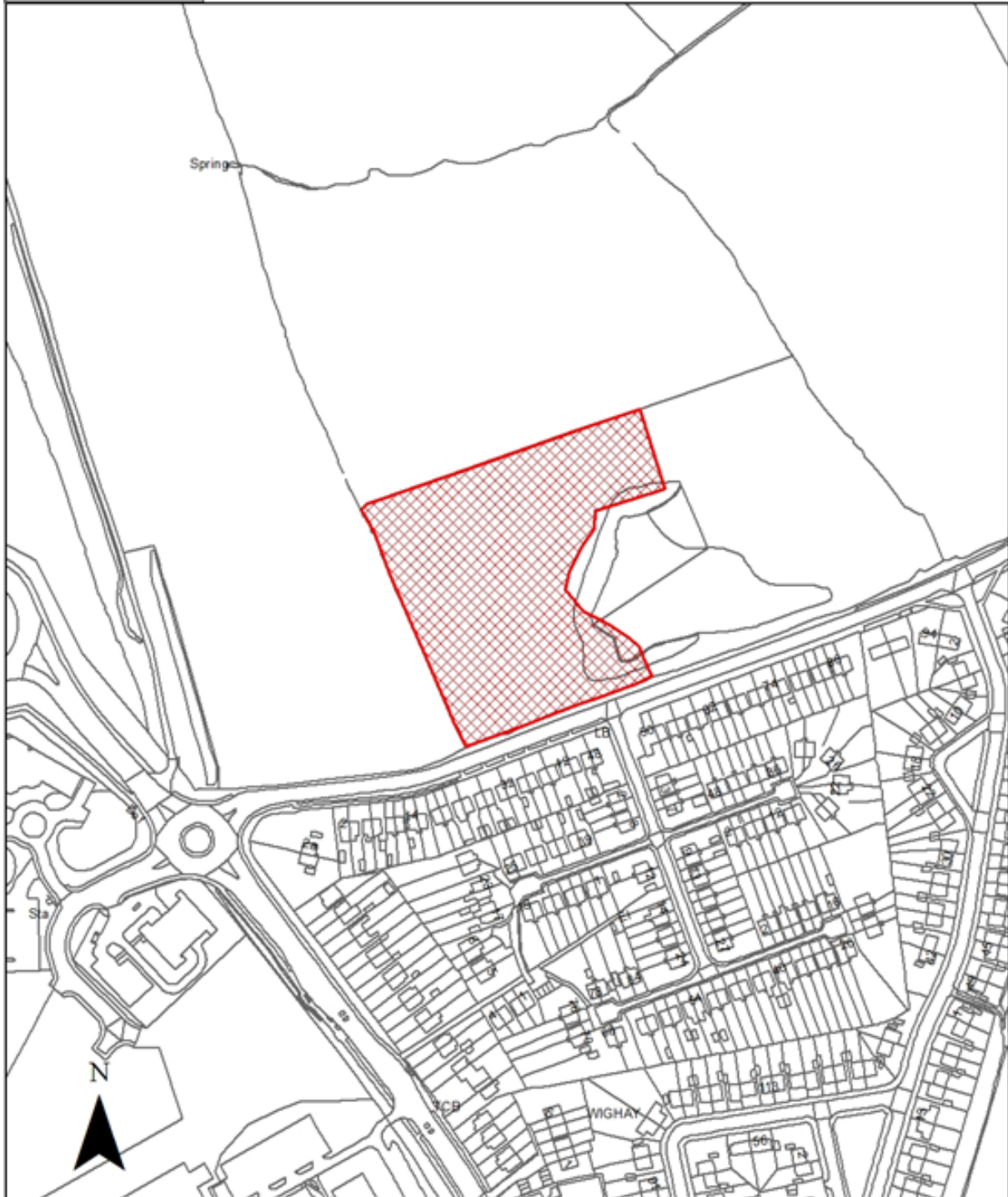




Application Number: 2014/0950

Location: Top Wighay, Annesley Road, Linby, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number:	2014/0950
Location:	Top Wighay, Annesley Road, Linby, Nottinghamshire.
Proposal:	Erect 38 No Dwellings and Associated Works
Applicant:	Strata Homes Ltd
Agent:	
Case Officer:	Nick Morley

Site Description

The application site comprises approximately 1.59 hectares of disused agricultural land, situated to the north of residential properties on Wighay Lane, Hucknall, which are located within jurisdiction of Ashfield District Council. The site is bounded to the north, east and west by agricultural land at Top Wighay Farm. Linby village lies approximately half of a mile to the east, just past the nearby Robin Hood railway line.

The land immediately to the east of the site was previously occupied by brickworks, including a clay pit, in the 19th Century, and is now a Local Wildlife Site (LWS).

The development site falls relatively gently by about 4 metres, over a distance of around 175 metres, from the north-west to the south-east; and by about 1 metre, over a distance of around 130 metres, from north to south.

The site is bounded on all sides by mature hedgerows, which contain a number of mature trees.

Relevant Planning History

The site forms part of a wider area at Top Wighay Farm, which is allocated for residential development in the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

A Development Brief for Top Wighay Farm was adopted by the Borough Council in 2008.

Policy 2 of the Aligned Core Strategy for Gedling Borough (ACS) includes provision for a Sustainable Urban Extension at Top Wighay Farm for up to 1,000 homes. This is a strategic allocation, of which the current application site forms a small part of the southern eastern corner.

Proposed Development

Full planning permission is sought for the erection of 38 dwellings and associated works, with the main access off Wighay Road and 2 private drives serving the first 8 plots, which would front onto Wighay Road. There would also be 3 cul-de-sacs providing potential access to the adjacent allocated land.

The proposed development would consist of 34 detached, four bedroom, properties and 4 semi-detached, four bedroom properties. All the proposed properties would have their own driveways, with either detached or integral garages.

With regard to scale and massing, 22 of the proposed properties would be two storeys in height, with a maximum ridge height of 8.5 metres, whilst 12 would be two storeys with rooms in the roof, having a maximum ridge height of 10.75 metres, and 4 would be three storeys, with a maximum ridge height of 10metres.

With regard to appearance, details submitted as part of the application indicate the proposed means of enclosure, which includes the use of 1.2 metres high black railings, 1.9 metres high brick screen walls and piers with timber infill panels and 1.8 metres high close boarded fencing. External finishes would comprise red brick, buff stone facing or render elevations with grey or terracotta roof tile. Driveways and paths would be surfaced in tarmac or buff paving slabs respectively.

With regard to landscaping, most of the existing hedges and trees to the site boundaries are shown as being retained, apart from where the main access and 2 private drives would be created through the hedgerow fronting Wighay Road, which the Arboricultural Impact Assessment states would necessitate the loss of 4 existing trees, 3 groups and a hedgerow. Parts of the existing hedgerows around the site boundaries would be trimmed back, with any gaps filled with new planting or 1.8 metres high fencing, as appropriate. Proposed new planting is indicated on the landscape masterplan.

In addition to the layout, house type, materials, enclosure and landscape drawings and details submitted, the application is also supported by the following documents:

- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
- Control of Dust and Noise Statement
- Design and Access Statement
- Noise Impact Assessment
- Phase 1 Habitat Survey and Desk Study
- Phase 2 Geotechnical and Environmental Report
- Planning Statement
- Statement of Community Involvement
- Statement on Flooding and Drainage Issues
- Sustainability Statement
- Transport Statement and Travel Plan

The following revised plans and additional information has been submitted during

processing of the application in response to comments received:

- Additional Site Investigation Report for plots 8 and 9
- Archaeological Geophysical Survey Report
- Botanical Species List
- Existing and Proposed Levels drawing
- Flood Risk Assessment
- Garage plans and elevations
- Ground Level Tree Assessment (Bat Survey)
- Landscape and Visual Impact Assessment
- Landscape Masterplan (updated)
- Landscape Planting Plans
- Materials Layout drawing (subsequently updated to reflect amended Site Layout drawing below)
- No Dig Drive Details
- Phase 1 Geotechnical and Environmental Desk Study
- Potential Bat Roost Surveys
- Remediation Strategy
- Response to Ecological Comments
- Roped Access Investigation
- Site Layout drawing
- Viability Appraisal

The site boundary has also been extended slightly to the east and into the LWS to provide grassed banking at the side of the proposed access road. This is because the proposed road would in places need to be approximately a metre above the existing ground levels.

Consultations

Unless otherwise indicated, the comments below have been made in respect of the application as originally submitted. Any further representations received in respect of the revised plans and additional information will be reported verbally.

Internal sections and other consultees have been re-consulted selectively on some of the additional information which has been submitted in response to specific technical matters which they have raised.

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

I have received 2 emails of representation from local residents, which make the following comments:

Development Plan Issues

- The proposed access onto Wighay Road does not conform to the development plan for the area.

Highway Issues

- Wighay Road is a fast, busy road throughout the day, carrying all types of traffic from push bikes to HGV's. The junction of Wighay Road and Knightsbridge Avenue is at best a dangerous junction. For obvious reasons, the traffic survey only highlights reportable accidents. The reality is there are at least 2 or 3 accidents each year at this junction and at peak times it is a particularly difficult junction to negotiate.
- Again, the survey relates to traffic using the junction for a 30 minute period in the morning. It does not look at the traffic levels between 4.00 and 6.00 pm, when the road is particularly busy around the Knightsbridge Gardens junction. The same applies for residents either trying to get on or off their driveways. The addition of a further junction only 30 metres away would compound the problem and lead to potentially more accidents. The proposed means of access to the development should be reconsidered to reduce the risk level.
- What consideration has been given for the residents opposite the development entrance to make accessing their driveways safe? A number of existing residents on Wighay Road are multiple car users. At present, the second and third cars of the households are parked half on the pavement and half on the road, although this assists the flow of traffic along Wighay Road. If all the residents were to park correctly, the flow of traffic would be hampered and the line of sight for vehicles pulling out of Knightsbridge Gardens would be compromised further.
- Wighay Road is a narrow road, there is no pavement on the north side and access at the proposed junction would not be safe.
- The local comprehensive school is less than half a mile away from the proposed development, leading to a increased amount of pedestrian and cycling youngsters using the roads and pavements in these areas around 8.30 am and 3.30 pm each weekday. What precautions will be taken to ensure the safety of the school children, not only during the construction phase but afterwards, bearing in mind the comments above.
- It is inevitable that there will be school children living within these new properties. Within the proposal, there is no mention of a pavement to the north side of Wighay Road or any safe means of crossing the road. Without these in place the area becomes at greater risk of a serious accident. What measure will be taken to prevent this?
- The proposed 38 houses appear to be viewed in isolation to the development of the whole site, the prospect of cars from 1000 houses using this access would be dangerous. The original plan for the site clearly stated that access must be strictly from Annesley Road. The increase in traffic since the development plan was produced makes adherence to the plan regarding access essential.

Design Issues

- Three storey houses are not appropriate and would be completely out of

character, as the immediate area consists of two storey, semi-detached, properties.

Other Issues

- The sustainability statement is farcical. Where is Wighay Village, the local hospital, leisure centres, medical centres and shops? which it states are all within easy walking distance.
- Why has Ashfield District Council been consulted on Tree Preservation Orders, but not Gedling?
- Can the ecology report be believed, when it refers to 48 houses and Ashfield District Council?
- What consideration has been given to the residents living immediately opposite the proposed junction, in relation to the decreased value of their properties that this development will have on them.
- This application should not be considered for determination until the applicant produces information which is reliably accurate; access to the site is of paramount importance on safety grounds and the development plan must be strictly adhered to.

