered these reports and has confirmed that the site is suitable for the proposed use and that he is satisfied with the content and conclusions and no further site investigation works is required. Having regard to the above the application is deemed to comply with policies LPD7 and LPD11.

Noise

- 6.19 A Noise Impact Assessment has been submitted in support of the application and has modelled the likely noise impacts to proposed occupiers from adjacent roads, notably from the B6011 and Hayden Lane in accordance with the guideline values suggested by BS8233. The results of the noise survey and assessment indicate that no mitigation would be required to reduce internal or external noise levels throughout the site.

Ecology and Biodiversity

- 6.20 In terms of ecology Policy 18 – Protecting and Enhancing Biodiversity requires that “... Where proposals affect sites supporting priority habitats or species, it should be demonstrated that the need for the development outweighs the need to safeguard the biodiversity and other value of the site.
- 6.21 In this instance an Ecological Impact Assessment has been submitted to consider all ecological issues associated with proposed development and included a Phase 1 Habitat Survey and Phase 2 Protected Species Surveys. It highlights that the proposed development would lead to the loss of arable habitat of low ecological value and that further protected species surveys undertaken during the active season of 2022 failed to identify the presence of resident populations of great crested newt, reptiles or roosting bats within the application boundary. It did highlight that a barn owl was nesting within an existing Ash Tree on the north-east corner of the site, (albeit the tree is in poor condition and has been identified for removal.) It also noted that along three boundaries of the site were mature hedgerows that supports terrestrial connectivity to the rural surroundings, although the proposed development would not harm any statutory protected sites (SSSI's) or any non-statutory designed sites. Overall the report concluded that although most of the hedgerows around the periphery of the site would be retained following the development, it would seek extensive site clearance of low value habitats, namely the arable and semi-improved grassland to facilitate the development would likely result in a “Negative - Not Significant” effect on habitat quality within the site. A series of mitigation measures were therefore provided in the form of bird and bat boxes. Natural England do not object to this application.
- 6.22 To assess the mitigation further a biodiversity impact assessment was prepared, which concluded, after taking account of these mitigation measures that 4.77 habitat units (38.43%) would be lost as a result of the development and there would be a very marginal loss of 0.05 hedgerow units (0.41%). The applicant has suggested that off-site mitigation could be provided, but it should be acknowledged that Policy 18 – Protecting and Enhancing Biodiversity does not allow for off-site mitigation. It is stated that a loss of habitat should be weighed against the benefits of the proposals. At a national level there is currently no requirement to provide biodiversity net gain as part of this application, and in this instance the development of 131 dwellings would contribute towards meeting the authority's housing targets by developing on an allocated housing site. In this scenario it is considered that mitigation measures as set out in both the Ecological Impact Assessment and the Biodiversity Net Gain would be sufficient to meet the requirements set out in LDP - Policy 18.

Impact on Trees and Hedgerows

- 6.23 An Arboricultural Impact Assessment Survey and Report has been submitted in support of the application and identifies that of the 16 trees on the site, 3 trees would need to be removed to facilitate development, together parts of the existing hedgerow (to gain access). None of the trees are protected with a Tree Preservation Order (TPO) and to mitigate this loss it is intended to add a condition requiring details of a landscaping scheme to be approved by the Local Planning Authority so that a green boundary treatment can be supplied along this edge of the site. The Tree Officer does not object to this approach. Subject to this mitigation it is considered that the impact on trees would be acceptable and is deemed to comply with policy LPD18.

Flooding and Drainage

- 6.24 In respect of drainage, a flood risk assessment and drainage strategy has been submitted in support of the application and identifies that the site falls within flood zone 1 so is at a low risk of flooding. The Environment Agency do not object to the proposals. In the area there are surface and foul water sewers that the development can link to and the foul water would be pumped to the existing Trent Water foul sewage system to the south of the site (as previously approved as part of the development of the adjoining site). Surface water is intended to be linked into a drainage pond located on the east part of the site together with permeable paving and soakaways that would also function as a holding area for surface water in terms of high water volume. The approach identified is considered to be acceptable and subject to conditions, as identified by the Lead Flood Authority, the drainage strategy as outlined is considered to be acceptable and comply with policies LPD3 and LPD4.

