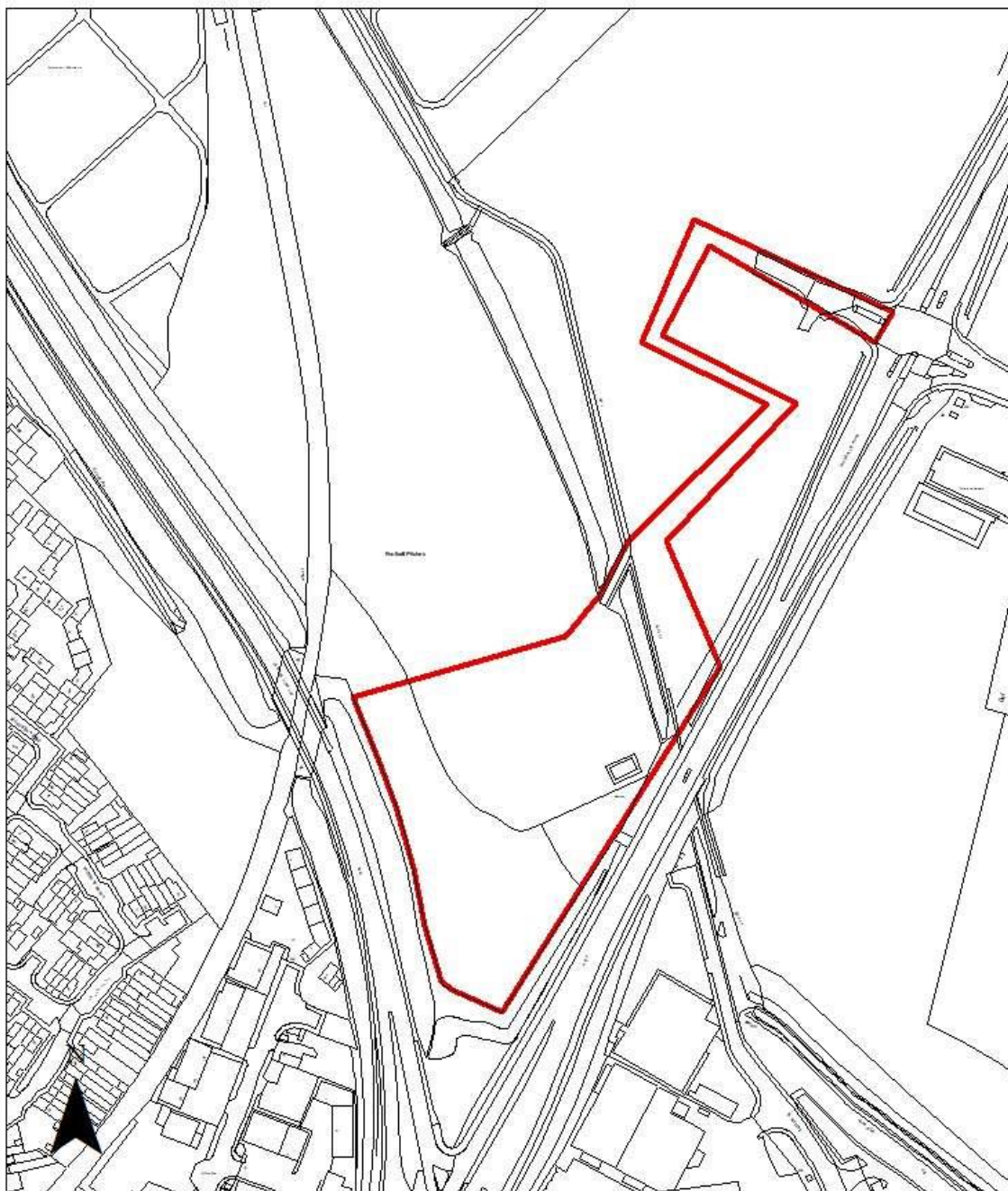




## Planning Report for 2022/0987

1:2,500

Planning Reference: 2022/0987  
Land off Teal Closet  
Netherfield



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

**Application Number:** 2022/0987

**Location:** Land Off Teal Close, Netherfield

**Proposal:** Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure - Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560

**Applicant:** Persimmon Homes Nottingham

**Agent:**

**Case Officer:** Nigel Bryan

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

### **1.0 Introduction**

- 1.1 Planning application 2022/0987 was considered at the Planning Committee of 22<sup>nd</sup> February 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 appended to 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 NPPF.
- 1.2 The original committee report from the 22<sup>nd</sup> February 2023 is reproduced in full at the end of this committee report and is labelled as 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 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.
- 2.2 The updated relevant policies are listed below:

### 2.3 National Planning Policies

2.4 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.