Linby & Papplewick Primary School – the Headteacher has expressed his deep concerns with regards to the application on the following grounds:

- The Design and Access Statement states that “Wighay is a small village, but provides a wide range of amenities...There are a number of ...schools...”. However, there is no Wighay Village with schools. The housing would be in Linby Village, which does not have a range of amenities and only one school, which is over subscribed. This development would give approximately 10 pupils of primary age, which is an increase of 8% to Linby and Papplewick Primary School’s pupil population. The school is already full and oversubscribed.
- All the local schools in Hucknall are at capacity, and so there would be problems with school places for children from these dwellings, which are all large family dwellings and so one would expect above 0.22 children of primary age per dwelling. Careful consideration, forethought and strategic planning needs to be addressed with regards school places for any development of houses on Top Wighay.
- The Headteacher is also very concerned about the proposed access onto Wighay Road and the effect on traffic volume, and safety of travel to and from school for pupils.

Linby Parish Council (LPC) – objects to the proposed development on the following planning policy grounds:

Procedural Matter

- The address for the application site should be “ Wighay Road” and not “Annesley Road”, which gives a false impression of the sites location.

Context to Objection

- The objections are raised in respect of the detrimental impacts that the proposed development would have on the area, having regard to the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the adopted Aligned Core Strategy (ACS), the Gedling Borough Replacement Local Plan (RLP) and the Top Wighay Development Brief 2008 (the Development Brief).

Reasons for Objection

- LPC acknowledges that notwithstanding the sound planning reasons put forward by a number of objectors to the allocation of the Top Wighay Farm site for development, which is in conflict with the Borough Council’s strategic policy of “*urban concentration with regeneration*”, the ACS has nevertheless been adopted by the Borough Council, following main modifications in light of the Inspector’s Report. LPC’s objections do not therefore relate to the principle of development of the application site for housing, but rather to the detailed proposals that have been submitted in isolation from any development proposals for the remaining and substantive part of the wider allocated site.

Background

- Detailed planning applications should be supported by detailed and accurate information in respect of the various development and environmental considerations relating to the type and scale of development being proposed. In this way, both the Borough Council and local residents are able to understand the proposed development and make representations.
- In this respect, the Design and Access Statement (DAS) is littered with errors and inaccuracies and fails to address many key aspect of the proposed development, including, in summary, references to “Wighay Village”, existing landscape features, incorrect consultants, regeneration, the existence of the Development Brief, unresolved drainage and highway connectivity issues, no facilities or hospital within easy walking distance, the fact that the LWS is protected by planning policy, limited variety of house types, inaccurate description of the layout, cohesive architectural style, all of which have resulted in a poorly conceived scheme.

Piecemeal Development

- The application site comprises 1.59 hectares of a 35.6 hectare site, of which 8.5 hectares is earmarked for employment use. It is crucial on a site of this scale that a coherent approach to the site’s development is adopted to ensure that the comprehensive development of the overall site is not compromised.

- Policy ENV1 of the RLP sets out the requirements that proposals are expected to meet if they are to be acceptable in planning policy terms, including that proposals do not prejudice the comprehensive development of a development site. The RLP advises developers that they should contact the landowners of adjacent sites to seek a comprehensive solution. A similar objective is contained within the Development Brief, which seeks to ensure that the design of the Top Wighay Farm development is not insular and is fully integrated within the wider Hucknall Urban Area.
- The proposed development makes no attempt to provide an integrated solution to the development of the overall site. No Masterplan has been produced to show how the wider site would or could be developed in conjunction with the application site and, to the extent that the proposals include three potential access points to the neighbouring land that could utilise the proposed access off Wighay Road, the proposed new priority junction is designed to serve only 38 dwellings and there is no detail regarding the suitability of the junction to serve a more significant number of dwellings. Furthermore, trees and hedgerows are proposed along the site boundaries in the location of the internal roadways.

Highways & Traffic

- The proposed access onto Wighay Road is also contrary to the Development Brief, which states that only two vehicular access points will be permitted to the overall site, at the roundabout where the A611 meets the B6011 and off Annesley Road.
- The ACS and the Development Brief require a Transport Assessment (TA) to be submitted as part of any planning application for the site. The purpose of the TA is to ensure that the transport infrastructure is planned for the overall site in a comprehensive manner. The Transport Statement and Travel Plan submitted does not comprise a full TA and, given that the access arrangements to the site require a holistic approach, is not fit for purpose.
- There are serious traffic problems in the villages within the environs of the application site. The roads are so busy, that they are already dangerous and any additional traffic discharging onto Wighay Road, close to the centre of Linby village, would exacerbate the existing traffic problems. Parents cannot access the school or village centre safely and children have to be driven to school rather than walk, as it is too dangerous to cross the road. The school cannot employ a crossing patrol to ease the situation, as that's too dangerous also.
- At the ACS hearing sessions, the Highway Authority assured both LPC and the Inspector that any future development proposal(s) on the Top Wighay Farm site would involve sustainable travel solutions. The Highway Authority also confirmed that this would take account of the need to access sites by walking and cycling, and that in order to achieve this, the Highway Authority would look to alter the existing highway. There are no safe cycle or walking routes currently in the immediate area of the application site. There is also no means for school children to safely cross Wighay Road at the current time. There is nowhere for

parents to safely drop off or pick up children from school, which results in chaos and potential dangers in the village twice daily. Near misses, emergency stops and road rage incidents are becoming the norm within the village. The school, parents and pupils, as well as villagers, are all concerned by the situation and, in the absence of a detailed TA dealing with the traffic and highway situation in a comprehensive manner, these current issues and concerns would be exacerbated by the proposed development.

- LPC would like to stress that its concerns are not a speed issue, but rather the volume that is currently discharging onto this narrow road and the impact that an additional 38 dwellings (at least) would have on Wighay Road and the surrounding highway network in the absence of comprehensive improvements to the existing highway arrangement. It was never designed to accommodate this level of usage and is already dangerous.
- LPC was further assured at the hearing sessions that a fully detailed TA would be carried out prior to any detailed planning applications being approved. However, this does not form part of the proposals.

Design & Landscaping

- The NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. Planning decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping and respond to local character and history, reflecting the identity of local surroundings. The RLP and ACS contain policies that seek to achieve similar objectives.
- The DAS sets out the design principles and concepts that have been applied to the proposed development and seeks to make the case that the proposals comprise high quality development, both in architectural and landscape terms, in accordance with the NPPF. The DAS advises that there are a variety of house types laid out in a relaxed building form, which respects and reflects the site's location, demanding a bold design that would create a distinctive character for the site and an architectural style that is cohesive and considered. This is plainly not what the development would achieve.
- The proposed development includes five housing types, two of which are identical in terms of their external appearance and therefore, in reality, there are only four house types proposed. The house designs reflect the conceptual approach to design based on "anywhere street". That is to say, they do not respond to local character and they are not locally distinctive. They are in fact standard house types built for any location. In this, the conceptual approach to the design is flawed and fails to adopt the clear principles of good design.
- In addition, the layout of the development is of poor quality.
- Notwithstanding that the strongest grouping of trees are located along the Wighay Road frontage and that one of the key aspects of sustainable

development is the integration of new development into existing landscapes, taking account of important landscape features, the proposals involve the removal of 7 existing trees (out of 17) along the Wighay Road frontage and, more importantly, the removal of the larger specimens that make the greatest contribution to the landscape character of this part of the site. In addition, the hedgerow along Wighay Road would be removed. These trees and hedgerows make a significant contribution to the character and quality of the wider landscape and their removal would be detrimental to the visual amenity of the area.

- The DAS explains that the layout of the housing is developed around a basic perimeter block structure, which is evident from the proposed site layout plan. The grid layout fails to respond positively to the opportunities presented by the site, including its rural setting, existing trees and hedges and its relationship to the adjoining LWS. The site is poorly laid out and does not respond well to the topography and character of the surrounding countryside. In the absence of a high quality development, it is difficult to envisage how this development would integrate with the surrounding area and create the impetus for the achievement of high quality development on the substantive parts of the site.
- In residential amenity terms, the houses proposed within the central part of the site face directly towards each other over a distance of only 20 metres. This is insufficient to avoid concerns of overlooking and loss of privacy and would create a poor residential living environment for the future occupants of these dwellings.
- The massing of the dwellings is also ill-conceived. Notwithstanding that there are no full three-storey dwellings within the local area, a number of two and a half and three storey dwellings are proposed within the development. These are 'dotted' throughout the development and pay little respect to the character of the wider area or to the creation of a high quality development for the site. One of the streetscenes is particularly revealing in just how poor the development would appear as it fronts onto Wighay Road. The differing heights and widths of the dwellings look disjointed and are in stark contrast to the relatively uniform row of houses on the south side of Wighay Road, facing towards the application site.
- In addition, the proposals do not include for any affordable housing and no open space provision is shown.
- With regard to affordable housing, it is suggested that a commuted sum payment would be made for affordable housing in lieu of units on the site itself, equating to 20% of the total housing provision. However, the ACS and Development Brief require a housing mix incorporating 30% affordable housing.
- With regard to open space, it is suggested that the surrounding areas include a variety of open spaces with pockets of informal managed tree areas and a grassed meadow area to the eastern side of the site. However, the land to the east of the site comprising the LWS is outside of the applicant's control and in the absence of an overall site Masterplan there can be no guarantees where any future provision of open space would be and what form it would take. Given that the proposed development is solely of family housing, this appears to be a glaring omission.

Ecology

- The Phase 1 Habitat Survey and Desk Study found that the site supports habitat and species of conservation value, including species rich hedgerows with trees and suitable habitat for breeding birds. In addition, the site has potential to support protected species, including bats.
- Despite the conclusions and recommendations of the ecology report, a significant number of trees and hedgerows are to be removed as part of the development. This would seriously undermine the ecological value of the site. Moreover, the recommended follow-up surveys have not been undertaken and therefore the extent of harm to biodiversity resulting from the development is unknown. The detrimental impact of the proposed development on the nature conservation value of the site is exacerbated by the limited ecological enhancements proposed for the site, including the lack of maintenance of habitat connectivity through the retention of boundary trees and hedgerows.
- This is in clear conflict with the NPPF, which advises that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity. Similar objectives are contained in the RLP, ACS and Development Brief, in which measures are promoted to encourage biodiversity and to pay particular attention to the impacts upon the Wighay Road Grassland LWS.

Conclusions

- For the above reasons, the proposed development is in clear and direct conflict with the development plan, with national planning advice, and with the Development Brief for the site, which is designed to promote a high quality development for the site.
- Planning permission should therefore be refused in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

Ashfield District Council (ADC) - objects to the application on the following grounds:

Significant concern is raised with regard to the proposed access. The proposed layout allows for access into the wider allocation. No information relating to the capacity of the existing infrastructure has been submitted, and whilst this would be assessed by the County Council as Highway Authority, it would be prudent to consider the suitability of the proposed access to serve the wider allocation needs as part of this application.

The access also needs to be considered regarding its suitability in terms of the capacity of the immediate road network to accommodate a significant vehicular access onto Wighay Road. Concern is raised without sufficient information with regard the two proposed shared private drives, which would be accessed off Wighay

Road, which has a 40 mph limit.

It is acknowledged that this is a housing allocation in the local plan and therefore the principle of residential development is established. However, it is considered that given the limited size of this proposal and the strategic nature of the site as a sustainable urban extension, that the proposed piecemeal approach to developing the site would not deliver optimum comprehensive development. Furthermore, it diminishes the opportunity to enable the securing of appropriate developer obligations to facilitate the infrastructure required for full and proper access to services and facilities provided within the main settlement of Hucknall.

Whilst there is no objection to the principle of the development, ADC considers that a holistic approach to realise the long term aspirations for the site needs to be taken at this preliminary stage.

