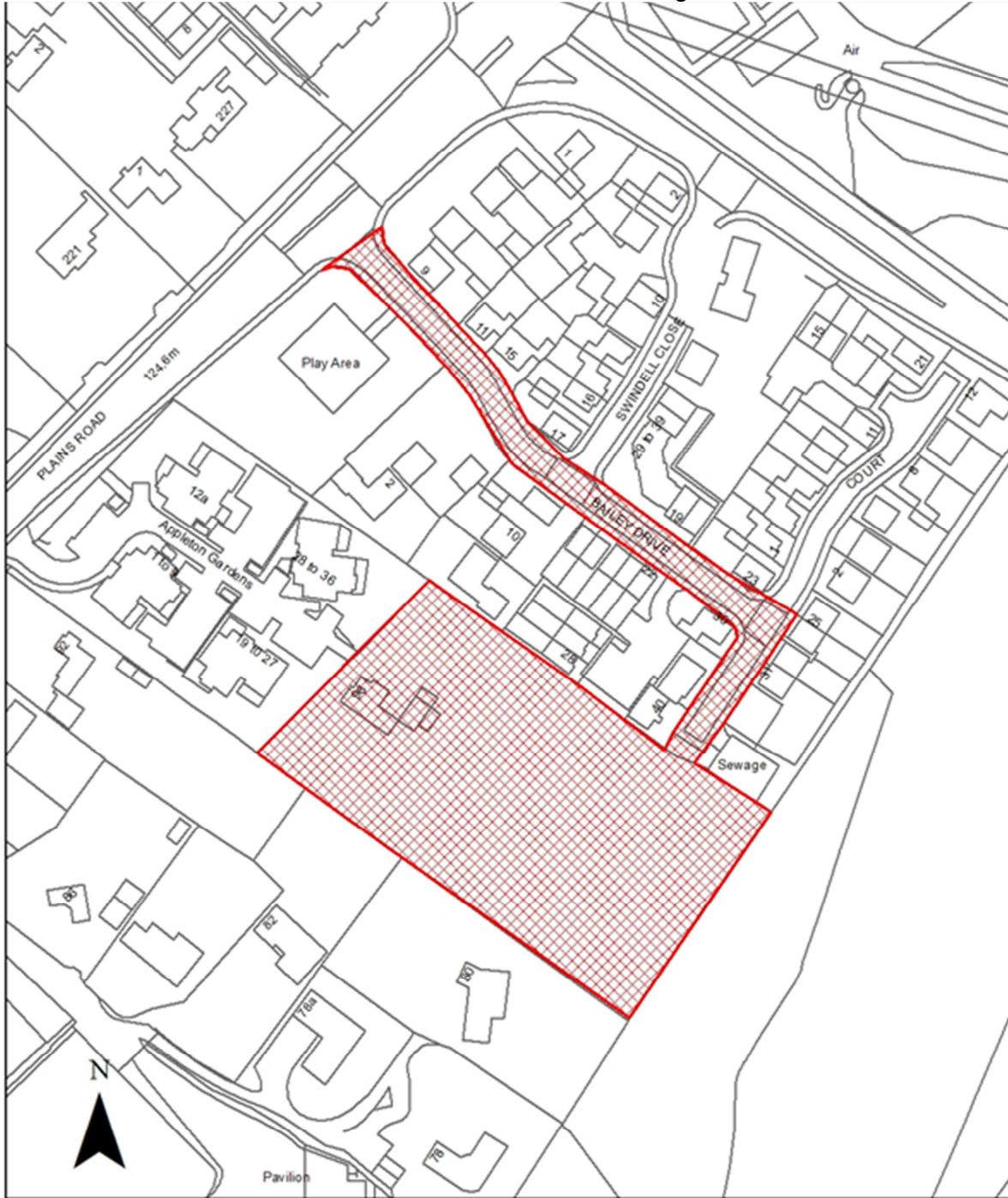




Application Number: 2014/0665

Location: Land At 96 Plains Road Nottingham NG3 5RH



NOTE:

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Report to Planning Committee

Application Number:	2014/0665
Location:	Land At 96 Plains Road Nottingham NG3 5RH
Proposal:	Proposed Residential Development (outline)
Applicant:	The Executors Mrs J M Buol
Agent:	Mr Nick Baseley

Site Description

The application site comprises approximately 0.89 hectares of land within the residential curtilage of 96 Plains Road, Mapperley, which lies within the urban area.