2.5 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).
- NPPF: Annex 2: Glossary

### **3.0 S106 Legal Agreement**

3.1 Since the application was considered at the Planning Committee over 2 ½ 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 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.

The updated NPPF is not specific on what tenure the affordable housing provision 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 24<sup>th</sup> 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. As a result, it is considered that the affordable housing mix should be updated to reflect the change in policy and ensure consistency with the SPD such that the development should now provide 2 social rented properties instead of 2 First Homes.

- 3.2 The other notable policy change is that on the 10<sup>th</sup> 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. Additional consultation has been undertaken with NCC but no response has been received. As a result, the contributions sought for education would remain the same.
- 3.3 Having regard to the above, the education contribution remains the same at £78,762 for secondary provision. There was an error in the original recommendation stating contributions were sought toward public open space; however, that is not the case, only affordable housing and education planning obligations were sought following consultation. The other point of note is that the agent has requested a 5 year start date, rather than the usual 3, there is no overriding concern in this request.
- 3.4 It should be noted that the developer has raised concerns about replacing the First Homes with social rent properties and has requested that they be Discounted Open Market Value (DOMV), which is a form of DMSH, and are similar to First Homes. The developers primary concern is that social rental properties would make it more difficult to sell adjacent open market dwellings. Other points noted by the developer, Bellway, are that the Councils Interim Policy Guidance on First Homes has not been revoked; Bellway also highlight that they are providing 116 affordable homes within Gedling Borough and that Registered Providers are unlikely to take on just 2 affordable dwellings, which will result in the cascade mechanism within the S106 agreement being activated and a financial contribution in lieu of on-site provision ultimately being provided. This request and above points are noted; however, as outlined in paragraph 2.1 of this report, social rent is considered to be more appropriate form of affordable housing, which is supported by relevant policy. As a result, two social rent properties are considered to be most appropriate for this site. .
- 3.5 Having regard to the above, it is recommended that the planning committee grant planning permission, subject to the completion of a section 106 agreement securing appropriate planning obligations as outlined in this report, and with the conditions as outlined in the original committee report from February 2023, 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 03<sup>rd</sup> 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**

## Conditions

- 1 The development hereby permitted shall commence before the expiration of 5 years from the date of this permission.
- 2 This permission shall be read in accordance with the following plans:

### Location Plan

Planning Layout RG3/PL/01 Rev C

Charter Plan RG3/CC/CP/01/E

Open Space Plan RG3/CC/CP/01 Rev C

### Housetypes

Broadhaven BrH\_MA\_Det\_R21-901 Rev No.00

Broadhaven BrH\_MA\_Det\_R21-904 Rev No.00

Broadhaven BrH\_MA\_Det\_R21-905 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-901 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-904 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-905 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -901 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -904 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -905 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -901 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -904 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -905 Rev No.00

Kingsand Detached KgS\_MA\_DET\_R21 -901 Rev No. 00

Kingsand Detached KgS\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -901 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -905 Rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -901 rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -904 rev No. 00

Alnmouth Semi Detached Al-C\_MA\_End\_R21-901

Single Garage Hucknall

Double and Paired Garages Hucknall

The development shall thereafter be undertaken in accordance with these plans.

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.
- 7 Prior to the commencement of the development the following must be 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 an 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 site to a 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.

- 8 In the event that remediation is required to render the development suitable for use, the approved 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.
- 9 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.
- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

#### **Reasons**

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

- 5 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.
- 6 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.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 196 of the National Planning Policy Framework and policy LPD7 of the Councils Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.