Furthermore, the NPPF seeks to ensure that development is planned positively. The Aligned Core Strategy for Gedling Borough states that the Top Wighay Farm allocation would support the regeneration of this sub-regional centre (Hucknall) and has a duty to cooperate with ADC to ensure that the facilities and services required are delivered. Gedling Borough Council has a duty to cooperate with ADC on cross-boundary issues and this should be a key consideration in any future decision made on this site.

ADC expressed its concern at the EIP regarding the impact of development at Top Wighay Farm on the infrastructure of Hucknall. It remains a relevant and significant consideration that any development within Gedling Borough should not “mop-up” any existing infrastructure capacity in Hucknall, whilst providing no ongoing support for infrastructure. Given the location of the proposed development, on the boundary of Hucknall, the application should consider and, through the Section 106 Agreement, make appropriate provision for the infrastructure of Hucknall. The Greater Nottingham Infrastructure Delivery Plan in relation to Top Wighay Farm identifies a requirement for:

- Transport – apart from the two access junctions, integrated transport/walking and cycling package, including potential bus links to Hucknall NET/railway station.
- Healthcare.
- A primary school on the Top Wighay Farm allocation and contributions towards secondary schools in Hucknall.
- Contributions towards the Hucknall town centre improvements, which ADC anticipated to be three thousand pounds per unit. No dialogue has been entered into with ADC.

The Heads of Terms set out as part of the proposal identifies the provision of a commuted sum equivalent to 20% of the total number of units. Gedling Borough Council's Affordable Housing SPD identifies that a provision of 30% of total units should be provided. No justification for the reduced provision has been submitted.

The Design and Access Statement states that Gedling Borough Council has confirmed that no affordable housing is required on this site and a commuted sum payment in lieu of these units is the preferred option. It is unclear how this assessment has been made, however, as the proposal is an urban extension to Hucknall, the demand for on-site affordable housing should be explored with both Gedling Borough Council and ADC. ADC's housing needs study identifies that there is a demand for affordable housing within Hucknall.

It is considered that the proposal, without a sufficient affordable housing provision, is contrary to both Gedling Borough Council's Affordable Housing SPD and Part 6, paragraph 50 of the NPPF. The proposal fails to plan for a mix of housing which widens opportunities for home ownership and create sustainable, inclusive and mixed communities. The SPD identifies that affordable housing is required within the Gedling Rural North area and whilst the NPPF identifies that an off-site provision or financial contribution of broadly equivalent value may be appropriate, this has to be robustly justified. The rationale for seeking an off-site contribution is not currently provided.

ADC therefore objects to this proposal, as it would have a detrimental impact on Ashfield infrastructure to the detriment of both existing and future occupiers as the proposal does not address wider infrastructure issues or mitigate against the impact of the proposed development upon Ashfield District. Furthermore, through the lack of affordable housing provision within the site, the proposal would not deliver a cohesive and mixed community, contrary to the requirements of the NPPF.

Nottinghamshire County Council (Highway Authority) – recommended that the application as originally submitted be refused on the following highway safety grounds:

1. The two private drive access points from Wighay Road serving plots 1 to 8 do not show the achievable visibility onto the B6011.
2. All the private drive access points should be a minimum of 6.00 metres in length, if up and over garage doors are to be installed. Currently, the majority scale at 5.50 metres, which would result in cars overhanging what would presumably become public highway, to the detriment of pedestrian safety.
3. The Highway Authority (HA) has previously expressed a desire for the layout to allow for links into the wider Top Wighay Farm development, which is welcomed, but the links should abut the boundary of the site, as the HA would not wish to see ransom strips formed, which could prejudice future development.
4. The configuration of plots 8 and 9 are not acceptable. The front door access to plot 8 is on the radius of the main access into the site and would result in delivery vehicles parking as close as possible to the door (on the radius) to the detriment of highway safety. The private drive access serving plot 9 should be at right angles to the carriageway to aid visibility for vehicles exiting the plot.
5. The private drive serving plot 29 is too remote from the dwelling and would result in vehicles parking on street obstructing the visibility splay.

6. The visibility splay for all internal junctions should be shown and safeguarded.

However, should the above items be amended and re-submitted, the HA would look upon the application favourably.

In addition, the HA requested that it should be noted that comments made by the County Council at the Aligned Core Strategies Examination in Public (EIP), were that the development of Top Wighay Farm should be accompanied by a comprehensive Master Plan for the entire site rather than piecemeal development. A 'fresh' Transport Assessment (the previous one being 2005) is required to establish the transport impacts of the whole development and a strategy for delivery of any necessary transport mitigation.

Discussions were also held at the EIP regarding the possibility of introducing traffic management measures in the villages to minimise any adverse impacts of increasing traffic levels. The HA was not able to give the Inspector any firm detail (which would be established as part of the Transport Assessment for the planning application) in this regard, except to say that the HA thought a scheme of traffic management/speed reduction/road safety would probably cost in the order of 250,000 pounds. At the EIP, the HA also advised that a similar scale of intervention would be necessary for either the Top Wighay Farm or the Land North of Papplewick Lane planning applications, whichever site was delivered first.

Careful consideration will need to be given to the overall (Top Wighay Farm Master Plan) layout, as the HA would not wish to encourage access from the overall site directly onto Wighay Road. Though a link should be provided in the grand scheme, it should be unattractive and torturous to undertake, thereby promoting entry and exit via any new access off the roundabout junction.

The HA has also confirmed that it would be unreasonable for the County Council to request financial contributions for a development of this stature. However, this stance should not set a precedent for future small scale development associated with Top Wighay Farm. Small piecemeal development would have a negative impact on the sustainable delivery of the Top Wighay Farm site.

Revised Plans

Further to receipt of the amended details, the HA has confirmed that the layout is now acceptable from a highway point of view.

A point to clarify is the acceptance by the HA of the 2.00 metres by 58 metres visibility splay to the west from the private drive access point serving plots 1 – 5. The speed limit on Wighay Road at this point is 40 mph and the site constraints are such that it is not possible to achieve the required 65 metres splay.

Interrogation of the link data held by the County Council has shown that the mean speed on Wighay Road is actually 32 mph. This allows the visibility splay to be reduced to 54 metres. However, agreement has been reached with the applicant that where possible the 2.4 metres by 65 metres splay would be provided, only reverting

to 2.00 metres by 54 metres where absolutely required.

A number of appropriate conditions are recommended [specific details of which have been provided], regarding:

- The provision of a new priority junction and two dropped kerb access points.
- All drives, parking and turning areas to be surfaced in a hard bound material.
- Any garage doors to be set back specified distances from the highway boundary.
- Any soakaway to be located at least 5 metres to the rear of the highway boundary.
- No part of the development to be brought into use until the driveways, parking and turning areas are constructed with provision to prevent the unregulated discharge of surface water from these to the public highway.

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

Revised Comments

The HA submitted the following revised highway observations on 7th January 2015:

As this current application remains undetermined, and now the Aligned Core Strategy (ACS) has been adopted (subject to the legal challenge), the HA feels that it must remove its previous recommendation for approval.

At the ACS Examination in Public (EIP), the County Council stated that the development of Top Wighay should be accompanied by a comprehensive Master Plan for the entire site rather than allow piecemeal development and that it would look for a fresh Transport Assessment (the previous being dated 2005) to be produced to establish the transport impacts of the whole development and thereby enabling the HA to establish a transport mitigation strategy.

At the EIP, the HA discussed the possibility of introducing traffic management measures in the surrounding villages to minimise any adverse impacts of increasing traffic levels. Without a comprehensive Master Plan and updated Transport Assessment, the HA would not be in a position to establish a transport mitigation strategy for the Top Wighay site.

To allow this piecemeal development would contradict the statements made by the County Council at the EIP and would set a precedent for future developments on the allocated Top Wighay site to come forward without the need for producing a Transport Assessment, therefore the HA recommends that the application be refused.

Network Rail (NR) - with reference to the protection of the railway, Network Rail has no objection in principle to the development, but indicates the following

requirements, which must be met, especially with the close proximity to the development of an electrified railway:

The access for the development is approximately 400 metres from the Linby Station level crossing; level crossing safety must be considered as part of the increased traffic. NR requests that no part of the development should cause any existing level crossing road signs or traffic signals, or the crossing itself, to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

NR advises that in particular the level crossing should be the subject of conditions, the reasons for which include the safety, operational needs and integrity of the railway. For the other matters, NR would be pleased if an informative could be attached to the decision notice.

By way of clarification, NR has subsequently confirmed that it would be sufficient for the above information to be conveyed to the applicant by means of an informative attached to any decision notice and that as the site is not within close proximity of the railway boundary, a method statement is not necessary.

Environment Agency (EA) – initially observed that in the absence of an acceptable Flood Risk Assessment (FRA), the EA objects to the grant of planning permission and recommended refusal for the following reasons:

The FRA submitted with this application does not comply with the requirements set out in the Technical Guide to the NPPF. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to:

1. *Provide a sustainable drainage system that meets with NPPF Guidance.*

According to the NPPF Guidance, a Sustainable Urban Drainage Systems (SuDS) scheme should reduce the impacts of flooding; remove pollutants; and provide benefits to amenity, recreation and wildlife. The FRA also refers to the potential use of a pumped system. The EA does not support the use of pumps in surface water system due to the impact of failure. The EA recommends that the necessity for a surface water pump is designed out as early as possible within the scheme.

2. *Calculate existing greenfield runoff rates.*

The EA recommends that a site specific analysis of the greenfield runoff rates is undertaken as it estimates the site to have the SAAR factor of approximately 720mm and a soil type of 1 according to the Winter Rain Acceptance Potential (WRAP) Map. These factors will likely result in a lower Qbar than assumed in the

FRA and thus the EA recommends that the drainage rates are limited to existing greenfield runoff rates.

3. *Provide site specific percolation tests to demonstrate the potential for infiltration.*

The FRA assumes poor draining ground conditions from a desk based investigation. The EA recommends that site specific analysis should confirm whether or not infiltration is possible and thus confirm that the site is complying with the drainage hierarchy and Requirement H3 of the Building Regulations 2000.

However, this objection can be overcome by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and, where possible, reduces flood risk overall. If this cannot be achieved, the EA is likely to maintain its objection to the application. Production of an FRA will not in itself result in the removal of an objection. The EA's objection will be maintained until an adequate FRA has been submitted.

Revised Flood Risk Assessment

Following re-consultation on the revised FRA, the EA comments as follows:

The EA acknowledges that infiltration is recommended as the preferred means of disposing of surface water from the site. However, at this stage, infiltration testing has not yet been undertaken.

If the results of the infiltration testing confirm that infiltration is not a viable means of disposing surface water from the site then, based on the information provided, it is unclear how the proposed development will incorporate SuDS and, therefore, the EA object to the grant of planning permission and recommend refusal on this basis.

To overcome this objection, the EA requires assurance that either an infiltration type drainage strategy would be used to manage the surface water from the site or, alternatively, the proposed site layout should be suitably revised to provide space for above ground SuDS.

The EA asks to be re-consulted on the above additional information and will maintain its objection until adequate additional information has been submitted.

Specific additional advice on SuDS has been also been provided by the EA.

Additional Information on Surface Water Disposal

It has been established that an infiltration type drainage strategy is not a viable means of disposing of surface water from the site and therefore, based on the information provided, the EA considers it is unclear how the proposed development will incorporate SuDS. The EA continues to object to the grant of planning permission and recommends refusal on this basis.

The EA requires assurance that a suitable above ground SuDS scheme can be

incorporated throughout the proposed development.

Despite the subsequent submission of additional information in this respect, the EA still considers that the limited SuDS) features proposed are insufficient and maintains its objection solely in this respect.

Severn Trent Water – 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.