Climate Change

- 6.25 In accordance with the Low Carbon Planning Guidance for Gedling Borough Supplementary Planning Document it is noted that there would be a need to encourage a development that would lessen the impacts of climate change. Dwellings need to comply with part L of the building regulations, which is over and above the building regulations minimum. EV charging points are also proposed on the units to encourage electric car usage, all of which will help to reduce the impact of the development on the environment and assist in reducing climate change.

Archaeology

- 6.26 Policy LPD 30 – Archaeology requires that where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards. An Archaeological Desk-based Assessment has been provided in support of the application. It concludes “that there is a low potential of low value medieval and post-medieval remains on site, with the proposed works having a moderate impact all of these features.”

And that "... the significance of impact to archaeological remains on site ranged from slight to moderate. In light of the potential for the identified remains on site it is likely that the local authority would request a precautionary approach should any of these features be present on site. The precise details of any such work would need to be determined by the Planning Archaeologist, however it is recommended that the most appropriate strategy should entail a precautionary watching brief of the initial ground-breaking works on site, which would be considered sufficient to mitigate for this likelihood of any non-designated archaeological remains. The specifications of this work would be agreed with the Planning Archaeologist within a Written Statement of Investigation." The consultation response from the County Archaeologist states that an archaeological watching brief would not be a practical consideration on large residential developments and instead recommend that a geophysical survey be undertaken, in order to justify any further archaeological mitigation (if necessary) through planning conditions. On this basis it is considered that the proposals would comply with Policy LPD 30 – Archaeology.

Planning Obligations

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

Affordable housing

- 6.29 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. By way of background in respect of the affordable housing sought, it should be noted that the Council would, as outlined in the Council's Affordable Housing Supplementary Planning Document, normally seek 70% of the affordable units to be social rent and 30% intermediate housing.
- 6.30 However, there is now a requirement to secure not less than 25% of affordable housing as First Homes. The NPPF also requires that 10% of the total number of homes to be affordable home ownership.
- 6.31 First Homes is a relatively new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a First Home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value). Certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 30% affordable homes. This equates to 40 dwellings. This would be secured via a planning obligation. The level of provision is considered to be acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning

Document and the aforementioned recent guidance from central government in respect of First Homes.

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

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.
4. Applicants should either:
 - have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
 - have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
 - have permanent employment within Gedling Borough Council's administrative area; or
 - are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

6.33 Fourteen First Homes are therefore now required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022, 26 affordable rented dwellings are also proposed. The Strategic Housing Manager does not object to the amount or form of proposed affordable housing. Therefore, the level of provision is considered to acceptable and comply with policy LPD36, Affordable Housing Supplementary Planning Document and the aforementioned recent guidance from central government in respect of first homes.

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

- Transport and travel – a developer contribution of £11,825 for improvements toward bus stop provision is sought. The bus stops that are identified as requiring improvement are on Ethel Avenue and will be spent on real time display features and raised kerbing.
- Education - a contribution of a contribution of £746,672, which is broken down as a secondary education contribution of £551,334 (based on 21 pupils x £26,254 per place) and a post 16 education contribution of £105,016 (based on 4 pupil x £26,254 per place), to be expended within the Hucknall secondary planning area (Holgate Academy and National Academy), plus a Special Educational Needs and Disabilities place of £90,322 (based on 1 pupil x £90,322 per place).
- Primary Care Trust – a contribution of £70, 985 towards the expansion of primary care provision to include Okenhall Medical Practice, Whyburn Medical Practice and The Om Surgery.