### **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 39 of the National Planning Policy Framework (2019).

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

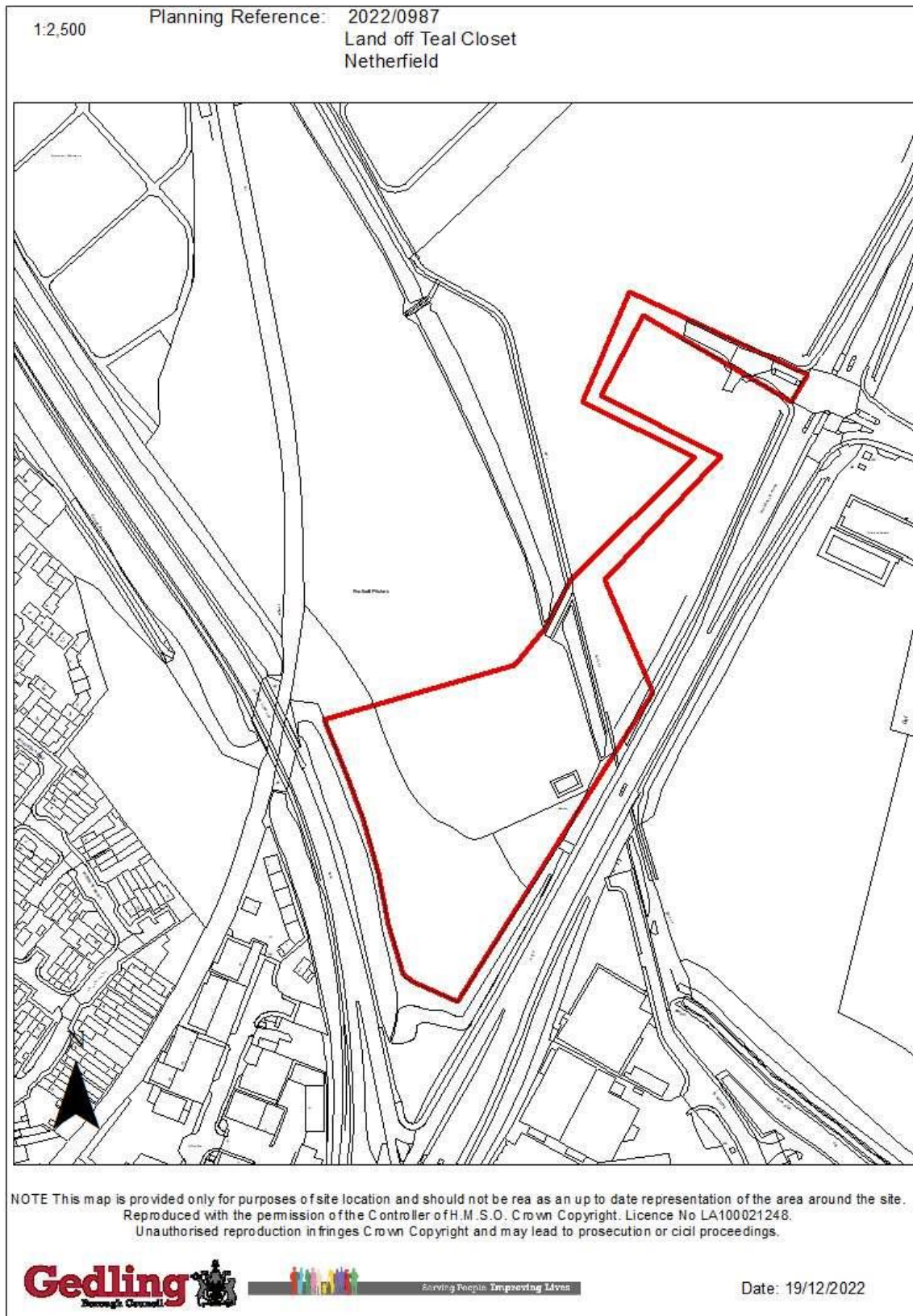
The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.



## Appendix 1



### Planning Report for 2022/0987



**Report to Planning Committee**

**Application Number:** 2022/0987

**Location:** Land off Teal Close Netherfield Nottinghamshire

**Proposal:** Residential development of 16 dwellings, public open space, landscaping, access and associated infrastructure – Re-plan of Plots 583 to 597 as approved by Reserved Matters Approval 2019/0560.

**Applicant:** Persimmon Homes Nottingham

**Agent:**

**Case Officer:** Kevin Cartwright

**This application has been referred to the Planning Committee in accordance with the Council's Constitution as the development proposes more than 9 dwellings.**

1.0 Site Description

- 1.1 The site is within the Teal Close development site which has outline planning permission reference 2013/0546 as varied by planning permission 2017/0999 for residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Various approvals have been granted pursuant to this permission. The full planning history is detailed below.
- 1.2 To date phase 1 is nearing completion, the primary school and a care home have been completed and work has commenced on dwellings within phase 2. A number of the commercial units are also complete as is the food store.
- 1.3 The Teal Close development is approximately 26 hectares in overall site area split into two parcels of land which straddle the Colwick Loop Road.
- 1.4 This particular application relates to a re plan of 16 dwellings within the larger parcel of land of approximately 8 hectares in the area to the west of the Colwick Loop Road that is the subject of reserved matters approval 2019/0560. The application site area is 1.86 hectares which also includes the access roads to the site from Colwick Loop Road.