This is to ensure that the proposed development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Nottinghamshire County Council (Nature Conservation Unit) – makes the following comments on the ecological report, which need to be addressed before this application can be determined:

- The wider site, of which the application sites forms part, is designated as a Local Wildlife Site (Wighay Road Grassland). This LWS is around 3.3 hectares in size and, if permitted, the development would result in the loss of around 1.6 hectares - approximately half. Whilst surveys indicate that the development area is fairly species-poor, confirmation is sought that the species list provided is a comprehensive list of all herbaceous species in that area. Furthermore, the report states that *“all species associated with the LWS designation are present in the area to the east of the site”*; however, this area does not appear to have been surveyed, so it is unclear how this conclusion has been reached.
- It is stated in the report that trees on the site were identified which may have the potential to support bat roosts, and that should these trees be affected by the development, further ‘Stage 1’ bats surveys are recommended. With reference to the site masterplan, the Nature Conservation Unit (NCU) is unclear if any trees requiring further survey are to be affected, and requests further information in this respect.
- Bat activity surveys are recommended in the report. The results of these surveys need to be provided, or reasoning as to why they are not deemed necessary.
- There is no reference made to the possible presence of reptiles, despite apparently suitable habitat being present on site. Further comment is requested, along with details of any surveys and/or mitigation that may be required.
- The site drainage plan appears to indicate a buried surface water storage area and ground re-grading within a section of the side outside that which has been covered by the ecology surveys (and seemingly also the application red line boundary), and which would appear to necessitate the removal of an area of established scrub which could otherwise be retained. This is therefore queried. Furthermore, this area is, the NCU believes, a natural hollow (or possibly an

artificial hollow, but a hollow nonetheless), and it is therefore queried whether this could be used as a natural soakaway or attenuation feature for surface water drainage.

- Despite the fact that a significant part of the LWS would be lost under the proposals, no mitigation for this loss appears to be offered, noting that the NPPF states that planning permission should not be granted unless impacts can be avoided, mitigated against or compensated for (in that order). Given the retention of the eastern part of the LWS, the NCU would expect that this would be brought under favourable management to enhance its value, and to mitigate the overall loss in area. Details to this effect are therefore required.
- A number of generic enhancement measures are listed in the report. In addition to these, I would expect that additional measures, such as the incorporation of bird and bat boxes into the fabric of a proportion of the buildings on site should also be provided. It is also noted that these enhancement measures are only suggestions, and therefore some assurances are required that they will actually be delivered.

In addition, a Landscape Masterplan has been provided. It is requested that those trees proposed to be planted around the site boundary (i.e. adjacent to the existing hedgerows or along the site access road) are native species from the list provided.

Revised Layout Plans & Response to Ecological Comments

With regard to the revised layout, it appears that the proposed banking would have a fairly minor additional impact on the LWS, and could be mitigated through the measures outlined (re-use of soils, re-seeding).

With regard to the response from the applicant's ecological consultants, which seek to address the above comments, the main issues arising are:

Thomson Ecology recommends that a full plant survey, covering the entire LWS, should be carried out. It would be useful to have confirmation that this indeed will be the case, and when such surveys will occur (given the time of year is currently unsuitable)

Reptile surveys appear to have been scoped out, on the basis that there are no records of reptiles from within 1 kilometre of the site. Given that absence of records from the vicinity cannot be taken to guarantee absence of reptiles, the NCU requests explicit confirmation that the site either does not support suitable habitat for reptiles, or that surveys are required.

It is noted that further surveys for bats are being undertaken.

It is stated that provided the eastern part of the LWS is retained and protected from development, then no significant losses would result. The NCU does not agree with this view, given that the proposals would result in the loss of 50% of an LWS, which is by definition of county importance for its wildlife, and requests that to ensure impacts on the LWS are appropriately mitigated against, and to deliver biodiversity

enhancement as required by the NPPF, the remainder of the site is brought under a favourable management regime, secured through a Section 106 agreement.

It is assumed that an updated Landscape Masterplan will be submitted, incorporating the NCU's recommendations and those made in the original Thomson Ecology Phase 1 Habitat Survey report.

Additional Information in Response to above Ecological Comments

With regard to potential bat roosts, the NCU concurs that arranging for an assessment of the trees on the site for their potential to support roosting bats, is the right approach. However, if trees with high potential to support roosting bats are found, or evidence of roosting bats is discovered, then the view of the NCU is that emergence surveys are likely to be required, so that impacts can be properly considered and so that mitigation can be put in place (and to ensure compliance with the Habitats Regulations), if these trees need to be removed.

Following the submission of the potential Bat Roost Surveys and tree climbing inspections, the NCU is satisfied that these have found no evidence of current or previous bat roosting within the trees on site. However, the Roped Access Inspection acknowledges that trees continue to have the potential to support roosting bats, and the NCU recommends that any which have to be felled during the bat active season should be subject to a single precautionary emergence survey. The carrying out of such a survey during this period, immediately prior to felling, should be conditioned, along with the submission of a report detailing the results of the survey and any mitigation measures that may be required.

With regard to reptiles, it is recommended that a condition be imposed to require the submission of a Reptile Method Statement, relating to the clearance of the site in such a way that is sensitive to the possible presence of reptiles.

Following submission of the detailed Landscape Planting Plans, the NCU considers that previous comments have generally been taken on board, although there are still a few non-native species which should be replaced.

Subject to the above, the NCU would be able to fully support the proposed landscaping, subject to the imposition of conditions requiring further details or surveys with regard to:

- The reinstatement & seeding of areas affected by banking works on the eastern side of the site along the access road.
- Provision of nest boxes.
- Precautionary bat emergence survey.
- Submission of a Reptile Method Statement

Nottinghamshire Wildlife Trust (NWT) - makes the following comments on the application as originally submitted:

Wighay Road Grassland Local Wildlife Site

The NWT has previously outlined its concerns regarding the loss of part of the site designated as Wighay Road Grassland Local Wildlife Site (LWS), which for the 1.59 hectares development amounts to a loss of approximately 48%. However, the NWT understands that the key species for which the site is designated are mostly found in the eastern and central areas of the LWS and would therefore be satisfied that retaining and protecting these areas from development would go some way to maintaining the integrity of the site.

It appears from the Planning Statement that the eastern and central areas of the LWS are to be retained. However, this document confirms that this area is outside of the red line boundary of the development. The Planning Statement suggests that the development proposal safeguards these areas, but the NWT cannot see any evidence that this is the case, given that they do not fall within the overall site boundary. No information appears to have been provided which shows how the remaining area of the LWS, which is outside of the development footprint, would be protected. Mention of a commuted sum payment for equivalent on site Open Space provision is made within the Proposed Heads of Terms for Section 106 Agreement; however no further detail is given.

In addition to the above, the NWT is extremely concerned that the Design and Access Statement shows a potential future highway network link to the Top Wighay Farm development. The eastern end of this link is immediately adjacent to the retained area of the LWS and thus any '*future connection*' would have to cross the retained wildlife habitat, undoubtedly causing negative impact.

The NWT therefore requests further information to allow it to assess the plans for retention and protection of the areas of Wighay Road Grassland LWS to the east of the proposed development. The NWT would wish to be reassured that no development would occur on the retained LWS, including for future access to the wider area, and that appropriate long-term management would be secured, as indicated in the Top Wighay Farm Development Brief 2008:

"In conjunction with any planning application, an ecological impact assessment will be required together with proposals to protect and enhance existing ecological resources, create new features and secure their long-term management. Appropriate conditions and/or a legal agreement may be used to ensure that the long-term management of ecological resources within the site are implemented."

As the ecological survey report points out, any development on the area of retained LWS would be in conflict with the NPPF guidelines regarding the preservation of priority habitats.

Should the application be approved, the NWT would also request a condition that requires the applicants to ensure that all building materials and machinery are kept as far away from the retained LWS as possible at any time prior to or during works.

Ecological Survey

The NWT is pleased that a Phase 1 Habitat Survey and Desk Study has been

carried out which considers the potential impact of the development on protected species. The NWT is generally happy with the methodology employed, which has covered some of the areas requested in its pre-application response. However, further survey work is required.

The Arboricultural Impact Assessment identifies 10 trees for removal in order to facilitate the development, as well as a number of trees along the northern boundary which would require some level of pruning. In accordance with the recommendation within the ecological report, all of these trees should be subject to survey for bats by a suitably qualified ecologist using established methodology. The ecological report also states that seasonal bat activity transect surveys should be carried out to determine the use of the site by bats. In accordance with Natural England Standing Advice 1, these surveys must be carried out prior to determination of the application. The presence of protected species is a material consideration when a Planning Authority is considering a planning application that could affect a protected species. If surveys are not carried out before planning permission is granted there is a risk that not all material considerations will have been addressed.

Section 7 of the ecological report gives a number of recommendations for mitigation, which the NWT is supportive of:

- *Retention of hedgerows in situ* - where this is not possible, the re-planting of hedgerow of at least the length lost using native, locally appropriate species. However this recommendation is not currently reflected in the Landscape Masterplan and the NWT requests that it be amended accordingly.
- *Mature scrub in the central area of the site should be retained where possible* - again this recommendation is not currently reflected in the Landscape Masterplan and only scrub outside of the red line boundary appears to be retained. Consideration should be given to either retention of scrub habitat, which provides nesting opportunity for a number of birds (including those listed as being of conservation concern), or planting replacement habitat elsewhere on site, but within the red line boundary.
- *Retention of mature trees in situ* - where this is not possible, re-planting trees of at least the number lost using native, locally appropriate species. Some tree planting is indicated on the Landscape Masterplan, however those proposed for the eastern extent of the site appear to be located outside of the red line boundary which we would not support as this would impact on the LWS. These trees should be located within the red line boundary.
- *Recommendations for carrying out vegetation clearance outside of the bird breeding season* – the NWT support this requirement, but does not support the methodology by which work could commence during the breeding season before a nest check is carried out. The NWT is strongly opposed to this, regardless of whether a watching brief is employed, as it is of the opinion that there would be a significant risk of harm to breeding birds. As an alternative, the NWT suggests the following wording for a condition:

“No removal of hedgerows, trees or shrubs shall take place between 1st March

and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.”

Ecological enhancements

Ecological enhancements, such as ‘gapping up’ existing hedgerows with native species and the incorporation of bird boxes within the proposed new dwellings would be in accordance with recommendations given within the NPPF and the NWT would support such measures. Further information regarding appropriate species and types of boxes can be provided if required.

In summary, the NWT objects to the current proposal, as the required further survey work has not been carried out, details of the retention and protection of LWS have not been provided and the Landscape Plan does not reflect the mitigation requirements given within the ecological report.

Revised Layout Plans & Response to Ecological Comments

As previously stated, the NWT is supportive of the retention of as much of the LWS as possible and would therefore be extremely disappointed in this further encroachment, particularly in the absence of a full vegetation survey assessing the area in question. It appears that the new proposal would also lead to a loss of mature scrub habitat, which was previously recommended for retention in the Thomson Ecology report.

The NWT questions whether the proposal to create a grass bank seeded to match the existing site is a viable approach and the best solution. If the bank were to be created, retention and re-use of topsoil and relying on its associated seedbank may be a better option than introducing seed from an external source, alternatively spreading green hay from the wider LWS might also be an option. In either case, the NWT would wish to see plans for ongoing management secured. In this scenario, it may be possible to minimise impact on the LWS and provide some biodiversity benefit – however, this does depend on the results of a full vegetation survey of the area, as mentioned above.

The NWT would also wish to see how the potential pollution from road run-off would be addressed – the grass bank would slope downwards from the road to the LWS and any run-off would negatively affect the floral composition of the remainder of the calcareous grassland.

The NWT is pleased to see that an alternative drainage option for the site has been found which avoids further impact on the LWS. It would be interesting to know if there are also other options for the road edging which could be found.

Additional Information in Response to above Ecological Comments

The applicant has confirmed that existing topsoil would be re-used in the formation of the proposed banking and that measures would be put in place to ensure that road run-off does not impact on the LWS. The NWT would like to see measures secured by way of condition, should the application be approved.