To the north-west of the site is the more recent apartment development at Appleton Garden, through which 96 Plains Road currently gains vehicular access to Plains Road. To the south-east is the Mapperley Golf Course. To the south-west are a small number of existing dwellings off Plains Road, set within large plots of land, whilst to the north are recently constructed dwellings on Bailey Drive and Howieson Court.

The site is bounded by mature hedges and, whilst there are no significant trees located within the site, there are several trees on neighbouring land that are in close proximity to the site.

Earlier this year many predominantly young, self-set trees and scrub vegetation were cleared to prepare the site for redevelopment.

The ground level falls generally in a north-west to south-east direction and a south-west to north-east direction.

Proposed Development

Outline planning permission is sought for the demolition of the existing dwelling and outbuildings and the redevelopment of the site for residential purposes. All matters, apart from access, are reserved for subsequent approval.

The application is accompanied by a Draft Illustrative Layout Plan showing how the site could accommodate up to 14 new dwellings, with a small area of public open space, served by an extension to Bailey Drive. The existing vehicular access to Plains Road would be closed as a consequence.

The application is also supported by the following drawings and documents:

- Design & Access Statement
- Highways Appraisal
- Arboricultural Report & Method Statement
- Protected Species Survey
- Additional Bat Surveys

Consultations

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 1 email of representation from local residents, which raise concerns about the construction of new dwellings directly adjacent to their rear garden, which is at a lower level than the application site. As a consequence, the proposed development would cause overshadowing and result in a loss of privacy and light to their property, making their rear garden unusable.

Mapperley Golf Course – observe that Mapperley Golf Club are the tenants of the adjacent land to the south-east, with Gedling Borough Council their landlord.

Earlier this year, when the site was cleared of vegetation, the developer encroached onto golf course land removing a large section of the historical hedgerow and some trees. This matter has yet to be resolved, and involves the Borough Council's Estates Department.

The destruction of hedgerow and felling of the trees on the golf course, has removed a long-standing and effective safety barrier between the two properties, saving injury from the occasional wayward golf ball. The Golf Club consider that this matter needs resolving before the development can progress.

The Golf Club is also concerned about excess drainage of surface water from this development and its likely damaging impact on the eastern area of the golf course.

Nottinghamshire County Council (Highway Authority) – notes that the application is for outline planning permission for the construction of a residential development. Approval for the access is being sought as part of this outline application. According to the drawing entitled 'Draft Illustrative Layout Plan', which has been submitted as part of the planning application, the site is to consist of 14 dwellings to be served by a new road. The new road is proposed to be taken from Howieson Court.

The Highway Authority has no objections in principle to the proposal, as a satisfactory access road onto Howieson Court to serve the development can be provided. Notwithstanding this, the roads that are proposed to link the development to Plains Road are currently subject to a Section 38 agreement, and as such are not yet adopted highway. If the applicants require access in the near future, then they will need to seek permission from the appropriate persons to construct the vehicle access. Permission may not be given, as works to roads which are yet to be

adopted has the potential to delay the adoption of the roads in question. If the applicants wish to undertake works on the aforementioned roads following their adoption, they will first need to obtain the permission of the Highway Authority. Also, the Highway Authority would not adopt the proposal site until the roads that link the development to Plains Road are also adopted.

It should be noted that the topography of the application site is steep, which will make the provision of a satisfactory road gradient difficult. Whilst not unachievable, the engineering works required to provide satisfactory gradients are likely to be significant. For further information on gradients, the applicants need to refer to Nottinghamshire County Councils current Design Guide, entitled '6Cs Design Guide', which was adopted by Nottinghamshire County Council on 1st April 2009.