## **2.0    Relevant Planning History**

2013/0546 - Outline planning application comprising residential development (up to 830 units), employment uses (Use Classes B1/B2/B8), a community hub (Use Classes A1-A5 and D1), primary school, hotel (Use Class C1), care home (Use Class C2), playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures approved and is subject to a S106 agreement. Approved 30<sup>th</sup> June 2014.

2017/0999 - Variation of Conditions 32, 33 & 35 and removal of Condition 34 attached to outline planning application No. 2013/0546 comprising residential development (up to 830 units), employment uses (use classes B1, B2, B8) a community hub (use classes A1-A5 and D1) primary school, hotel (use class C1), care home (use class C2) playing pitches and changing facilities, public open space, allotments, structural landscaping, access arrangements and an ecology park, and demolition of existing structures. Approved 28<sup>th</sup> February 2018.

2017/0800 - Reserved Matters Application for the erection of 199 dwellings (C3), including 10 affordable units, and the associated infrastructure including landscaping, community uses/changing rooms (D2), playing pitches, a NEAP and public open space and an ecological park. (Phase 1) Approved 2<sup>nd</sup> March 2018.

2018/0951 - Variation of conditions 32 (highway works), 33 (highway works) & 35 (footway/cycleway works) on outline planning permission reference 2017/0999 – Approved 2<sup>nd</sup> March 2018.

2017/1092 - Discharge of Conditions 3 (Phasing), 8 (Topographical), 25 (Geophysical), 28 (Main Site Access), 30, 31, 32, 33 & 35 of Outline Planning Approval: 2017/0999. Approved.

2018/1189NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999. – Approved

2019/0060NMA - Non Material Amendment to reserved matters approval 2017/0800 - mid-terraced Yarm house type replaced with Bickleigh house type and end terrace Bickleigh house type replaced with Yarm house type, changes to feature plots and amendments to road layouts – Approved

2019/0208NMA - Non Material Amendment - amendment to the wording of Condition 10 (flood risk measures) on outline planning permission reference 2017/0999 – Pending

2019/0131 - Reserved matters application for the erection of a 1-form entry primary school with a 26 place nursery with associated external play areas, car parking and associated landscaping and infrastructure pursuant to outline planning permission 2017/0999 – Approved 8<sup>th</sup> April 2020.

2019/0529 - Formation of access and enabling works including drainage and earthworks in relation to the local centre and employment uses – Granted Permission 18th September 2019.

2019/0613 - Approval of reserved matters in relation to access, appearance, landscaping, layout and scale of the Local Centre comprising of Public House, Commercial/Retail Terrace and Children's Day Nursery pursuant to outline planning permission 2017/0999- Approved 21<sup>st</sup> May 2021.

2019/0614 - Approval of reserved matters in relation to appearance, landscaping, layout and scale of the trade park and unit 1 of the employment area pursuant to outline planning permission 2017/0999 – Granted Planning Permission 8th November 2019.

2019/0615 - Approval of reserved matters in relation to appearance, landscaping, layout and scale for the development of the employment area (6no. employment units) pursuant to outline planning permission 2017/0999 – Granted Planning Permission 24<sup>th</sup> June 2021.

2019/1191 – Erection of a three Storey Sixty Six Bedroom Residential Care Home for Older People (Use Class C2) with associated access, parking and landscaping. Granted Planning Permission 11<sup>th</sup> March 2020.

2019/0152 - Reserved matters application for the erection of 353no. dwellings (C3), including 18 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2017/0999. (Phase 2) – Approved 22<sup>nd</sup> June 2020.

2020/1292 - Erection of a retail store (Class E) with associated car parking, landscaping and other infrastructure. Granted Planning Permission on 21<sup>st</sup> May 2021.

2019/0374 – Variation of Conditions 2 (approved plans), 7 (parameters plan written statement), 10 (flood risk), 28 (highway works), 30 (highway works), 31 (highway works), 32 (highway works), 33 (highway works) and 35 (footway/cycleway) on planning permission reference 2017/0999 – Granted Planning Permission on 13<sup>th</sup> June 2022.

2019/0560 - Reserved matters application for the erection of 255no. dwellings (C3), including 13 affordable units, and the associated infrastructure including landscaping and public open space pursuant to outline planning permission 2019/0374. (Phase 3). Approved 8<sup>th</sup> July 2022.

