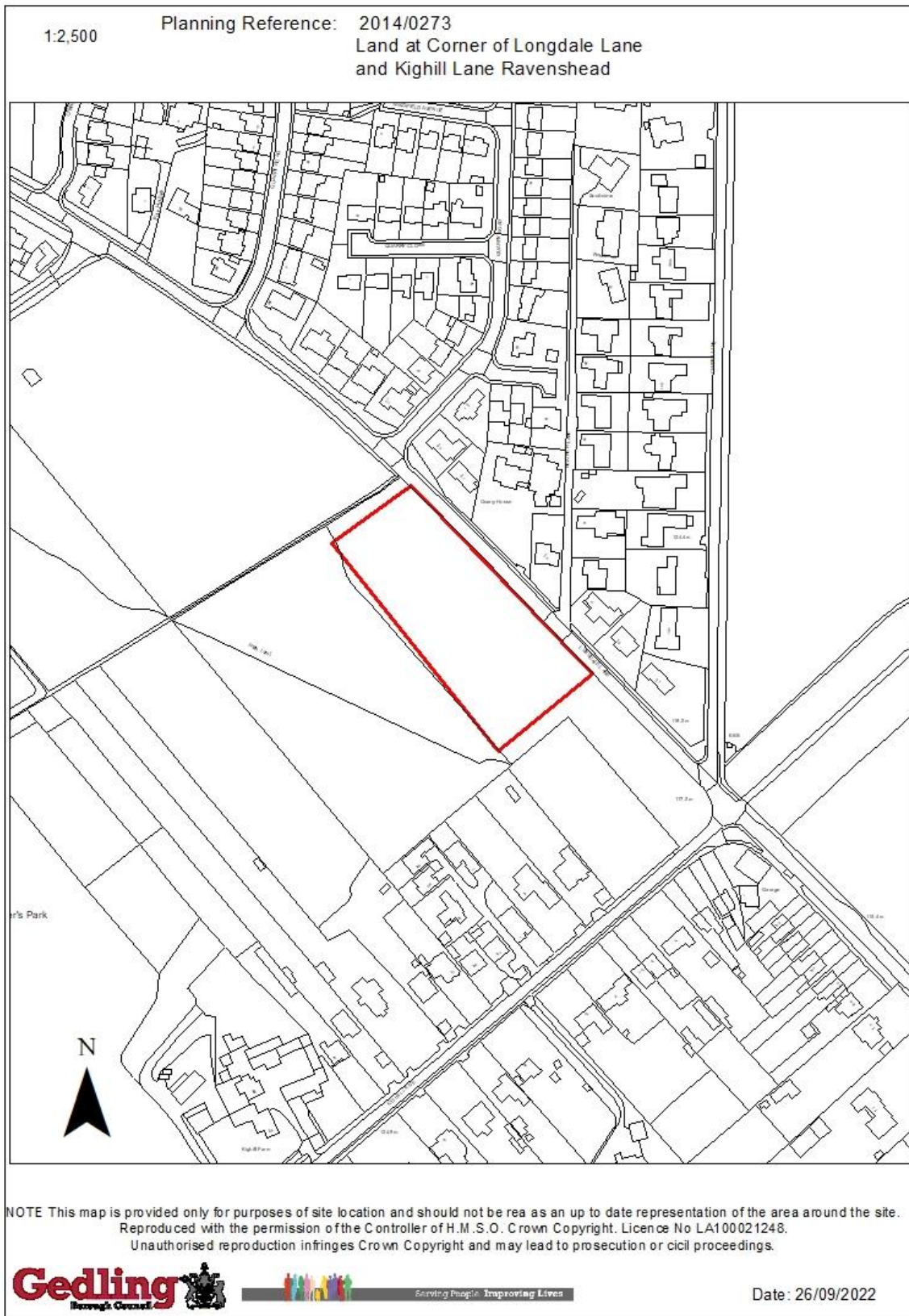




Planning Report for 2014/0273



Report to Planning Committee

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

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

The application has a resolution to grant Outline Planning Permission at Planning Committee in August 2018, (subject to conditions and the applicant entering into a Section 106 Agreement, securing planning obligations) .