In view of the above, the Highway Authority has no objections to the proposal, subject to the imposition of a number of appropriate conditions [specific details of which have been provided], regarding:

- Parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage.
- All drives and parking areas to be surfaced in a bound material (not loose gravel).
- No part of the development to 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.
- No development hereby permitted shall commence until wheel washing facilities have been installed on the site.

There are also a number of notes for the applicant [specific details of which have been provided].

Nottinghamshire County Council (Education Authority) – comments that a development of 14 dwellings would yield an additional 3 primary and 2 secondary places. Based on current pupil projects, as both the primary and secondary schools are at capacity and unable to accommodate the additional places, the County Council would wish to seek an Education contribution of £34,365 (3 x £11,455) to provide primary provision and £34,520 (2 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

Nottinghamshire County Council (Arboricultural Advice) – advises that the only trees affected by the proposal are on adjoining land. The method statement supplied as part of the application should be followed to ensure safe tree retention and to avoid inadvertent tree damage. The tree protection measures should be designed into any development proposal, including hard and soft landscaping.

Nottinghamshire County Council (Nature Conservation) – initially commented that the Protected Species Survey report included an inspection of the building which is

to be demolished, during which evidence of bats was found.

The Survey report states that further surveys (bat activity surveys) are required of the building to establish how bats are using the building, what species are involved, and what mitigation is required. The report states that two surveys are required, to be carried out during the bat activity season (May to September), and ideally spread out across the survey season. Given that much of the survey season has already been missed, the need for these surveys is flagged up so that the survey window is not missed.

In terms of planning policy and legislation, this survey information is also required to ensure that Paragraph 99 of Government Circular 01/2005 (which accompanied PPS9 but remains in force until replacement guidance is issued) is complied with, which states that: "it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances." Furthermore, this survey work is also necessary so that the Borough Council can consider whether the 'three tests' under regulation 53 of the Conservation of Habitats and Species Regulations 2010 can be met, to ensure that it has properly discharged its duty under regulation 9(4) of those Regulations.

Therefore, the County Council advised that these bat activity surveys should be sought from the applicant, prior to the determination of this application. Once this information has been made available, along with mitigation measures, the County Council will then be in a position to comment more fully on this application (including in relation to other potential impacts).

Additional Information

Following re-consultation on the additional bat activity surveys which have been undertaken, the County Council notes that the surveys found no bats emerging from the building, and it is stated in the EMEC report that this indicates that the building is not being used by bats for roosting, and that a European Protected Species licence is not required. However, the report also recommends that whilst works are being carried out, best practice measures should be adhered to and that if a bat is found during the works, they should cease and ecological advice be sought; it is therefore suggested that this could be added as a 'informative' to the decision notice, should planning permission be granted.

Nottinghamshire Wildlife Trust (NWT) – initially commented that it is pleased to see that a Protected Species Survey has been included with the application. Having reviewed the report, the NWT is generally satisfied with the methodology and wishes to make the following comments:

Bats

Evidence of roosting bats was discovered in the building due for demolition. As the

initial survey was undertaken outside of the main bat activity season, the report specifies that further survey work will be required at an appropriate time of year. In accordance with BCT Guidelines, a minimum of two dusk emergence and/or dawn re-entry surveys should be carried out over the period May to September to enable an assessment of the status of the roost. This survey work should be carried out prior to determination of the application, as the presence of bats within the building is a material consideration in the planning process (see Natural England Standing Advice, Section 61).

Birds

In order to avoid impacts to nesting birds, the NWT requests that all tree/shrub removal and demolition work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time, then a suitably qualified ecologist should be on site to survey for nesting birds. All birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended). This requirement should be secured by way of condition.

As compensation for loss of nesting habitat, consideration should be given to provision of artificial nesting opportunity within the design of the new buildings. A range of nest boxes for species such as house sparrow and swallow (evidence of which were noted during the survey) are available and their inclusion would be an example of incorporating biodiversity within the development (NPPF Paragraph 118).