- A library developer contribution request is required to take account of the additional population and demand on services of £4,611
- Parks and Street Care – note that the required 10% POS is identified on the open space plan and is to be maintained by a Management Company, details of which would need to be submitted and approved in writing. Furthermore, an open space scheme would need to be submitted and approved identifying the equipment to be installed in the LEAP.
- A monitoring fee for the planning obligations is sought and in line with Council's Section 106 and Unilateral Undertaking Monitoring Fee Policy Statement, which calculates a figure based on the number of relevant triggers. The monitoring fee is subject to annual indexation, therefore, the final sum will be determined at such time as the legal agreement is in an agreed form and ready to be completed.
- Local Labour Agreement – A local labour agreement would be required.

6.35 The applicant has provided a statement agreeing to providing these contributions through a S106 legal agreement, should permission be granted.

6.36 There is a requirement for contributions sought to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation and guidance as outlined in paragraph 57 of the NPPF and ACS19. All of the above contributions are considered to comply with relevant guidance in respect of being pertinent to the application under consideration.

6.37 It is noted in paragraph 4.8 of this report that the secondary care trust seek a contribution of £141,808 toward provision for Nottingham University Hospitals. However, the request is not considered to be directly related to the development in question in that it is the primary care trust who fulfil the local requirement e.g. funding toward local doctors services, and, therefore, it is not considered that the secondary care trust should be secured as planning obligation. It does not meet the statutory test set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

6.38 The planning obligations in relation to education, affordable housing, education, NHS Primary Care, public open space, library and bus stop improvements, as set out above are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which identifies the tests required to seek a planning obligation, paragraph 65 of the NPPF, as well as ACS19 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It also complies with Policies COM1 and DC1 of the Linby Neighbourhood Plan 2018 – 2032. The requirements would be secured as planning obligations through a s106 agreement.

Other considerations

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

6.40 In response to the matters raised through representations, most of these matters have been considered above. In relation to others: it is unavoidable

that there would be a loss of agricultural land as a result of the development because the site is already allocated in the development plan for housing development. Initial landscaping details have been provided, but there is also a pre commencement condition requiring the applicant to provide further details. Hedgerows would be removed to gain access to the site and this is already considered above. The impacted services (as a result of the development would mainly be in Ashfield DC, hence why contributions are focused on improvements in Ashfield DC like education, NHS, Library and bus stop improvements. There is no right to a view and it is not considered that the amenity of existing occupiers would be compromised given the distance of the site to properties on either Delia Avenue or Dorothy Avenue. Furthermore, it has been concluded that the highway network has capacity to absorb the vehicle movements that would be created and the land is allocated for residential development.

7.0 Conclusion

7.1 Having regard to the above it is noted that the principle of the development is supported by policy LPD64. The layout, scale and appearance of the development as proposed would respect the character of the area and residential amenity. The impact on the highway network would be acceptable and adequate parking would be provided. Affordable housing provision would be acceptable and the other planning obligations sought directly relate to the development in question. As a result the application is deemed to comply with policies LPD3, LPD4, LPD7, LPD11, LPD18, LPD19, LPD32, LPD33, LPD35, LPD36, LPD37, LPD48, LPD57, LPD61 and LPD64 of the Local Planning Document; policies A, 1, 2, 8, 10 and 19 of the Aligned Core Strategy, Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document'; Affordable Housing Supplementary Planning Document and the Low Carbon Planning Guidance for Gedling Borough and guidance within the NPPF.

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For these reasons, not only would the scheme accord with the development plan as a whole, but the balance of material considerations also weighs in its favour. Consequently, it is recommended that the application be approved, subject to the proposed conditions and subject to the prior signing of the S106 agreement.

8.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into a planning obligation secured through a s106 legal agreement with the Borough Council as the Local Planning Authority and the County Council to secure affordable housing, and developer contributions as outlined above; and subject to the conditions listed for the reasons set out in the report.