### **3.0 Proposed Development**

- 3.1 The proposal is a full application for the construction of 16 dwellings. The affected plot numbers in relation to the previous reserved matters approval (2019/0560) are plots 583 to 597 inclusive. The re-plan is a result of the discovery of an underground culvert in the south western corner of the site. Construction cannot take place over the culvert or the associated 8 metre easement. Hence the requirement for the layout in this area to be amended.

- 3.2 The site would be accessed as per the approved phase 3 reserved matters approval from the western arm of the newly constructed traffic lighted junction off the Colwick Loop Road. The eastern arm being Magenta Way which serves the remainder of the Teal Close development.
- 3.3 The overall density of the wider phase 3 development would be 31 dwellings per hectare and remain unchanged by this proposed re-plan. There would be an additional dwelling provided beyond that of the reserved matters approval and has resulted from the replacement of a larger detached dwelling with a pair of smaller semidetached properties on plots 50 and 51.

#### **4.0 Consultations**

- 4.1 Nottinghamshire County Council Local Lead Flood Authority – No objection.
- 4.2 Nottinghamshire County Council Highway Authority – The road layout has changed allowing for a cul-de-sac to serve plots 40-47. Tracking for a refuse vehicle must be demonstrated. The link adjacent to the public open space should be a cycleway/footway 3 metres wide.
- 4.3 Stoke Bardolph Parish Council – No comments received.
- 4.4 Trent Valley Internal Drainage Board – No objection. There are no Board maintained watercourses in close proximity to the site.
- 4.5 Scientific Officer (Air Quality) - No objection subject to the provision of EV charging points, Construction Emissions Management Plan.
- 4.6 Strategic Housing Manager - As this is a re-plan and the affordable housing has already been secured through Section 106 agreement for the wider site, Strategic Housing has no comments to make on this application.
- 4.7 Nottinghamshire County Council Education – There are insufficient secondary school places in the planning area. The development of 16 dwellings would yield 3 pupils of secondary school age. The contribution requirement would be £78,762 (based on £26,254 per place).
- 4.8 NHS Primary Care – No contribution required as the scheme falls below the threshold of 25 dwellings.
- 4.9 Nottinghamshire Wildlife Trust – No comments received.
- 4.10 Members of the Public  
A press notice was published, three site notices were displayed and neighbour notification letters posted. No representations have been received. Any representations received will be reported verbally at the meeting.

#### **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the

determination must be made in accordance with the plan unless material considerations indicate otherwise’.

## **6.0 Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF) 2021**

Section 2 – Achieving sustainable development - Para 11 – presumption in favour of sustainable development

Section 4 – Decision-making - Paragraph 47 of the NPPF states that planning law requires applications for planning permission be determined in accordance with the Development Plan, unless materials considerations indicate otherwise.

Section 8 – Promoting healthy and safe communities. Paragraph 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places. Paragraph 134 states that permission should be refused for development of poor design.

Section 14 – Meeting the challenge of climate change, flooding and coastal change - Paragraph 166 - states a site specific flood risk assessment is required. The applicant has submitted a flood risk assessment.

Section 15 – Conserving and enhancing the natural environment - Paragraph 174. Planning policies and decisions should contribute to and enhance the natural and local environment.

### **6.2 Gedling Borough Aligned Core Strategy (ACS) (2014)**

Policy A – Presumption in Favour of Sustainable Development

Policy 1: Climate Change - Parts 1, 2 and 3 set out sustainability criteria.

Policy 10: Design and Enhancing Local Identity - General design criteria

The site is identified as a Strategic Allocation.

### **6.3 Gedling Borough Local Planning Document (LPD) (2018)**

LPD 18 – Protecting and Enhancing Biodiversity – states development proposals will be expected to take opportunities to incorporate biodiversity in and around development and contribute to the establishment and maintenance of green infrastructure.

LPD 11 - Air Quality - states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 32 – Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33 - Residential Density – supports residential densities more than 30 dwellings per hectare to ensure effective use of land.

LPD 35 – Safe, Accessible and Inclusive Development – supports well designed schemes and the creation of safe and sustainable places.

LPD 36 – Affordable Housing – requires developments of 15 dwellings or more to provide appropriate levels of affordable housing.

LPD 57 – Parking Standards – Planning Permission will be granted for residential development where proposals meet the requirement for parking provision set out in Appendix D, or otherwise agreed by the local planning authority.