Badger

The site was identified as providing potential foraging habitat for badger. Best practice measures given in Section 6.1.2 should therefore be secured by way of condition.

Amphibians

Whilst not explicitly making reference to the pond present within the survey area, Section 5.1 of the report indicates a lack of suitable breeding habitat for great crested newt and these are not considered a constraint to the development. However, the survey did confirm that the pond provides breeding habitat for common frog and we would therefore request that consideration be given to provision of alternative wetland habitat as compensation for its loss (it does not appear on the proposed site layout plan). Removal of the pond should be carried out in autumn/early winter to avoid the amphibian breeding season. Should any common species of amphibian be encountered during works, the guidance given in Section 6.1.1 of the report should be followed.

Other Considerations

The NWT would recommend that new planting proposed for the development should consist of native species, ideally of local provenance where possible.

Additional Information

Following re-consultation on the additional bat activity surveys which have been undertaken, the NWT is satisfied with the methodology and notes that no evidence of a bat roost was identified. Were the application to be approved, the NWT recommends that the applicant is reminded of their obligation should a bat be found during works.

Should any bat/s be found under any aperture, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. EMEC Ecology on 0115 9644828 or The Bat Conservation Trust on (0845) 1300228 should be contacted immediately for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

Previous comments remain valid.

Environment Agency – although there are 14 houses indicated on this site, the area is less than 1 hectare and as such standing advice can be applied for the disposal of surface water. This sets out good practice to achieve sustainable surface water management.

Severn Trent Water (STW) – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

STW requests that the applicant's attention is drawn to the fact that a public sewer is located within the application site.

Public Protection – make the following comments:

Land Contamination

The site has predominantly been used in the past as residential, although historical aerial photography would appear to indicate that land to the south-east may have been used for horticulture (including out-buildings). This does not necessarily preclude the site from issues relating to land contamination, particularly when the proposals are for a sensitive end use (residential with gardens).

As such, it is recommended that a land contamination study be carried out to ensure the site is suitable for its intended use. The first stage of which would be to carry out a Phase 1 'desk-top' study and site walk over. Therefore, to ensure that the site is suitably assessed, remediated and verified, the imposition of appropriate conditions is recommended [specific details of which have been provided].

Air Quality

Public Protection is currently working on a planning guidance document that tries to define what sustainable development means in the context of air quality, and how this might help decrease pollution levels, by incorporating mitigation measures into scheme design as standard.

It is requested, therefore, that the developer considers including into the plans the commitment to incorporate provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future.

Additionally, it is recommended that an appropriate condition be imposed [specific details of which have been provided] to ensure that the potential for short term pollution from dust during development is considered and mitigated against.

Nottinghamshire Police (Force Architectural Liaison Officer) – observes that the development appears to be fairly traditional with private rear gardens and on plot vehicle parking. The FALO has no concerns with the illustrative housing layout, but is concerned with the large area of Public Open Space (when compared to the small number of housing plots proposed). The FALO is unsure as to the use of this area, other than as a pathway, and would not like it to become an area that suffers from anti-social behaviour.

Parks & Street Care (PSC) – any comments received will be reported verbally.

NHS Nottinghamshire County – any comments received will be reported verbally.

Planning Considerations

In addition to planning policy and sustainability, the main planning considerations in relation to this application are density, design and impact on residential amenity.

The proposal also raises other planning issues in relation to highway matters, pollution and contamination and ecological and arboricultural considerations.

Relevant Policies and Background Information

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area. The following policies are relevant:

National Planning Policies

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

- NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)

With regard to decision-taking, the following section of the NPPF are most relevant to this planning application:

- NPPF: Planning Conditions and obligations (paragraphs 203–206)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

Local Planning Policies

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area. The following policies of the ACS are most relevant:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 8: Housing Size, Mix and Choice
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 12: Local Services & Healthy Lifestyles
- ACS Policy 14: Managing Travel Demand
- ACS Policy 17: Biodiversity
- ACS Policy 19: Developer Contributions

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant:

- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- RLP Policy H8: Residential Density
- RLP Policy T10: Highway Design and Parking Guidelines
- RLP Policy R3: Provision of Open Space with New Residential Development

Additionally, the following Supplementary Planning Documents and Guidance are

relevant:

- Open Space Provision SPG (2001)
- Parking Provision SPD (2012).