1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.

- 2 The development authorised by this permission shall be carried out in complete accordance with the approved drawings and specification listed below:
- Site Location Plan, Scale 1:2500, Plan Ref: 3710-01
Location Plan, Submitted 14th April 2022
Planning Layout, Scale 1:500, Plan Ref: HUCK-SK-001-O Planning Layout, Submitted 5th October 2023
Design and Access Statement, Submitted 14th April 2022
House Type B1 Plans and Elevations, Scale 1:100, Plan Ref: 3710 45 House Type B1, Submitted 30th November 2022
House Type P Plans and Elevations, Scale 1:100, Plan Ref: 3710 46 House Type P, Submitted 30th November 2022
House Type Q Plans and Elevations, Scale 1:100, Plan Ref: 3710 47 House Type Q, Submitted 30th November 2022
House Type R Plans and Elevations, Scale 1:100, Plan Ref: 3710 48 House Type R, Submitted 30th November 2022
House Type A Plans and Elevations Scale 1:100, Plan Ref: 3710 30 House Type A, Submitted 14th April 2022
House Type B Plans and Elevations Scale 1:100, Plan Ref: 3710 31 House Type B, Submitted 14th April 2022
House Type C Plans and Elevations, Scale 1:100, Plan Ref: 3710 32 House Type C, Submitted 14th April 2022
House Type D Plans and Elevations, Scale 1:100, Plan Ref: 3710 33 House Type D, Submitted 14th April 2022
House Type E Plans and Elevations, Scale 1:100, Plan Ref: 3710 34 House Type E, Submitted 14th April 2022
House Type F Plans and Elevations, Scale 1:100, Plan Ref: 3710 35 House Type F, Submitted 14th April 2022
House Type H Plans and Elevations, Scale 1:100, Plan Ref: 3710 37 House Type H, Submitted 14th April 2022
House Type I Plans and Elevations, Scale 1:100, Plan Ref: 3710 38 House Type I, Submitted 14th April 2022
House Type J Plans and Elevations, Scale 1:100, Plan Ref: 3710 39 House Type J, Submitted 14th April 2022
House Type L Plans and Elevations, Scale 1:100, Plan Ref: 3710 41 House Type L, Submitted 14th April 2022
House Type M Plans and Elevations, Scale 1:100, Plan Ref: 3710 42 House Type M, Submitted 14th April 2022
House Type O Plans and Elevations, Scale 1:100, Plan Ref: 3710 44 House Type O, Submitted 14th April 2022,
House Type Chawton, Submitted 6th October 2023 Plan Ref: 1142,
House Type Kingston 1192 Submitted 6th October 2023,
Double Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-50
Double Garage, Submitted 4th May 2022 Single Garage Plans and Elevations, Scale 1:100, Plan Ref: 3710-51
Single Garage Submitted 4th May 2022 Open Space Plan, Scale 1:500, Plan Ref: HUCK-PL-002 D Open Space Plan, Submitted 6th September 2023
Site Access Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-100-B Site Access Plan, Submitted 30th September 2023
Refuse Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-615-F Refuse Vehicle Tracking, Submitted 30th August 2023
Delivery Vehicle Tracking, Scale 1:500, Plan Ref: 19000-HUCK-5-616 Delivery Vehicle Tracking, Submitted 5th May 2023