With regard to the updated Landscape Masterplan, the NWT maintains that native species of local provenance should be used for replacement plantings, but the revised Masterplan still shows a number of cultivated varieties. No detail of exact species and planting locations has been provided. Where planting is proposed as mitigation for loss of trees/hedgerows, the NWT would wish to be reassured that this is not within the private gardens of new dwellings, where there is no control over future retention and management.

Given that the area adjacent to the access road is now proposed to consist of new banking with retained topsoil aiming to maintain existing grassland species, the NWT suggests that tree planting is reduced in this area. The NWT would expect to see details of the ongoing management of this area to benefit nature conservation interests, including an appropriate mowing regime with removal of cuttings. There are also still some proposed tree plantings outside of the red line boundary, on the retained LWS, which the NWT would wish to see these moved/removed.

The plan does not include detail of bird boxes, as recommended within the Thomson Ecology Report and the NWT requests that these are added.

With regard to the Species List (Appendix 2 – Plant Species and Abundance), the NWT believes that this document relates to a full vegetation survey carried out in May 2014, however it is not possible to fully assess this information in the absence of supporting documentation outlining the methodology and extent of the survey. The NWT requests that this information is made available.

With regard to the Ground Level Tree Assessment Bat Survey, it is noted that the Ecology Report recommends further survey work on a number of trees affected by the development (T4, T8, T12, T7, T9, T10, T11 and G1). The NWT enquires as to when these are proposed to be carried out and maintains that all required protected species surveys should be completed prior to determination of the application, so that any necessary mitigation can then be designed into the Landscape Masterplan.

Nottinghamshire County Council (Landscape Advice) – requested that a Landscape and Visual Impact Assessment (LVIA) be submitted and makes the following comments on this document:

The sites lie within Policy Zone ML017 (Linby Wooded Farmland) of the Greater Nottinghamshire Landscape Character Assessment 2009 (GNLCA), which has moderate landscape condition and character and an overall policy of 'Enhance'. Relevant landscape actions are:

- Enhance the condition of hedgerows through replacement planting where fragmentation is occurring.

- Conserve hedgerow trees where they exist and increase their number through new planting where appropriate, particularly along roads and around arable fields.
- Enhance the urban fringes through planting and filter views to the urban edge.
- Conserve and enhance the landscape vegetation which filters views to the urban edges.

Existing Site

The site is bounded to the north, west and south by hedgerows and mature trees of varying condition and size. The report notes that the hedge to the west is some 4 metres tall and wide. Most of the mature trees picked up on the arboricultural assessment are on the western and northern boundaries (the site survey appears to show more tree cover than the tree constraints plan).

Landscape Character

The development will remove and/or require *'trimming'* (as noted on the landscape masterplan) substantial sections of the existing field boundary hedgerows, particularly on the southern and western boundaries, which conflicts with the landscape policy actions to 'conserve hedgerow trees where they exist' and 'enhance.. hedgerows'. The County Council is particularly concerned that the southern boundary, which is the most heavily populated with mature trees, would be lost post-development; vehicular access points are to be punched through the boundary and given the proximity of parking areas and the houses, it is inevitable that they would be cut back to limit shading/deposits on cars, or just deteriorate and suffer the consequences of changes to the root environment. Hand digging during construction, as shown in the site constraints, would not prevent degeneration post-development.

Consequently, the County Council disagrees with the statement in the report that: *"The development proposed along with the landscape proposals detailed on Drawing CS-601.1 will satisfy all the 'Landscape Actions' included in Section 3.6 of this report"* (ie those actions given above) *"and as such the proposals are in line with the GNCLCA and Policy 16 of The Aligned Core Strategy (See Para 4.3.3)"*. The proposals appear to be in direct conflict to the Landscape Actions, rather than satisfying them; the integrity, viability and long-term health of the boundary vegetation would be diminished rather than enhanced and conserved, as recommended.

A reconfiguration of the development with increased buffer zones around the site boundary, particularly a design that leaves the southern hedgerow intact (as well as additional boundary tree planting to anticipate succession) would support the enhancement of landscape character, and be acceptable to the County Council.

Visual Impact

The report notes that the receptors would be users of the road, and the residents of the houses opposite. Road users are of low sensitivity, and the magnitude of change is not considered unacceptable, especially if the southern boundary is retained as a screen – although as noted above, this is considered unlikely, given the inevitable conflicts. Impact would be slight adverse.

Residents are of high sensitivity – on the one hand the report states that the existing trees would provide screening for these houses, and on the other states that because the houses in this part of the development face the road, there would be a positive residual impact for the existing residents. It is unclear how this conclusion is determined – home owners who have bought properties with a rural/vegetated outlook generally find neighbouring housing development detrimental. On this Basis, I would assess the visual impact for residents as being moderate adverse.

Planting Proposals

The trees proposed are almost exclusively ornamental; it is suggested that planting be conditioned and that a proportion of the trees, particularly those fulfilling a structure planting role, are appropriate to the location according to the County Council's recommendations for this policy zone. In addition, the northern boundary could have additional tree planting to compensate for loss of tree cover elsewhere.

Conclusion

In terms of landscape, the County Council does not support this application in its current form; it is not opposed to the development as such, but considers the existing vegetation could be better retained and protected with a slightly different layout.

Nottinghamshire County Council (Arboricultural Advice) – the County Council is satisfied that the proposals do not directly affect any trees of significance.

The County Council is also satisfied with the protection and mitigation measures shown within the details supplied, but it must be acknowledged that the provision of the accesses and visibility splays would have a negative impact on the hedgerows fronting the public highway.

The County Council is not satisfied with the no-dig methodology as currently supplied, as it is generic and not specific to the site and a more specific approach to underground service installation and highway drainage is required.

Public Protection – make the following comments regarding:

Land Contamination

Observe that the application has included a Phase 1 Geotechnical and Environmental Desk Study and Phase 2 Geotechnical and Environmental Assessment Report, on which Public Protection would make the following comments:

1. The site investigation report covers the whole of the rectangular site, whereas the

application site covers the western half of the site.

2. The report highlights some contamination issues in the made ground in the area of the former brickworks and pit; this area is largely (see point 3 below) outside of the development area.
3. Superimposing the 'sketch layout plan', the 'inferred extent of the infilled brick pit' and base mapping seems to indicate that Plots 8 and 9 are to be constructed on the infilled made ground.
4. The Phase 1 report recommended 'ground gas monitoring should be undertaken on at least 12 occasions over three months'. However, during the Phase 2, only 4 rounds of monitoring were carried out over a month.

Ground gas monitoring reported is not adequate to consider the risks from the made ground; monitoring should be 9 to 12 visits over a 6 month period. In situations like these, Public Protection has, in the past, pointed consultants in the direction of a technical publication: A Pragmatic Approach to Ground Gas Risk Assessment.

It is also noted that basic Radon protection measures are required. This being the case, it may be appropriate, using the above guidance, to re-assess the potential for ground gas and forego further ground gas monitoring in favour of correctly installed radon/ground gas protection measures; independently verified and validated.

With regard to Plots 8 and 9, the report recommends a *'topsoil/ subsoil cover system (minimum 500 mm) overlying marker membrane is required in private residential garden areas situated over the Made Ground fill'*. This is considered to be insufficiently protective of human health; Public Protection would recommend the inclusion of a capillary break/physical 'no-dig' layer as well as the geotextile and clean cover of a minimum of 600 mm.

Verification of cover systems should be carried out following good practice. There is clearly need for a formalised scheme of remedial works for the installation of the radon/ground gas membranes and cover system to the garden areas Plots 8 and 9. As such, Public Protection would recommend the imposition of appropriate conditions [specific details of which have been provided], to ensure that the site is suitably assessed, remediated and verified.

Following submission of the proposed Remediation Strategy, Public Protection has confirmed that this is acceptable and that the recommended conditions can be amended accordingly.

Additional Information

Following re-consultation on the Additional Site Investigation Report for plots 8 and 9, Public Protection has confirm that it is satisfied with the report's findings, that no further remedial measures (capping system to garden areas) are required to these plots.

As outlined in the report, further remedial measures are still required in the form of 'basic radon protection measures'.

With regard to the gas (radon) protection measures, Public Protection would like to ensure that membranes have been correctly installed and verified before the final floor finish has been applied. Therefore, Public Protection would recommend that with regard to the installation of the gas/vapour protection membrane:

- The membrane is installed by a suitably qualified person (i.e. NVQ level 2 Diploma in Sub-structure Work Occupations (Construction) – Installation of Gas Membranes, or equivalent); and
- The installation is inspected by a suitably qualified third party, before any floor finish is placed. A verification report should be submitted to the Council based on the Council's gas membrane proforma, including photographic evidence.

To ensure that these measures, as outlined in the report, are installed correctly and verified, Public Protection would recommend that the planning conditions previously requested are still required.

Air Quality & Emissions

During both the initial earthworks and then during construction, there is potential for increased levels of dust from the site. The applicant has submitted a document 'Control of Dust and Noise during Construction: Land off Wighay Road, Hucknall.' Having reviewed the document, Public Protection is satisfied with the proposals to mitigate issues with dust from the site.

Public Protection is also 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 levels by incorporating mitigation measures into scheme designs as standard.

Reviewing the Travel Plan, most of the proposals included in the plan would help to mitigate and thus make the development sustainable, from an air quality point of view.

However, Public Protection would also ask that the developer considers including into the Travel Plan 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.

Nottinghamshire County Council (Archaeological Advice) – makes the following comments:

The eastern boundary of the site includes the former site of a brick pit/quarry, now infilled. The archaeological desk-based assessment submitted with the application states that "*relatively few archaeological remains are known from the surrounding area and the potential presence of buried archaeological remains is considered to be unlikely on the basis of present information*". However, there is a possibility that

archaeological remains relating to the former brickworks survive at the site.

Historically, archaeological investigations within Nottinghamshire have centred on the Trent Valley. The reasons for this are varied and complex, but the net result has been the creation of regions within the county where archaeological evidence is either totally absent, or detected, but at a very low and dispersed level. However, in recent years, several major developments along with mineral extraction has highlighted the fact that far more archaeology exists outside the Trent Valley than was first thought.

It is possible that the application site contains important archaeological remains and that the lack of current information simply reflects the lack of archaeological investigation within the area thus far. Unfortunately, the County Council does not have enough information about the buried archaeological resource to indicate its importance and level of survival. Accordingly, it is recommended that the applicant be requested to supply additional information on the buried archaeological resource, in accordance with the advice given in the NPPF. An archaeological field evaluation is necessary here, and this work should include a geophysical survey, possibly with a scheme of trial trenching.

Additional Archaeological Geophysical Survey Report

Following submission of the Geophysical Survey Report, I note that the County Council's Archaeologist raises no objections, but suggests that it would be worth checking the early phase of the brickyard, which could have industrial archaeological interest, and the circular feature which shows on the geophysical survey, which is close to the site of a windmill mound. Accordingly, the imposition of a standard condition to this effect is recommended.

Economic Development - would like to see a condition put on the application relating to the developer entering into a local employment agreement for the construction phase of the development.

The Borough Council has a commitment to drive economic growth and is working to promote new employment and skills opportunities for residents in the Borough. Local Employment Agreements help provide these opportunities.

This application provides an ideal opportunity to work in partnership with the Construction Industry Training Board, with their client based approach methodology that could be applied to the developer, and securing this condition would help achieve construction employment aspirations that the Borough Council has for local residents within the Borough.

Nottinghamshire County Council (Education Authority) – comments that regarding developer contributions in terms of education requirements to mitigate the impact of the proposed development, the proposal would yield 8 primary age children and 3 secondary age children.