The application was subsequently referred back to Planning Committee in October 2022 and 2024 to seek amendments to the Section 106 Agreement with a further resolution to grant Outline Planning Permission.

1.0 Introduction

1.1 The application was before members of the Planning Committee in July 2024 and previously in 2022 and 2018. Initially in 2018, the resolution was to grant outline planning permission for up to 31 dwellings (with all matters reserved) subject to the applicant entering into a Section 106 Agreement with the Borough Council as Local Planning Authority and with the County Council as local highway and education authority to secure planning obligations for the provision of, or financial contributions towards:

- affordable housing;
- local labour agreement;
- transport infrastructure improvements;
- open space;
- health care facilities;
- management company; and
- educational facilities; and

subject to the conditions set out in the original committee report. That is reproduced in full at Appendix 1 below. Whilst progress was made in relation to the legal agreement, it was not concluded.

- 1.2 At the subsequent meeting in October 2022, it was resolved that the applicant has the option to develop all or part of the site as a custom build/self-build development. In addition, new National Planning Policy at the time introduced the requirement for a percentage of any Affordable Housing provision to consist of newly defined First Homes. The only amendments proposed to facilitate these changes were the introduction of a phasing condition, with subsequent amendments to proceeding conditions in accordance with new National Planning Policy. This allowed conditions to be discharged on a phased basis rather than for the site as a whole.
- 1.3 A further report was brought before planning committee in July 2024 seeking additional amendments to the heads of terms for the draft Section 106 Agreement. The proposed amendments sought to permit;
 - the formation of access up to base course level to serve the development without triggering the requirement for contributions at commencement of development e.g. serviced plots.
 - the option to make a commuted sum payment in lieu of on-site affordable housing provision in accordance with Gedling Borough Council's Affordable Housing Supplementary Planning Document.
 - A viability clause to provide a review mechanism that enables assessment of the costs associated with the development and how this affects the provision of affordable housing and other agreed developer contributions.
 - Section 106 Contributions pro rata for each phase of development rather than at the commencement of development, to facilitate potential self-build development.
 - A revised Bus Stop Improvements Contribution of £25,800 has been requested by Nottinghamshire County Council Transport and Travel Services.
- 1.4 Whilst the Council were progressing heads of terms for the Section 106 Agreement a revised National Planning Policy Framework (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.
- 1.5 It was also noted that paragraph 66 of the NPPF, which has subsequently been removed from latest version, was erroneously interpreted. Members had previously been advised that under this paragraph major developments which were solely to be developed as custom-build / self-build schemes were exempt from the requirement to provide the national mandate of 10% Affordable Housing onsite. Upon further review, Paragraph 66 referred to the specific need for at least 10% of the total number of homes to be available for affordable home ownership, as part of the overall affordable housing contribution from the site. This did not result in an exemption from having to deliver any Affordable Housing as part of the custom-build / self-build scheme but rather had implication on the tenure types of those Affordable Housing Units provided.

- 1.6 Notwithstanding the above, paragraph 66 has since been clarified under the revised NPPF (2024) and now states “Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures”. There is no exemption for the provision of Affordable Housing for custom-build / self-build schemes within the latest version of the NPPF.
- 1.7 The application has therefore been brought back before members to seek a new resolution, in light of the latest changes to National planning policy, to remove the requirement to provide First Homes as part of any Affordable Housing provision, and to clarify the position in relation to custom-build / self-build schemes.
- 1.8 In addition to the above, the applicant has indicated a desire to have the option to develop some of the properties for dwellings reserved for occupants over 55 only.
- 1.9 There are no other proposed changes to the proposed development or to the previously approved planning conditions.

2.0 Updated Consultation Responses

- 2.1 Nottinghamshire County Council (Education)
Revised Education Contribution of £181,620 (6x £30,270), or £5,859 per dwelling. Where a dwelling is subject to a legal restriction requiring that the occupants are over 55 years of age, that dwelling can be exempted from the Contribution.
- 2.2 Nottinghamshire County Council (Strategic Highways)
Bus Stop Contribution remains same as previously stated £25,800.
- 2.3 NHS (CCG)
Revised Primary Healthcare Contribution of £16,789.12.
- 2.4 Gedling Borough Council (Parks and Street Care)
Revised Open Space Contribution of £78,958.32 (Capital) and £33,402.40 (Maintenance).
- 2.5 Gedling Borough Council (Strategic Housing)
Requirement to provide 25% of all Affordable Housing as First Homes to be omitted following revised NPPF (Dec 2024). The requirement to provide at least 30% Affordable Housing across the development remains.