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

#### 6.4 Other Guidance

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

Air Quality and Emissions Mitigation (2019)

Low carbon planning guidance for Gedling Borough (May 2021)

Interim Planning Policy Statement First Homes (October 2022)

#### 7.0 Planning Considerations

##### Principle of Development

7.1 The principle of development on this site for residential development has been established by outline application 2013/0546 and the subsequent Section 73 applications 2017/0999 and 2019/0374 and approval of reserved matters application 2019/0560. The site is also identified as a residential allocation in the Aligned Core Strategy.

7.2 Access to the site would be via the newly constructed traffic lighted junction off the A612. This was approved by the aforementioned outline permission.

This single vehicle access point into the site accords with the masterplan as varied by planning application 2019/0374.

#### Design and Appearance

- 7.3 The design and appearance of the proposed dwellings are in keeping with the dwellings under construction on adjoining land that has been previously consented under reserved matters approvals. As such they will be in keeping with the scheme as a whole utilising the same elevation detailing and materials.

#### Layout

- 7.4 The proposed layout mirrors that of the adjacent approved reserved matters scheme following a simple block layout with properties outward facing fronting the roads. The development would have a density of approximately 38 dwellings per hectare and this reflects the character of previously consented development on adjoining land.
- 7.5 The dwellings have been moved eastwards and open space located over the culvert. The proposal would however be in full conformity with the previously approved masterplan for the wider residential allocation.
- 7.6 It is considered that the proposal is in compliance with the approved masterplan and Aligned Core Strategy Policy 10 and LPD32, LPD33 and LPD 35.

#### Landscaping

- 7.7 The approved masterplan and landscaping of the development that forms the outline and reserved matters approval for the site as a whole and specifically the green corridor that runs through the site and includes an equipped play area remains unchanged as a result of the re-plan.
- 7.8 Whilst it is accepted that 2no. dwellings would be located in the most easterly part of the site adjacent to the central green corridor, they would not result in built form significantly closer to the green corridor than the layout approved by reserved matters application 2019/0560. As such the integrity of the green corridor would not be lost. It is however considered necessary for the existing trees and hedgerows to be protected during the construction phase. An appropriately worded condition has been included as part of this recommendation.
- 7.9 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10 and Policy LPD 35.

#### Other Matters - Air Quality

- 7.10 The application site falls within the wider Teal Close development site which has an approval for residential development, a school, local centre and commercial uses. The outline permission secured a financial contribution towards air quality monitoring. However, this application is a full application.



As such it is not bound by any of the conditions of the outline planning permission. The request for EV charging points made by the Scientific Officer is considered appropriate and compliant with the Low Carbon Policy Guidance and LPD 11. There was no policy requirement for EV charging at the time of the consideration of the outline planning permission.

- 7.11 Noting the request from our Scientific Officer for a condition in relation to the submission of a Construction Emissions Management Plan (CEMP). It should be noted that condition 24 of outline planning permission 2017/0999 requires, prior to the commencement of each phase, the submission and approval of a CEMP. As this application is a full application it is necessary to require a further CEMP to ensure that appropriate measures are in place for the development of this standalone application.
- 7.12 As such the proposal complies with LPD 11, Air Quality and Emissions Mitigation (2019) and Low Carbon Planning Guidance for Gedling,

#### Highway Safety and Capacity

- 7.13 It should be noted that the principle of this development and that of wider site is established by the grant of outline planning permission 2013/0456 and subsequent section 73 applications 2017/0999 and 2019/0374. This included assessment of the impact that the development of the site as a whole, including up to 830 dwellings, would have on the wider transport network and established the approved access to the site off the A612 Colwick Loop via what is now known as Magenta Way. As this is a re-plan which results in only one additional dwelling it is considered that there would not be any additional impact on the highway network than that previously assessed.
- 7.14 The parking provision has not changed from that approved at reserved matters stage in that four bed properties would have 3 spaces and the single five bed property would have four spaces. The two semidetached properties would have one parking space each.
- 7.15 Notwithstanding the comments from the Highway Authority in relation to the alignment and the need to demonstrate vehicle tracking it is considered that the provision complies with LPD 57 and Parking Provision for Residential and Non-Residential Developments Supplementary Planning Document.
- 7.16 Amended plans have been requested in relation to the comments of the Highway Authority. A verbal update on this matter will be provided at the meeting. In light of the above matters it is considered that the proposal would not be harmful to highway safety or the surrounding road network in general, and therefore the proposal would accord with the objectives of the National Planning Policy Framework and Local Planning Document LPD 57 and 61 and Parking Provision for Residential Developments – Supplementary Planning Document.