Levels and Drainage Strategy, Scale 1:500, Plan Ref: 19000-HUCK-5-SK001-D Levels and Drainage Strategy, Submitted 16th June 2023
 Surface Water Flood Routing Plan, Scale 1:500, Plan Ref: 19000-HUCK-5-SK005-B Surface Water Routing Plan, Submitted 16th June 2023
 Car Parking Plan, Scale 1:500, Plan Ref: HUCK-PL-004-D Car Parking, Submitted 9th May 2023
 Arboricultural Impact Assessment, Doc Ref: BG21.281.1. Land off Hayden Lane, Hucknall, Rev 5, Submitted 17th February 2023
 Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022
 Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022
 Landscape Masterplan, Doc Ref: BG21.281 Hayden Lane, Hucknall, Landscaping Masterplan Rev 2, Submitted November 2022
 Landscape and Visual Impact Assessment, Doc Ref: BG21.281.3 Hayden Lane, Hucknall, Submitted April 2022
 Archaeology Desk Based Assessment and Heritage Report, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Submitted April 2022
 Transport Assessment, Doc Ref: 19000 Hucknall, Submitted 8th June 2022
 Green Travel Plan Doc Ref: 19000 Hucknall, Submitted April 2022

- 3 No building shall be erected until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details of all materials to be used for hard surfaced areas within the site including roads, footpaths, recreation areas, and car parking areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details so approved.
- 5 Occupation of any proposed dwellings shall not take place until such time as the site access arrangement as shown on drawing number 19000-HUCK-5-100 Revision B has been provided.
- 6 Occupation of the proposed dwellings shall not take place until their respective driveway has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.
- 7 Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall provide details of, but not limited to, the following: a) Details of noise, dust and vibration suppression b) Details of any compound and welfare areas to include their location and appearance, heights of any cabins to be sited, and details of any associated external lighting. c) Details of on-site materials storage areas d) Details of on-site construction

parking and manoeuvring area, including loading and unloading of plant and materials e) Details of any crusher to be used on site f) Details of any piling which is required g) Details of reasonable avoidance measures (RAMs) in respect of protected species h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate i) Details of wheel washing facilities during construction j) A scheme for recycling/disposing of waste resulting from demolition and construction works. k) Details of the routing of deliveries and construction vehicles to site and any temporary access points. l) Details of any hoarding to be erected. The development shall be carried out in accordance with the approved details for its entire construction phase.

- 8 Development shall not commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 Thereafter, the development shall only commence in accordance with the Written Scheme of Investigation as approved.

- 9 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 Land at Hayden Lane, Hucknall, Nottingham: Revision A, November 2022, Woods Hardwick., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge shown in a 1 in 1 year;
 - No flooding shown in a 1 in 30 year.;
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
 - Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.

Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 10 All construction and/or demolition works on the site and all deliveries of construction materials to the site must only take place between the following hours: 0700 and 1900 on Mondays to Fridays (inclusive), and; 0800 and 1700 on Saturdays. There shall be no construction, demolition or associated deliveries whatsoever on the site on Sundays or on Bank or Public Holidays.
- 11 The development hereby permitted must not be occupied or first brought into use until full details and timings of the biodiversity enhancements and protection measures as set out in the submitted Ecological Impact Assessment, Doc Ref: BG21.281 Hayden Lane, Hucknall, Rev 2, Submitted April 2022 and Biodiversity Impact Assessment, Doc Ref: BG21.281.4 Hayden Lane, Hucknall, Rev 3, Submitted April 2022 have been submitted to and approved by the Local Planning Authority. Thereafter, the approved biodiversity improvements must be retained and be appropriately maintained on the site throughout the lifetime of the development.
- 12 Notwithstanding the details contained within the landscape proposals contain on plan reference: Landscape Masterplan, Doc Ref: BG21.281, the development hereby permitted must not be occupied or first brought into use until a further details of the Landscaping Scheme, have been submitted to and approved in writing by the Local Planning Authority. They shall include: a. details of all hard and soft landscaping features to be used and include the following: b. Detailed plans showing the location of all new trees and shrubs to be planted, including the number and/or spacing of shrubs in each shrub bed or hedgerow. c. A schedule of the new trees and shrubs (using their botanical/latin names) to be planted including their size at planting (height or spread for shrubs, height or trunk girth for trees); d. Plans showing the proposed finished land levels/contours of landscaped areas; e. Details of all proposed hard surfaces areas, retaining structures, steps, means of enclosure, surface finishes and any other hard landscaping features; f. Details of the protection measures to be used of any existing landscape features to be retained. The approved Landscaping Scheme must be carried out and completed in accordance with the approved details no later than during the first planting season (October - March) following either the substantial completion of the development hereby permitted or it being first brought into use, whichever is sooner. If, within a period of 5 years of from the date of planting, any tree or shrub planted as part of the approved Landscaping Scheme is removed, uprooted, destroyed, dies or become diseased or damaged then another tree or shrub of the same species and size as that originally planted must be planted in the same place during the next planting season following its removal. Once provided all hard landscaping works shall thereafter be permanently retained throughout the lifetime of the development.
- 13 No development shall take place above damp proof course level until detailed drawings including materials, design, and heights of all boundaries treatments have been submitted to and approved by the Local Planning Authority. No