3.0 Relevant Policies & Background Information

- 3.1 A significant period of time has passed since the Planning Committee initially resolved to approve this development, subject to the signing of a Section 106 Agreement. It 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 which were current at the time. Since the application was last brought before Planning Committee the NPPF has been revised.

3.2 The updated relevant policies are listed below:

3.3 National Planning Policies

3.4 National planning policy guidance is set out in the National Planning Policy Framework 2024 (NPPF), 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.

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

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

4.0 Planning Considerations

4.1 To facilitate development the NPPF (2024) requires plans and planning decisions to be deliverable and for local planning authorities to maintain the supply of housing. The National requirement to provide for 25% of any Affordable Housing as First Homes has since been removed from the NPPF.

4.2 In light of the above, it is considered appropriate to revise the relevant obligations required through the Section 106 Agreement, specifically in relation to Affordable Housing, to ensure that the development is fully compliant with both national and local planning policies.

4.3 For clarity, following the revision of paragraph 66 of the NPPF, and should this application be approved, any future landowner / developer would be required, irrespective of whether the development is brought forward as a custom-build / self-build scheme or not, to provide a policy-compliant level of Affordable Housing.

4.4 During the progression of the Section 106 Agreement the applicant requested confirmation that any dwellings constructed as part of the development solely for occupation by over 55s would be exempt from a payment towards the Education Contribution. Nottinghamshire County Council were consulted as the local Education Authority, and they have subsequently confirmed that where it is possible to legally restrict to over 55s with no persons under the age of 18 residing with them then it would be possible to waive the contribution in this instance.

- 4.5 Given the length of time which has passed since this application was last brought before planning committee, the relevant statutory consultees have all been consulted again, to allow for the revision of any necessary developer contributions, to ensure they remain relevant and fairly and reasonably related in scale and kind to the development.
- 4.6 In summary, the proposed amendments to the previous resolution approved at Committee in 2024 relate solely to the planning obligations which will be entered into as part of the Section 106 Agreement. The financial contributions would be updated as set out in Section 2 of this report, the requirement for First Homes would be removed, the requirement for the provision of Affordable Housing should the development be brought forward as a fully custom-build / self-build scheme will be clarified and the potential for inclusion of a restriction for over 55s properties to be exempt from the Education Contribution would be included
- 4.7 The revised contributions are deemed to comply with paragraphs 56-59 of the NPPF, policy 19 of the ACS and the test set out in the CIL Regulations.
- 4.8 A copy of the previous Committee Reports presented to members in 2024 has been attached to this item to provide context, see appendix 1.

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 in paragraph 5 below; and**
- (2) Should a satisfactory section 106 agreement which secures appropriate planning obligations not be completed by 3rd 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.**

5 Conditions

- 1 Approval of the details of Access, Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the commencement of any phase of the development.
- 2 Application for the approval of reserved matters must be made not later than three years from the date of the outline permission and the development to which this permission relates must be begun within two years from the date of final approval of reserved matters.
- 3 No phase of development shall commence until a Phasing Schedule has been submitted and approved in writing by the Local Planning Authority. The development hereby approved shall be carried out in phases in accordance with the approved Phasing Schedule

- 4 The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented strictly in accordance with the approved details.
- 5 No development shall commence within any phase unless or until a detailed design of the access to serve that phase has been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with details approved.
- 6 No part of the development hereby permitted, within a phase, shall be brought into use until the visibility splays of 2.4m x 47m, serving that phase, are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height.
- 7 No part of the development hereby permitted, within a phase of development, shall be brought into use until a 2.00m wide footway has been provided across the site frontage, within that phase of development, on Longdale Lane, in accordance with details to be first submitted and approved in writing by the Local Planning Authority.
- 8 The formal written approval of the Local Planning Authority is required prior to commencement of any development, within a phase of development, in the site curtilage with regard to parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters.) The development shall be undertaken in accordance with the approved details.
- 9 Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing within a phase of development on site. The approved measures shall be implemented prior to any other works commencing on the phase of development.
- 10 No part of the development hereby permitted, within a phase of development, shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented strictly in accordance with the timetable set out in that plan.
- 11 A plan showing satisfactory arrangements for refuse collection shall be submitted with the 'layout' reserved matter.
- 12 No development shall take place, within a phase of development, until a Construction Environmental Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall

provide for: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) wheel washing facilities; (vi) measures to control the emission of dust and dirt during construction; (vii) a scheme for recycling/disposing of waste resulting from construction works.

- 13 Before development is commenced, within a phase of development, there shall be submitted to and approved in writing by the Local Planning Authority details of a surface water drainage scheme for that phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
- 14 Before development is commenced, within a phase of development, there shall be submitted into and approved in writing by the Local Planning Authority an Arboricultural Impact Assessment and Mitigation Strategy. The mitigation strategy shall include (1) A tree protection plan to graphically show the locations of any tree and details of root protection barriers, and protective fencing to be erected along the southeast, southwest and northwest boundaries of the application site; (2) Arboricultural impact assessment identifying what impacts might arise from the proposed works; (3) Arboricultural Method Statement to give guidance on aspects of proposed works which were identified within the Arboricultural impact assessment which provides guidance as to how works might be mitigated or compensated for; (4) Details of any special engineering works and surfacing required near trees. The approved measures of protection shall be implemented strictly in accordance with the approved details for the duration of the construction period.
- 15 No external artificial lighting shall be provided, within a phase of development, until there has been submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented strictly in accordance with the approved details.
- 16 The detailed plans and particulars to be submitted as reserved matters in relation to ecology shall include a Phase 1: Habitat Survey and Ecological

Assessment in relation to each phase of development. Detail shall include a survey for reptiles on field margins. In particular the assessment shall include precise details of any mitigation measures required and measures of how any reptiles would be cleared sensitively prior to development. The mitigation measures shall be implemented strictly in accordance with the approved details before the development is first commenced.

- 17 The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out strictly in accordance with the approved details, which shall be retained for the lifetime of the development.
- 18 The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of any mitigation measures, compensatory habitat, or wildlife corridors; (c) details of the boundary treatments, including those to individual plot boundaries; (d) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (e) a programme of implementation. The development shall be implemented in accordance with the approved details.
- 19 If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.
- 20 Development must not commence, within a phase of development, until the following has been complied with: Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; and assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.
- 21 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a

Verification Report (That demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.

- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An Assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 23 From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/ or a garage shall be provided with access to an electric vehicle (EV) charge point. Charge points must have a minimum power rating output of 7kW on a dedicated circuit, capable of providing a safe overnight charge to an electric vehicle.

All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.

Reasons

- 1 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990. The application is expressed to be in outline only in accordance with Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.
- 2 To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To enable the site to be developed in a phased manner
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 5 In the interest of highway safety and in accordance with Policy LPD61.
- 6 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 7 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 8 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.

- 9 In the interest of Highway Safety and in accordance with Policy LPD61.
- 10 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 11 To ensure an adequate form of development in the interests of highway safety in accordance with Policy LPD35.
- 12 To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 32 of the Local Planning Document.
- 13 To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
- 14 To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014), and LPD18.
- 15 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
- 16 To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework, Policy 17 of the Aligned Core Strategy for Gedling (September 2014), and LPD18.
- 17 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 18 To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014)
- 19 To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough
- 20 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 21 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.

- 22 To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of LPD7.
- 23 In the interest of sustainable travel

Notes to Applicant

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. All correspondence with the Highway Authority should be addressed to: TBH - NCC (Highways Development Control) (Floor 8), Nottinghamshire County Council, County Hall, Loughborough Road, West Bridgford, Nottingham, NG2 7QP.

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

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2024). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests

immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

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

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

Informative: The developer is encouraged to consider upgrading the EV charging facilities to incorporate mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable electrical socket can be provided to allow 'Mode 3' charging of an electric vehicle, allowing Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Reasons for Decision

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