#### Drainage Matters

- 7.17 As this is a re-plan of the already approved scheme and noting no objection from the Local Lead Flood authority it is considered that this proposal does

not raise any new drainage issues not previously considered by the outline planning permission and associated reserved matters approval. It would not be possible to construct this development without the wider approved drainage details being implemented. This revised layout does not prejudice the delivery of the wider site and its associated infrastructure. Connection to the foul and surface water infrastructure system implemented on the adjoining land would be controlled through Building Regulations. Moreover, as this is a standalone application, details of the foul and surface drainage proposals are required and a condition is proposed.

### Ecology

- 7.18 This proposal does not impact on the delivery of the larger site which includes open space, green corridor and an ecology park. As this is a full stand-alone planning application there is a requirement for appropriate protection measures in relation to trees and hedgerows and to minimise damage and disturbance to any habitats during the construction phase. Accordingly the same condition as is included within outline planning permission 2013/0546 is considered necessary in relation to this application. Condition 6 refers. As such the development would accord with LPD18.

### Planning Obligations

- 7.19 The application site falls within phase 3 of the Teal Close development which is subject to a S106 agreement which secured planning obligations in respect of the following:

Affordable Housing - 5% of the total number of dwellings.

Travel Plan Monitoring Fee - £29,040

Air Quality Monitoring Contribution - £2,800

Travel Pass Contribution - £30,000

Bus Pass Contribution - £450,000

City Link Contribution - £680,000

Ecology Park

Contribution to Gedling Access Road - £463,000

Open Space including Sports Pitches within Phase 1.

Health Care Contribution - £200,000

Single Form Entry Primary School

Off-site Highway Improvement works as varied by Planning Ref: 2019/0374:

Lowdham roundabout - £64,932.75

Mile End/Colwick Road junction - £150,000.

- 7.20 In relation to the wider development, contributions have been made where trigger points have been met including the construction of the Primary School.
- 7.21 This planning application is a full application and would not be bound by the aforementioned S106 agreement. As this proposed development would only result in an additional dwelling when compared to the approved reserved matters layout (2019/0560) and still well below the quantum of development assessed at the outline stage which consents a maximum of 830 dwellings to be built on the site as a whole over the three phases.

- 7.22 The overall number of dwellings on the site for all three phases including the re-plan resulting in an additional dwelling from this application would be:

Phase 1 + Phase 2 + Phase 3 = 199+353+255=807 plus the additional dwelling as a result of this application bringing the overall total to 808.

- 7.23 The NPPF advises that planning obligations must only be sought where they are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 7.24 A full re-consultation has been undertaken with key stakeholders to determine whether any further obligations are now required in relation to the development comprised in the planning application having regard to changes in national/local planning policies and technical evidence, since permission was granted in 2014.
- 7.25 A review of the consultation responses has identified that no additional off site highway works or public transport contributions are required. The development falls below the threshold for health contributions. The application site does include an area of informal open space the maintenance of which would need to be secured via the Section 106 agreement.

Further planning obligations are also required in relation to education and affordable housing, as set out below.

7.26 *Education*

The County Council have confirmed that the requirement for primary school place has been met through the construction of a new primary school on the wider housing allocation. In relation to secondary school provision, updated evidence from the County Council indicates that there is forecast to be insufficient secondary places in the locality to accommodate the projected housing growth. The County have therefore requested a contribution of £78,762 (based on £26,254 per place) to mitigate the impact of the proposed development.

7.27 *Affordable Housing*

In accordance with LPD36 as the proposed development is for more than 15 dwellings, the development must provide 10% 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.

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.

First homes is a new form of affordable housing as identified in a Written Ministerial Statement (WMS) of 24 May 2021 and is fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement

and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000. The application is required to provide 10% affordable homes. This equates to two dwellings. This would be secured via a planning obligation. 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.

7.28 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. A report in relation to First Homes was considered by Cabinet on 6<sup>th</sup> October 2022 and 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.

Two 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

7.29 The planning obligations in relation to education, affordable housing in form of First Homes and open space maintenance requirements 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). The requirements would be secured as planning obligations through a s106 agreement.

## **8.0 Conclusion**

- 8.1 Having regard to the fact that the principle of development is established by the extant planning permission in place the proposed development would be of a design and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity, residential amenity or highway safety. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 1,10 Local Planning Document Policies 11, 32, 33, 35, 36, 57, and 61, Parking Provision for Residential and Non-Residential Developments SPD (2022), Air Quality and Emissions Mitigation (2019) Interim Planning Policy Statement First Homes (October 2022) and Low carbon planning guidance for Gedling Borough (May 2021).