Principle of Development

Policy 2 of the ACS promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area.

Policy H7 of the RLP sets the approach for dealing with residential development within the urban area. It states planning permission should be granted provided the development:

- a. It is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or material;
- b. It would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- c. It is not contrary to other policies in the Local Plan.

The application site is within the main built up area and would not result in the loss of buildings or features which make an important contribution to the appearance of the area. As this is an outline planning application, matters relating to Appearance, Layout and Scale are reserved for subsequent approval.

As such, I am satisfied in principle that the proposed development accords with the aims of Policy 2 of the ACS and Policy H7 of the RLP.

Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Policy R3 of the RLP, Policies A, 1, 2, 12, 14 and 19 of the ACS and Section 10 and paragraphs 203-206 of the NPPF.

Policy R3 of the RLP states that residential development on sites of 0.4 of a hectare and above should provide a minimum standard of 10% local open space to serve the development. Provision can be made within the development or via a financial contribution.

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

Policy 12 of the ACS states that where appropriate contributions will be sought to improve existing community facilities provision where the scale of residential development does not merit developers providing community facilities directly.

Policy 14 of the ACS states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy 19 of the ACSSD states that all development will be expected to:

- Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- Provide for the future maintenance of facilities provided as a result of the development.

Section 10 of the NPPF steers new development to areas with the lowest probability of flooding.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Public Open Space

I note that a small area of public open space is indicated on the Draft Illustrative Layout Plan, which currently only equates to approximately 7% of the site area. However, there is already an equipped area of public open space on the adjacent development and whether the requirements of Policy R3 of the RLP would be better served by means of a financial contribution in this instance will be determined as part of a S106 Agreement, should members agree with my recommendation. This would accord with Policies 12 and 19 of the ACS and paragraph 204.

If a financial contribution is sought, this would enable more of the site to be developed, increasing the density (see below).

Accessibility

With regard to accessibility, I note that the site is located within the urban area approximately 195 metres from the nearest bus stops into and out of the city. The site is also approximately 900 metres away from the Mapperley Plains Shopping

Centre.

I am satisfied, therefore, that the location is accessible to a wide range of services and facilities in Mapperley and also in Nottingham in accordance with Policies 2 and 14 of the ACS.

Education

I note the comments of the County Council as Local Education Authority in respect of the additional primary and secondary school places which the proposed development would generate.

The necessary improvements to education facilities can be secured by means of a financial contribution as part of a S106 Agreement, should members agree with my recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

Healthcare

No request for a contribution towards healthcare facilities has been received from NHS England.

Affordable Housing

A development of 14 dwellings on a site of this site would not generate a requirement to provide Affordable Housing. This position would need to be reviewed should the number of dwellings to be provided increase.

Flood Risk & Sustainable Drainage

The site is located within Flood Zone 1 and is considered to have a low risk of fluvial flooding. I would agree that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones, as set out in Policy 1 of the ACS and Section 10 of the NFFP.

I note that no objections have been raised by the Environment Agency or Severn Trent Water and consider that an appropriate condition can be attached to any permission requiring the submission of drainage details to ensure that sustainable surface water management is achieved, in accordance with Policy 1 of the ACS.

In principle, the development can be considered to be sustainable, subject to considerations in relation to density and design, amenity, highways, pollution and contamination, ecological and arboricultural matters. These latter considerations are discussed below.

Density & Design Considerations

The relevant planning policies that need to be considered in relation to density and design are set out in Policies ENV1 and H8 of the RLP, Policies 8 and 10 of the ACS and Sections 6 and 7 of the NPPF.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Policy H8 of the RLP requires developments on sites of more than 0.4 of a hectare to achieve densities of at least 30 dwellings per hectare.