The 3 secondary age pupils arising from the development could be accommodated in the local secondary schools. However, the 8 primary age pupils arising from the

development could not be accommodated in the nearest primary schools and, as such, to ensure full mitigation of the education impacts of the development, the County Council requests the contribution of 91,640 pounds (8 x 11,455 pounds).

To provide further clarity for the above requirement, the closest primary school is Linby-cum-Papplewick CE Primary School which is a voluntary aided church school with its own admissions criteria. The school is which is currently at capacity and as such own oversubscription criteria is likely to be applied to the children arising from the new development which heavily prioritises faith.

The next nearest schools are:

- National CE Primary Academy: this school is another voluntary aided school which is at capacity;
- Holy Cross Primary School: this is another voluntary aided school which is at capacity;
- Hillside Primary: this school is completely full;
- Leen Mills Primary: this school is also completely full;
- Newstead Primary: this school has recently been enlarged due to basic need pressures, but is projected to be at capacity.

To provide context/clarity to the above requirements:

The National Planning Policy Framework (NPPF) is clear in that Sustainable Development is about changes for the better. Two of the three roles (economic, social and environmental) identified by the Government relate to infrastructure and local services:

- Economic Role: ...coordinating development requirements, including infrastructure”
- Social Role: ... creating a high quality built environment with accessible local services...”

Paragraph 72 of the NPPF states that:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter school; and*
- Work with schools promoters to identify and resolve key planning issues before applications are submitted”*

The County Council’s requirements for education provision are set out in the

Planning

Obligations Strategy, which was reviewed in 2013 and adopted by the County Council in April 2014.

NHS England (Derbyshire & Nottinghamshire Area Team) – advises that the NHS has reviewed the application in relation to the potential impact on primary and secondary care health services.

The proposal for a development of 38 dwellings would trigger the need to provide health related Section 106 funding of £551 per dwelling, based on 2.3 person occupancy. A development of this nature would result in increased service demand, which would not be easily accommodated within existing primary care resources.

It is unlikely that the NHS would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The NHS would wish to explore this further in conjunction with the Clinical Commissioning Group (CCG) and other stakeholders, including what options are available and to ensure value for money for all parties.

There has been ongoing work by the CCG in partnership with NHS England and the local practices to identify the health needs for the Hucknall and Bestwood Village locality to mitigate against the significant housing developments proposed which would lead to additional strain on lists that are already nearing capacity. A health needs assessment has been completed and it has identified that there would be a need for approximately 56,000 additional primary care appointments per annum and a 25% increase in the need for social care in the area by 2022/23.

The local practices are in the process of assessing the options available to them. As the GP practices are independent contractors, the NHS must work to support them to identify a solution that does not destabilise the local health economy. Options available to the practices include increasing capacity at each premise by extending their existing premises or merging two or more into a single new location. Until all the options have been explored, the NHS is unable to give a definitive answer where the contribution would be spent; however it would ensure that the solution provides the best value for money for all parties.

Finally, any such development would need to be considered and approved through the NHS England national process and would no doubt be considered more viable with Section 106 contributions.

Strategic Housing – generally support the application, because there is a need for more housing in the area. However, it would be preferable if there was a more comprehensive masterplan for the housing on the whole Top Wighay Farm site, rather than the layout being determined by piecemeal applications over time. This would give more certainty over where community facilities would be located and when they would be built.

Consideration has been given by Strategic Housing as to whether there is a way that affordable units on site could be let via Ashfield District Council to Ashfield residents.

However, it has been concluded that this would not be feasible, as it would cause significant operational difficulties for the affordable housing provider and would cause delays in letting if the provider had to give Gedling residents first refusal, then revert to Ashfield to find a tenant.

The Design and Access Statement sets out that a commuted sum in lieu of affordable housing on site is to be provided, and that is indeed the preferred option of Strategic Housing. The site is located within the Gedling rural north Viability Sub Market, where the Affordable Housing Supplementary Planning Document policy requires 30% affordable housing.

Viability Appraisal

A viability appraisal has been submitted, to enable Housing Strategy to assess what level of affordable housing would be viable and to see what the commuted sum should be as a result.

Following further discussions, the applicant has agreed to provide a commuted sum in lieu of 30% on-site provision of Affordable Housing.

Parks & Street Care (PSC) – advise that where a site is over 0.4 hectares, Policy R3 of the Replacement Local Plan applies and a minimum of 10% open space provision to serve the development is required.

As no on-site open space provision is proposed, a commuted sum for off-site provision is required, based on 10% public open space for the whole development area. In this instance, this equates to a sum of 133,175 pounds, 22 pence.

Whilst PSC would not wish to see the whole of the Top Wighay Farm area developed in a piecemeal way by different developers, with some providing total on-site facilities and others seeking to give an off-site capital commuted sum, there is no objection to this initial proposal.

However, the whole Top Wighay Farm development should provide for 10% open space provision throughout, hopefully with some open space/play area facility on the adjacent land area.

The overall Top Wighay Farm development is a large area and may require a playing field and changing rooms when treated as a whole, so it is important that this is taken into account with subsequent applications to ensure that there is not a shortfall.

Planning Considerations

The key planning considerations regarding this application are how the proposed development relates to current national and local planning policy, whether it would meet the main principles of sustainable development and its impact on highway and rail safety.

The other main planning considerations which must be assessed are the impact of

the proposed development on:

- Highway & Rail Safety
- Design & Density
- Residential Amenity
- Nature Conservation
- Landscape, Visual Amenity & Arboriculture
- Pollution & Contamination
- Heritage
- Planning Obligations

These planning considerations are assessed below, as are other issues raised.

Relevant Policies & Background Information

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)
- NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

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

- NPPF: Ensuring viability and deliverability (paragraphs 173-177)
- 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. It is considered that 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 3: The Green Belt
- ACS Policy 8: Housing Size, Mix and Choice
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 11: The Historic Environment
- ACS Policy 12: Local Services & Healthy Lifestyles
- ACS Policy 14: Managing Travel Demand
- ACS Policy 16: Green Infrastructure, Parks & Open Space
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

The ACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the ACS. The Claimant seeks an order quashing the ACS so far as it relates to the quantum and distribution of new housing in the Council's area and so far as it provides for the review of Green Belt boundaries. The Borough Council is vigorously defending against this challenge.

The challenge is largely to ACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The hearing date is set for March 2015, with the outcome not expected until later in the spring and so, of course, the outcome of the legal challenge is uncertain at the present time. The fact that there is now a challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS.

So both the ACS, and the current challenge to it, are material considerations. The Borough Council is entitled to give what weight it considers appropriate and rational to the ACS, bearing in mind that it forms part of the development plan. With regard to the current legal challenge, again, the Borough Council must decide what weight this should be given, as it is a material consideration.

In order to try to assist, in the analysis below of the relevant policies, I have pointed out those which I believe and suggest should be given significant weight and this includes highlighting those policies which I consider have a sound evidence base, notwithstanding the fact that there is now a challenge to part of those policies.

Policy 2 of the ACS sets out the strategy of urban concentration with regeneration together with the settlement hierarchy to accommodate growth which is distributed through this policy. Policy 2 includes both strategic allocations and strategic locations with Top Wighay Farm identified for up to 1000 dwellings in the former category. This policy is based on sound evidence as set out in the Strategic Housing Land Availability Study for Gedling Borough, the Appraisal of Sustainable Urban Extension Study (Tribal 2008) and the Sustainable Location for Growth Study (Tribal 2010). In relation to the distribution of homes the Inspector conducting the examination into the ACS reported at paragraph 94:

“Overall, the proposed modifications envisage significant additional development adjoining the main built-up area at Teal Close and Gedling Colliery/Chase Farm sites, and would reduce the number of new dwellings adjoining or near Hucknall and

in the key settlements...The revised distribution would be more consistent with the aim for urban concentration with regeneration in Policy 2”.

ACS Policy 3 reflects a two stage approach to reviewing Green belt boundaries in order to meet the amount and location of housing set out in ACS Policy 2. The strategic stage assessed broad areas around Greater Nottingham based on the Nottingham – Derby Green Belt Review (2006), and the aforementioned two tribal Studies. The second stage of the Green Belt review will entail a site by site process to define detailed Green Belt boundaries through the Local Planning Document (or Local Plan Part 2) using criteria set out in ACS Policy 3. The Inspector found ACS Policy 3 to be sound subject to a modification to give more direction for Part 2 Local Plans to emphasise that non-Green Belt sites are preferred before Green Belt sites. This modification was incorporated into the adopted ACS Policy 3. The Inspector at paragraph 112 of her report states:

“The possible need to alter Green Belt boundaries has been apparent for some time, and a Nottingham-Derby Green Belt review was undertaken in 2006 for regional planning purposes”.

In conclusion, ACS Policies 2 and 3 are soundly based on robust evidence and subject to modifications the Inspector found them to be part of a sound plan. Accordingly, ACS Policies 2 and 3 should be given significant weight in this particular case.

In any case, the Top Wighay Farm site is allocated under RLP Policy H2 and is not within the Green Belt, so the challenge to Policy 3 is of less relevance to this particular proposal.

Turning to other relevant ACS Policies referred to in this report, ACS Policies 10 and 16 are based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly ACS policies 10 and 16 are considered to be underpinned by sound evidence on landscape character and should be given significant weight.

ACS Policy 14 sets out a hierarchical approach to managing travel demand and the strategic transport impacts of the ACS have been modelled by independent consultants MVA using the Greater Nottingham Transportation Model. The result of the modelling demonstrate areas of pressure on the network for which mitigation measures will be required using the hierarchical approach set out in ACS 14. As such it is considered that ACS Policy 14 is soundly based and should be given significant weight.

ACS Policy 17 (Biodiversity) seeks to protect and enhance local biodiversity in line with the evidence provided within the Nottinghamshire Local Biodiversity Action Plan and should be given significant weight.

ACS Policy 1 deals with flood risk and is supported by evidence set out in the Greater Nottingham Strategic Flood Risk Assessment and the Greater Nottingham and Ashfield Outline Water Cycle Strategy. Consequently it is considered that this policy can be given significant weight.

It should be noted that planning policies in the adopted ACS replace certain policies in the RLP as set out in appendix E of the ACS.

Further consideration of these policies is incorporated in the following sections of this report.

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 C2: Community Facilities for New Development
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy ENV36: Local Nature Conservation Designations
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy H2: Distribution of Residential Development
- RLP Policy H8: Residential Density
- RLP Policy H15: Comprehensive Development
- RLP Policy R3: Provision of Open Space with New Residential Development
- RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the following Supplementary Planning Documents and Guidance (SPD's and SPG's) are relevant:

- Open Space Provision SPG (2001)
- Top Wighay Farm, Development Brief (2008)
- Affordable Housing SPD (2009)
- Parking Provision SPD (2012).

In determining planning applications, the degree of weight given to each document depends on whether they are up to date and whether or not specific elements of them have been superseded. The 2008 Development Brief remains a material consideration and development proposals will need to be broadly consistent with it. There is an intention to prepare an updated Development Brief for the site, to take on board the increased housing figure, but there is no firm timescale for undertaking this work at this stage.

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 H2 of the RLP identifies Top Wighay Farm as one of the sites on which planning permission will be granted for residential development

The application site is part of a larger area of land allocated in the ACS for 1,000 homes and employment uses. The proposals are therefore consistent with the ACS and the RLP.

As such, and subject to the proposal not prejudicing the comprehensive

development of the remainder of the allocated site and being broadly consistent with the Development Brief (see Design Considerations below), I am satisfied in principle that the proposed development accords with the aims of Policy 2 of the ACS and Policy H2 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 states that a positive approach will be taken when considering development proposals reflecting the presumption on favour of sustainable development contained in the NPPF. Planning applications that accord with the policies in the Local Plan (which includes the ACS) will be approved without delay, unless material considerations indicate otherwise.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area, in this case Hucknall, and the application site is part of a strategic allocation in the ACS.