- 9.0 RECOMMENDATION: Grant Planning Permission subject to the applicant entering into a section 106 with the Borough Council as the Local Planning Authority and the County Council to secure planning obligations in respect of affordable housing in relation to the delivery of two First Homes, an education financial contribution and financial contribution towards the maintenance of open space and subject to the following conditions:**

### **Conditions**

- 1 The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
- 2 This permission shall be read in accordance with the following plans:

Location Plan  
Planning Layout RG3/PL/01 Rev C  
Charter Plan RG3/CC/CP/01/E  
Open Space Plan RG3/CC/CP/01 Rev C

### **Housetypes**

Broadhaven BrH\_MA\_Det\_R21-901 Rev No.00  
Broadhaven BrH\_MA\_Det\_R21-904 Rev No.00  
Broadhaven BrH\_MA\_Det\_R21-905 Rev No.00

Cullen Detached Cul\_MA\_DET\_R21-901 Rev No.00  
Cullen Detached Cul\_MA\_DET\_R21-904 Rev No.00  
Cullen Detached Cul\_MA\_DET\_R21-905 Rev No.00

Heysham Detached HeY\_MA\_DET\_R21 -901 Rev No.00  
Heysham Detached HeY\_MA\_DET\_R21 -904 Rev No.00  
Heysham Detached HeY\_MA\_DET\_R21 -905 Rev No.00

Hollicombe Detached HoC\_MA\_DET\_R21 -901 Rev No.00  
Hollicombe Detached HoC\_MA\_DET\_R21 -904 Rev No.00  
Hollicombe Detached HoC\_MA\_DET\_R21 -905 Rev No.00

Kingsand Detached KgS\_MA\_DET\_R21 -901 Rev No. 00  
Kingsand Detached KgS\_MA\_DET\_R21 -904 Rev No. 00

Seacombe Detached Se\_MA\_DET\_R21 -901 Rev No. 00  
Seacombe Detached Se\_MA\_DET\_R21 -904 Rev No. 00  
Seacombe Detached Se\_MA\_DET\_R21 -905 Rev No. 00

Turnberry Detached TuN\_MA\_DET\_R21 -901 rev No. 00  
Turnberry Detached TuN\_MA\_DET\_R21 -904 rev No. 00

Alnmouth Semi Detached Al-C\_MA\_End\_R21-901

Single Garage Hucknall  
Double and Paired Garages Hucknall

The development shall thereafter be undertaken in accordance with these plans.

- 3 No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 4 No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 5 From the date of first occupation every property built on the site shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 6 Prior to the commencement of development hereby approved a Construction Environmental Management Plan (CEMP) for the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details; (1) the hedgerow and tree protection measures that shall be implemented for all retained woodland, trees and hedgerows approved as part of the landscaping pursuant to this application. A statement shall also be provided which details how the protection measures shall be implemented so as to minimise damage and disturbance to habitats within the vicinity and the species they support. The protection measures shall accord with current British Standards in relation to design, demolition and

construction (BS5837:2012 or any subsequent revision); (2) the measures that shall be implemented during the construction of the development so as to minimise water runoff and works pollution entering watercourses; and (3) the measures that shall be implemented so as to avoid any disturbance to nesting birds during construction.(4) details of traffic routes for Heavy Good Vehicular movements during the construction of the development. (5) details of wheel washing facilities to be used by vehicles entering and leaving site during the construction of the development ; and (6) details of how the principle of Best Practicable Means shall be applied in relation to minimising impact on the surrounding area during the construction of the development in relation to noise and vibration and safeguarding air quality. The approved CEMP and all details therein shall be implemented in accordance with the approved details.

- 7 Prior to the commencement of the development the following must be 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; an 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 site to a 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.

- 8 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.
- 9 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.

- 10 Prior to the commencement of development details of the existing and proposed ground levels of the site and finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 11 No development shall be commenced until details of the means of surface and foul drainage have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

## **Reasons**

- 1 To define the permission and for the avoidance of doubt.
- 2 To define the permission and for the avoidance of doubt.
- 3 To reduce the possibility of deleterious material being deposited on the public highway.
- 4 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 5 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.
- 6 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.
- 7 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 8 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration paragraph 183 of the National Planning Policy Framework and policy LPD7 of the Council's Local Plan
- 10 To ensure a satisfactory form of development.
- 11 To ensure a satisfactory means of surface and foul drainage for the site.

## **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2019).



All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application discussions took place with the applicant to make amendments to the application to ensure a positive outcome could be achieved.