Policy 8 of the ACS requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the layout; density and mix; impact on the amenity of nearby residents and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

Whilst a development of 14 dwellings would only equate to a density of 16 dwellings per hectare in this instance, I am mindful that the older existing dwellings to the south-west are sited on large plots of land which equate to a density of 7 dwellings per hectare. On the other hand, the apartment development to the north-west has a density of 72 dwellings per hectare and the most recent development to the north has a density of approximately 34 dwellings per hectare.

In addition, as noted by the County Council as Highway Authority, the topography of the application site is steep which would make the provision of a satisfactory road gradient difficult.

In my opinion, the proposed development would have regard to the established local character of the area, whilst providing an even greater mix of housing tenures in the area with a range of densities.

In this particular instance, therefore, and bearing in mind the physical constraints

above, I would attach greater weight to the presumption in favour of sustainable development, the mix of housing and local character than to Policy H8 of the RLP. In my opinion, the density of the proposed development is acceptable.

Whilst I note the concerns of the Police Architectural Liaison Officer, the Draft Illustrative Layout Plan demonstrates that there would be good passive surveillance over the proposed open space, from dwellings and road users. In my opinion, this would discourage opportunities for crime and anti-social behaviour in accordance with the aims of Policy 10 of the ACS and Section 17 of the Crime and Disorder Act 1998.

Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP, Policy 10 of the ACS.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACS.

Policy 10 of the ACS states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Whilst I note the concerns of the residents of an adjacent property, I am satisfied that the site can be developed so as to ensure that there would not be any adverse loss of amenity to the nearest residential properties on Plains Road, Appleton Gardens, Bailey Drive or Howieson Court in terms of overlooking, overshadowing or overbearing issues. The potential impact on adjacent residential properties would be addressed in detail at the reserved matters stage, when matters relating to Appearance, Layout and Scale are considered.

I note that Public Protection has requested the imposition of a condition to secure a Dust Management Plan to control potential air pollution during construction.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy ENV1 of the RLP and Policy 10 of the ACS.

Highway Considerations

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should

include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets.

Detailed approval is sought as part of this application to establish the location of the vehicular access into the site, off Howieson Court. This has been assessed by the Highway Authority, which has no objections in principle as a satisfactory access road onto Howieson Court to serve the development can be provided.

Detailed parking arrangements would also be considered at the reserved matters stage, but would be required to comply with the requirements of the Borough Council's Parking Provision for Residential Development SPD (May 2012). In this respect, the Draft Illustrative Layout Plan indicates the provision of ample off-street parking facilities.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

Pollution & Contamination Considerations

The relevant planning policies that need to be considered in relation to pollution are set out in Policies ENV3 of the RLP and Section 11 of the NPPF.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

Section 11 of the NPPF states, at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land

remediation.

I note that Public Protection has no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that the site is suitable for its intended use and to ensure that the potential for short term pollution from dust is considered and mitigated against.

It is considered, therefore, that the proposed development would accord with Policies ENV3 of the RLP and Section 11 of the NPPF.

Ecological Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy 17 of the ACS and Section 11 of the NPPF.

Policy 17 of the ACS states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

I note that additional bat surveys have been provided in response to the comments of the County Council's Conservation Team and the Nottinghamshire Wildlife Trust and that no objections are raised to the proposed development in principle, subject to the imposition of appropriate conditions to enhance or minimise any potential impacts on biodiversity.

I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and provide new biodiversity features.

As such, I consider that the proposed development would accord with the aims of Policy 17 of the ACS and Section 11 of the NPPF.

Arboricultural Considerations

The relevant planning policy which needs to be considered in relation to trees is set out in Policy 10 of the ACS.

Policy 10 of the ACS states that development must have regard to the local context, including valued landscape characteristics.

I note that the only trees likely to be affected by the proposal are on adjoining land and that there are no objections on arboricultural grounds so long as the method

statement supplied as part of the application is followed. This can be achieved by the imposition of an appropriate condition.