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 ACS 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

Whilst no public open space is proposed as part of this relatively small development, I consider that the requirements of Policy R3 of the RLP would be best served by means of a financial contribution in this instance, to 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, paragraph 204 of the NPPF and the Open Space Provision SPG (2001).

Accessibility

With regard to accessibility, I note that the site is located on the edge of the Hucknall urban area and on or close to two local bus routes, one of which provides a link to the railway station in Hucknall. In addition, the ACS considers Top Wighay Farm to be close to existing local centres and Hucknall Town Centre, with further potential link buses to Hucknall NET/railway station.

I am satisfied, therefore, that the location is accessible to a wide range of services and facilities in the immediate vicinity 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 and, in particular, the need to mitigate the education impacts of the proposed development on primary schools.

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 of the NPPF.

This contribution could be used either towards the provision of a new primary school on the main part of the Top Wighay Farm site or towards upgrading existing facilities.

Healthcare

A contribution towards healthcare facilities has been received from NHS England in order to mitigate the resulting increased service demand, which could not be easily accommodated within existing primary care resources. The ACS notes such a contribution is likely to be in the form of a contribution to existing surgeries within Hucknall.

Affordable Housing

The Affordable Housing SPD (2009) requires the provision of 30% affordable housing, in the Gedling Rural North Viability Sub Market. With regard to affordable housing, this SPD supersedes the Top Wighay Farm Development Brief (2008) and the RLP, which specified the lower proportion of 20%.

As there is very limited demand from Gedling residents for affordable housing in this part of the Borough, a commuted sum is considered preferable in this instance rather than on-site provision.

Whilst consideration has been given as to whether there is a way that affordable units on site could be let via Ashfield District Council to Ashfield residents, it has been concluded by Strategic Housing that this would not be feasible, as it would cause significant operational difficulties for the affordable housing provider and would cause delays in letting if the provider had to give Gedling residents first refusal, then revert to Ashfield to find a tenant.

For these reasons, it is my opinion that the provision of on-site affordable housing would be unsustainable and that a financial contribution in lieu of 30% on-site provision can be robustly justified, in accordance with the Affordable Housing SPD.

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.

Whilst I note that the EA objects to the proposed development on the grounds that the limited Sustainable Urban Drainage Systems (SuDS) features proposed are insufficient, I am mindful that the ground conditions would not support effective infiltration and that although alternative off-site SuDS have been considered, these would have a negative impact on the adjacent LWS, to which I attach greater weight in this instance.

Apart from the above issue, I note that no other 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 an appropriate form of surface water management is provided to ensure that the development is itself safe from flooding and that areas surrounding the site do not experience increased risk of flooding.

Conclusion

Whilst I appreciate the objections raised by Ashfield District Council, I am satisfied that the required contributions towards educational and healthcare facilities would mitigate any detrimental impact on infrastructure within Ashfield District. As a consequence, I do not share the view that the proposed development would diminish

the opportunity to enable the securing of appropriate developer obligations.

As such, I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Policies A, 1, 2, 12, 14 and 19 of the ACS, and subject to other material considerations, as discussed below.

Highway & Rail Safety Considerations

The relevant planning policies which 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 creation of new vehicular accesses into the site, off Wighay Road.

I appreciate the concerns which have been expressed by ADC, Linby Parish Council, the Primary School and local residents with regard to highway safety. However, whilst the adopted Development Brief for Top Wighay Farm states that the principal access to the housing allocation will be formed by a fourth 'leg' to the A611/Annesley Road/Wighay Road roundabout, I note that the County Council as Highway Authority originally raised no objections in principle to the creation of a main access road and two private drives from Wighay Road to serve the proposed development, subject to the satisfactory resolution of some site specific issues, which did not include the provision of a footpath along the northern side of Wighay Road.

Whilst reference was made at this time to the need for a fresh Transport Assessment to establish the transport impacts of the whole Top Wighay Farm development and a strategy for delivery of any necessary transport mitigation, this was not requested as part of the current application. However, the Highway Authority indicated that careful consideration would need to be given to the overall (Top Wighay Master Plan) layout, as it would not wish to encourage access from the overall site directly onto Wighay Road.

Following the submission of revised plans, the Highway Authority confirmed towards the end of November 2014, that the layout was now acceptable from a highway point of view, subject to the imposition of a number of conditions, and consideration of the application has continued on this basis.

I have given consideration to the revised comments of the Highway Authority, which were received on 7th January 2015, and the recommendation that the application be refused in the absence of a fresh Transport Assessment for the whole Top Wighay Farm development. These comments amended those made originally in November 2014, following consultation in September 2014. However, I consider it would be unreasonable at this stage of the process to request the applicant for this relatively small site to produce an overall Transport Assessment for the whole Top Wighay Farm site and that such a document is unlikely to be forthcoming if it were to be requested. I base this view on the following grounds:

- The application is already accompanied by a Transport Statement and Travel Plan; the adopted 6C's Design Guide states that no assessment is required to support development proposals of up to 50 dwellings.
- Any subsequent applicant for either the whole or larger parts of the Top Wighay Farm site than the current application site would then not be required to undertake any additional work in this respect.

However, I do consider that the Borough Council should take this opportunity to endorse the need to produce an overall Transport Assessment for the whole Top Wighay Farm site as part of any subsequent application for development on any part of this strategic allocation site, regardless of the size of the application site, as this would meet the 6C's Design Guide trigger, and therefore the Borough Council would expect that proposal to require a Transport Assessment for the whole Top Wighay Farm site.

In addition, I would advise Members that access from the overall site directly onto Wighay Road by motorised vehicles via this site can effectively be controlled when any future detailed applications are considered, whilst still making connectivity provision for north-south pedestrian and cycle links across Wighay Road to the former Linby Colliery Country Park.

The issue as to whether this development would prejudice the comprehensive development of the remaining substantive part of the Top Wighay Farm site is considered in the following section.

With regard to the internal access and parking arrangements, I note that the revised plans overcome the concerns raised by the Highway Authority in this respect and I am satisfied that the parking arrangements would comply with the requirements of the Borough Council's Parking Provision for Residential Development SPD (May 2012), both in terms of off-street parking provision and the availability of unallocated on-street parking.

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.

With regard to railway considerations, I note that Network Rail has no objection to the proposed development, as the site is not within close proximity of the railway,

subject to an informative being attached to any decision to draw attention to the need to maintain the safety, operational needs and integrity of the railway.

Design & Density Considerations

The relevant planning policies which need to be considered in relation to density and design are set out in Policies ENV1, H8 and H15 of the RLP, Policies 8 and 10 of the ACS and Sections 6 and 7 of the NPPF. The detail of the proposal should be assessed against the adopted Development Brief for Top Wighay Farm.

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 H15 of the RLP sets out that planning permission will not be granted for development which would prejudice the comprehensive development of any allocated site for the purpose for which it has been allocated.

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.

With regard to density and housing mix, I am mindful that the Development Brief states that the area of the LWS that is to be developed should be used for large executive houses at densities around 30 dwellings per hectare to offset the loss of part of the LWS designation. In this respect, I note that the proposed development would consist of 34 detached, four bedroom, properties and 4 semi-detached, four bedroom properties with a variety of house types, each with either detached or integral garages. This equates to a density of 24 dwellings. In my opinion, this

broadly meets the objectives of the Development Brief, to which I attach more weight than the references to density and housing mix in Policy H8 of the RLP, Policies 8 and 10 of the ACS and Section 6 of the NPPF.

Whilst I note the comments that three storey houses would be out of character with the area, I am satisfied from the section drawings and streetscenes which have been submitted that the variations in height would not be so great as to be unacceptable and would add variety to the streetscene within the development.

In my opinion, therefore, the proposed development would have regard to the established local character of the area and the layout has been designed so that the site can be integrated within the whole Top Wighay Farm development in due course, subject to appropriate safeguards within the subsequent design of the overall road layout to ensure that the proposed access onto Wighay Road does not become a principal access point. The landscaping proposals also provide for the retention of the existing hedgerows and trees around the site boundaries, except where the access points are to be created. I am satisfied, therefore, that the design and layout of this small part of the overall Top Wighay Farm site can be considered in isolation, as it would not compromise the delivery of the remainder of the site, in accordance with Policy H15 of the RLP and would achieve a sufficiently high standard of design to accord with Policy ENV1 of the RLP, Policy 10 of the ACS and section 7 of the NPPF.

Amenity Considerations

The relevant planning policies which need to be considered in relation to residential amenity are set out in Policy ENV1 of the RLP and 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 appreciate the concerns which have been expressed with regard to highway safety, it has already been noted above that the Highway Authority has no objections in principle to the creation of an access from Wighay Road to serve the proposed development.

With regard to residential amenity, I am satisfied that the proposed development would not have undue impact on existing residential properties on Wighay Road in terms of overlooking, overshadowing or overbearing issues.

With regard to air quality, I note that Public Protection is satisfied with the proposals outlined in the submitted '*Control of Dust and Noise during Construction*' document to mitigate issues with dust from the site. The implementation of the measures

specified in this document can be secured by the imposition of an appropriate condition.

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.

Nature Conservation Considerations

The relevant planning policies which need to be considered in relation to ecological matters are set out in Policy ENV36 of the GBRLP, Policy 17 of the ACS and Section 11 of the NPPF.

Policy ENV36 states, amongst other things, that in evaluating proposals which may have an adverse effect upon a Local Nature Reserve (LNR) or Site of Importance for Nature Conservation [now known as Local Wildlife Sites], consideration will be given to the impact on the long-term ecological viability of the habitat; measures taken to minimise damage and disturbance to the habitat and wildlife; and the nature, layout and density of the development proposed. Where development is permitted, a balance will be struck between the needs of the development and the ecological interest of the site. Any damage to the ecological interest of the site will, as far as possible, be kept to a minimum. Where appropriate this will require the provision of mitigation and/or compensatory measures which may be secured by conditions and/or planning obligations.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;
- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

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.

Whilst I note the comments regarding impacts on the LWS and the lack of mitigation, I would emphasise that the application site is part of an allocated, strategic site in the ACS and RLP and does not contain the highest quality grassland areas in the LWS. In my opinion, this strategic allocation must outweigh the impact of the development on what is the least important part of the LWS. Although it is not possible to replace the grassland which would be lost, I am satisfied that some alternative mitigation would be provided by the planting of replacement trees and the proposed infilling of gaps in the existing hedgerows with native species, details of which can be secured by the imposition of an appropriate condition.

The retention of the existing hedgerows around the site boundaries would form the first part of the creation of a wildlife corridor between the Wighay Road grassland LWS and the Top Wighay Drive LWS, in accordance with the objectives of the Development Brief.

The fact that the application site does not include the more important eastern and central areas of the LWS (which are also allocated for residential development in the Replacement Local Plan) is sufficient, in my opinion, to demonstrate that these areas are adequately safeguarded by the current proposal.

Whilst the greater part of the mature scrub located in part of the central area of the site would need to be cleared in order to facilitate the proposed development, the remaining part of this is outside of the application site and would be retained.

In addition, although any material drainage works beyond the site boundary would need to be subject to a separate planning application, details of surface water and foul drainage can be required by condition and the applicant is investigating an on-site solution, which would involve plastic piped storage under the road network, away from the LWS and trees. I would also emphasise in this respect, that greater weight has been attached to safeguarding that part of the LWS which is to be retained, rather than utilising it to accommodate a sustainable surface water drainage system in the form of a balancing pond, which the County Council does not consider would contribute positively to this particular LWS. In this respect, I note that the NWT is pleased to see that an alternative drainage option for the site has been found which avoids further impact on the LWS.