dwelling shall be occupied until such time as all boundary treatments are in place, which shall remain for the lifetime of the development.

- 14 From the date of first occupation every dwelling built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 15 The development hereby permitted must not be commenced until the tree protection measures as set out in the submitted Arboricultural Impact Assessment, Doc Ref: BG21.281.1 have been implemented in accordance with those approved details. Thereafter, all works to existing trees hereby given consent must be carried out in accordance with British Standard BS 3998:2010 Tree work - Recommendations. The approved tree protection measures must remain in place on the site throughout the construction of the development hereby permitted. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities are permitted within the protected area(s) without the written agreement of Local Planning Authority.
- 16 In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

Reasons

- 1 To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).
- 2 To define the permission and for the avoidance of doubt.
- 3 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 4 To ensure the appearance of the development is satisfactory having regard to policies ASC10 and LPD26.
- 5 In the interest of highway safety.
- 6 In the interest of highway safety.
- 7 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.

- 8 To protect and record any potential heritage remains having regard to Policy LPD 30 - Archaeology of the adopted Local Plan.
- 9 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.
- 10 To ensure that the occupiers of neighbouring properties are not adversely affected by unacceptable noise pollution from the development hereby permitted, and to comply with policies ASC10 and LPD26.
- 11 To ensure the development contributes to the enhancement of biodiversity on the site having regard to Policy 18 - Protecting and Enhancing Biodiversity of the adopted Local Plan and Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (July 2021).
- 12 To ensure the development creates a visually attractive environment and to safeguard against significant adverse effects on the landscape character of the area having regard to Policy LDP19 - Landscape Character and Visual Impact.
- 13 To define the permission, to protect neighbouring amenity and to comply with policies ASC10 and LPD26.
- 14 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 15 To ensure the adequate protection of the existing trees and hedgerows on the site during the construction of the development having regard to regard to Policy LDP19 - Landscape Character and Visual Impact of the adopted Local Plan and Chapter 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework (July 2021).
- 16 To ensure the development is safe and suitable for use.

Reasons for Decision

The principle of the development accords with the objectives of national and local planning policies, in particular as the site is a housing allocation in the adopted Local Planning Document. It is considered that the proposed 164 dwellings could be accommodated on the site in a manner that would not cause undue harm to visual and residential amenity, highway safety and ecological interests or would cause flood risk concerns. It is therefore considered that the granting of planning permission would fully accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Supplementary Planning Documents.

Notes to Applicant

8. Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.
9. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottscc.gov.uk 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.
10. Please note that should protected species be found on site during the development there would be a requirement to seek the advice of a suitably qualified ecologist and comply with the Wildlife and Countryside Act.
11. 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).

12. 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
13. 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.
14. The applicant is reminded that this permission is also subject to another planning application in respect of the access arrangement within the administrative area of Ashfield District Council (Ref: V/2022/00350). The applicant should also note that there are planning obligation made under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) the purpose of which is to exercise controls to secure the proper planning of the area. The planning obligation runs with the land and not with any person or company having an interest therein.