New tree planting would be addressed in detail at the reserved matters stage, when Landscaping is considered.

Other Considerations

I note the comments raised on behalf of Mapperley Golf Club and would advise members that the removal of any trees or hedgerows on adjacent land is not a planning matter. This matter is being investigated separately by the Borough Council's Estates Department.

I do not consider it would be reasonable to impose a condition requiring the construction of a safety barrier along the south-eastern boundary of the site to the golf course, bearing in mind that no specific safety measures were considered necessary for the adjacent development to the north, which has a similar relationship to the golf course.

Given the position and orientation of the adjacent fairways and greens on the golf course, and the scope for additional planting along this boundary, it is my opinion that the potential for golf balls to stray into the new properties would be limited.

Conclusion

The planning considerations set out and discussed above indicate that the proposed development would generally accord with the relevant national and local planning policies.

Recommendation: That the Borough Council GRANTS OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as education authority for the provision of, or financial contributions towards Educational Facilities and Open Space; and subject to the following conditions:

Conditions

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission.
2. The vehicular access hereby permitted shall be constructed in the position shown on the Draft Illustrative Layout Plan drawing (13/105-Olalt v.1),

deposited on 4th June 2014.

3. Unless otherwise agreed in writing by the Borough Council, development must not commence 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 Borough Council. 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 Borough Council. 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.
4. 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 Borough Council.
5. 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 Borough Council and once the Borough Council 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 Borough Council.
6. Before development is commenced, including site clearance and demolition works, there shall be submitted to and approved in writing by the Borough Council a Dust Management Plan. The Plan shall be produced and carried out in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The Plan shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.

7. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council a site level survey plan showing existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, Traffic Regulation Orders and drainage. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of wheel washing facilities to be used by vehicles entering and leaving site during the construction. The approved wheel washing facilities shall be maintained in working order at all times during the construction period and shall be used by every vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced, including site preparation, the existing trees on adjoining land shall be protected in accordance with the details specified within the Arboricultural Report and Method Statement dated 9th June 2014 by Forest Farm Tree Services. The protection measures shall be retained until all construction works have been completed.
12. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the incorporation of integrated bird and bat boxes within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

13. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
14. 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 lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. 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 lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. 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 in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. 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 the boundary treatments, including those to individual plot boundaries; (c) 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 (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

18. 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, unless otherwise prior agreed in writing by the Borough Council.
19. Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. EMEC Ecology (0115 964 4828) or The Bat Conservation Trust (08451 300228) should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.
20. Should any common species of amphibian be found during works, they should be removed carefully by hand to areas away from the works, such as under scrub habitat not to be affected by the works. Gloves should be worn to avoid touching amphibians by hand. If it is proposed to drain the pond, this should be carried out between 1st July to 31st March inclusive in any given year, which will allow sufficient time for any frog tadpoles present to have changed into small frogs. These can then be moved into safe areas beneath hedgerows etc.
21. During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other animals that may fall into the excavation to escape, and any pipes over 200 mm in diameter should be capped off at night to prevent animals from entering them.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

5. 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 Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure a satisfactory development in accordance with the aims of Sections 10 and 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. In the interests of visual amenity in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc), in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
15. To ensure surface water from the site is not deposited on the public highway causing dangers to road users, in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To ensure a satisfactory development in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
17. To ensure a satisfactory development and that the landscaping of the

development as proposed at reserved matters stage accords with 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 a satisfactory development, in accordance with 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).
19. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
20. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
21. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

Reasons for Decision

The development has been considered in accordance with the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), the Aligned Core Strategy for Gedling Borough and the National Planning Policy Framework, 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.

Notes to Applicant

Your attention is drawn to the attached comments from Nottinghamshire County Council's Highway and Nature Conservation sections, Nottinghamshire Wildlife Trust, Environment Agency, Severn Trent Water and the Borough Council's Public Protection section.

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.

The Borough Council has worked positively and proactively with the applicant, in

accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses and providing updates on the application's progress.