Whilst I appreciate the NWT's comments in respect of the proposed banking alongside the access road, I note that the NCU considers that this would have a fairly minor additional impact on the LWS, and could be mitigated through the measures outlined. Furthermore, the banking has to be formed to support the road, due to the level differences across the site. The banking is the least intrusive retaining option, as any highway retaining wall would have a greater impact due to the construction form it must take. The applicant intends to retain and re-use the topsoil from the site as a surface layer for the new bank to ensure its associated seed-bank is utilised on this area of the site.

With regard to pollution run-off from the proposed new road into the existing grassland, the applicant has advised that the gradient of the footway on this edge would be such that it falls towards the new highway and would not discharge onto the grassland. The applicant also intends to re-use the existing top soil from the site in the formation/capping of the new bank.

I note that additional potential bat roost surveys have been provided, including a roped access investigation, in response to the comments of the County Council's Conservation Team and the Nottinghamshire Wildlife Trust and that the landscaping proposals are now considered to be generally acceptable.

With regard to vegetation clearance outside of the bird breeding season and the provision of bird boxes, I would recommend the imposition of appropriate conditions.

Whilst I note the views of the NCU and the NWT that the remainder of the LWS should be brought under a favourable management regime, this is not possible to secure either by condition or through a Section 106 Agreement, as the land in question is not within the applicant's control.

Any proposals for the development of the remaining LWS would need to be subject to another planning application and would be assessed on its own merits.

As a consequence, I am satisfied that a reasonable balance has been achieved between the needs of the development and the ecological interest of the site, although it is not possible to provide any significant mitigation and/or compensatory measures for the loss of grassland in this instance.

Whilst the proposed development would not fully accord with the aims of Policy ENV36 of the RLP, Policy 17 of the ACS, Section 11 of the NPPF or those parts of the Development Brief which relate to the management of the retained grassland, I do not consider that it would result in such harm to the LWS, when this is considered as a whole, as to justify the refusal of planning permission in this instance and am of the opinion that substantial weight should be attached to the strategic allocation of this site in the ACS.

Landscape, Visual Amenity & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape and arboricultural matters are set out in Policy ENV43 of the RLP, Policies 10 and 16 of the ACS and Section 11 of the NPPF.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development.

Policy 10 of the ACS states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims

of Section 11 of the NPPF.

Policy 16 of the ACS states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Area (GNLCA).

In addition, Policy 16 of the ACS identifies that the application site is located within part of the Sub-Regional Green Infrastructure Corridor, which should be protected and enhanced. The Policy goes on to state that priority for the location of new or enhanced strategic Green Infrastructure will be given to locations for major residential development identified in Policy 2 of the ACS (see Principle of Development and Sustainability Considerations above), the Strategic River Corridor of the Trent, the Greenwood Community Forest and Urban Fringe Areas.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

With regard to the Greenwood Community Forest and Green Infrastructure, I note that the Landscape Planting Plans indicate that there would be new tree planting, predominantly of native species, both within the site and along the boundaries, in accordance with Policy ENV43 of the RLP of Policy 16 of the ACS.

With regard to landscape character, I appreciate the comments of the County Council, and note that some trees and part of the existing hedgerow along the southern boundary of the site to Wighay Road would need to be removed in order to facilitate vehicular access to the development as proposed.

However, I consider that the landscape policy actions must be balanced against the fact that this is an allocated site in the development plan and that any form of residential development on the site would inevitably result in the type of conflict outlined. I am satisfied that the majority of the hedgerows and trees would remain intact and note that measures to secure their protection during construction are outlined in the Arboricultural Impact Assessment. In addition, I note that the proposed dwellings are set back from Wighay Road and beyond the tree canopy, which should assist their survival, post-construction.

With regard to visual impact, whilst the proposed development would have some visual impact on existing residents on Wighay Road, I am satisfied that views into the site would still be reasonably screened by those parts of existing hedgerow and trees which are to be retained.

I also note that the County Council is satisfied with the Arboricultural Impact Assessment and tree protection and mitigation measures proposed, with the exception of the 'no-dig' drive construction methodology for parts of the private drive serving the proposed dwellings fronting Wighay Road. However, I am satisfied that this can be secured by the imposition of an appropriate condition.

I am satisfied, therefore, that with regard to landscape, visual amenity and arboricultural considerations, the proposed development would generally accord with the aims of Policy ENV43 of the RLP, Policies 10 and 16 of the ACS and Section 11 of the NPPF.

Pollution & Contamination Considerations

The relevant planning policies which 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.

I consider it would be appropriate to ask the applicant to give consideration to the provision of dedicated external electric power points by means of an informative attached to any decision notice.

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

Heritage Considerations

The relevant planning policies which need to be considered are set out in Policy 11 of the ACS and Section 12 of the NPPF.

Policy 11 of the ACS states, amongst other things, that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

Paragraph 126 of the NPPF states, amongst other things, that local planning

authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Archaeology and cultural heritage issues have been assessed within the Archaeological Desk Based Assessment, the Archaeological Geophysical Survey Report and the Design and Access Statement.

As Linby village is situated around half of a mile away from the application site, I am satisfied that the proposed development would not have any undue impact on the setting or significance of the closest nationally designated assets or to any of the locally designated assets.

Following submission of the Geophysical Survey Report, I note that the County Council's Archaeologist raises no objections, subject to the imposition of an appropriate condition to ensure that further investigation is undertaken on an area of potential interest.

I am satisfied, therefore, that the proposed development would accord with the aims of Policy 11 of the ACS and Section 12 of the NPPF.

Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in Policy C2 of the RLP, Policies 18 and 19 of the ACS and paragraphs 173-177 and 203-205 of NPPF in relation to plan-making and decision-taking.

Policy C2 of the RLP states that in considering applications for new development, the Borough Council will have regard to the need for the provision of community facilities arising from the proposal. Planning obligations will be sought in order to secure appropriate community facilities or financial contributions thereto, reasonably related to the scale and kind of development proposed.

Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

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.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

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.

The current position in relation to the Heads of Terms for the Section 106 Agreement between the applicant and the Borough Council is for financial contributions towards the following:

- Educational Facilities
- Healthcare Facilities
- Affordable Housing
- Public Open Space

Secretary of State Referral

Whilst there is an unresolved objection from the Environment Agency to this application, this is solely on the grounds that the proposed SuDS features are insufficient. However, as the site is located within Flood Zone 1 and does not have critical drainage problems, I am satisfied that the Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

Other Issues

I note that there are a number of basic inaccuracies with regard to place names and information sources in the submitted documents, as well as the proximity or availability of some of the stated facilities. Whilst these demonstrate a poor quality of submission, none of the inaccuracies have been relied upon in reaching a recommendation on this application. Therefore, I consider that these should carry little, if any, weight in the determination of the application, and could not justify refusal of permission or delaying its determination. Policy 2 of the ACS states that Top Wighay Farm is a Sustainable Urban Extension and the current application site is part of this strategic allocation.

The impact of the proposed development on the valuation of existing properties is not a material planning consideration.

Conclusions

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

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion 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.

Planning obligations are being sought in accordance with the requirements of the NPPF.

The application does need to be referred to the Secretary of State for Communities and Local Government.

Recommendation:

That the Borough Council GRANTS 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 financial contributions towards, Educational Facilities, Healthcare Facilities, Affordable Housing and Open Space; and subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed in accordance with the following approved plans: Standard External Details (SD7-06 Rev A, SD8-01, SD9-12), received on 11th August 2014; Existing and Proposed Levels (Hu/Wh/01/007), received on 21st November 2014; Single and Double Garage plans and elevations (Pa/WY/SG1, Pa/WY/SG2, Pa/WY/DG3), received on 12th December 2014; Materials Layout (29158-04-01-01 Rev A), received on 6th January 2015; Site Layout (29158-02-01 Rev E), and Siena, Naples, Florence, Barcelona and Madrid house types (Drawing Nos: 09, 11, 12, 15 and 16), received on 8th January 2015.
3. The remediation scheme hereby permitted (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) shall be implemented in accordance with the approved details and timetable of works. Prior to the occupation of any dwelling(s), a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.

4. 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 development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The remediation scheme shall be implemented as approved.
5. During both the initial earthworks and then during construction, dust levels shall be mitigated in accordance with the measures proposed in the submitted 'Control of Dust and Noise during Construction' document, deposited on 11th August 2014.
6. No trees shall be felled during the bat active season (which runs from 1st April to 31st October inclusive in any given year), unless a single precautionary emergence survey has been undertaken immediately prior to felling work commencing. In the event of bats being found to be present, development must be halted immediately on that part of the site until such time as the outcome of the survey and details of any proposed mitigation measures have been submitted to and approved in writing by the Borough Council. Any mitigation measures shall be implemented in accordance with the approved details before the tree(s) in question is/are felled.
7. No vegetation clearance or ground works shall be undertaken until the site has been walked by an ecologist, and any refugia which could be used by reptiles have been subject to hand searches. If any reptiles are found to be present, they will be moved to a safe location outside the footprint of the development and the refugia will be removed or dismantled. Details of any further mitigation measures that may be deemed necessary shall be submitted to and approved in writing by the Borough Council before vegetation clearance or ground works commence. The mitigation measures shall be implemented in accordance with the approved details before development commences.
8. No removal of hedgerows, trees or shrubs 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.

9. No building materials, plant or machinery shall be stored during the construction period within a distance of 10 metres from the eastern boundary of the application site to the retained Local Wildlife Site, unless specifically required for the construction of that part of the development or unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced, including vegetation clearance or ground works, the existing trees and hedgerows to be retained shall be protected in accordance with the details specified in the Arboricultural Impact Assessment, August 2014 by Thomson Ecology. The means of protection shall be implemented in accordance with the approved details for the duration of the construction period, unless otherwise prior agreed in writing by the Borough Council.
11. 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 and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the unregulated discharge of surface water from the access driveways, parking and turning areas. No part of the development hereby permitted shall be brought into use until the access driveways, parking and turning areas have been constructed in accordance with the approved details, which shall be retained for the lifetime of the development.
13. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of the methods to be used in the construction of the private drives serving plots 1 to 8 in order to ensure the protection of the existing trees which are to be retained. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
14. 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 on trees or 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.

15. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted, and including where appropriate details of existing trees to be felled and retained. The landscape plan shall include native species of local provenance and details of the re-instatement and seeding of the areas affected by the banking works on the eastern side of the access road and how this area is to be managed. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree, shrub or seeded area, that tree, shrub or seeded area, or any tree, shrub or seeded area 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, shrub or seeded area 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.
16. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of an archaeological scheme of treatment. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
17. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
18. No part of the development hereby permitted shall be brought into use until the new priority junction and two dropped kerb access points have been provided at the boundary of the site and Wighay Road, as shown for indicative purposes only on drawing number 29158-02-01 Rev C. The junction and two access points shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. Before any of the dwellings which they serve are first occupied, all driveways, parking and turning areas shall be surfaced in a hard bound material behind the highway boundary. The surfaced driveways, parking and turning areas shall then be maintained in such hard bound material for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
20. Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards. The garage doors shall be retained to this specification for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
21. Any proposed soakaway shall be located at least 5 metres to the rear of the

highway boundary and shall be retained to this specification for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

22. The means of enclosure and surfacing hereby permitted shall be provided in accordance with the approved details before the dwellings they serve are first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
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 protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
7. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
8. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
10. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

11. To ensure the development is provided with a satisfactory means of drainage and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with Section 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
13. To minimise any potential impacts on biodiversity and the landscape in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
14. To enhance biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To ensure that the landscaping of the proposed development 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).
16. To ensure the appropriate investigation and recording of archaeological features, in accordance Section 12 of the National Planning Policy Framework and Policy 11 of the Aligned Core Strategy for Gedling Borough (September 2014).
17. To seek to ensure that the construction of the site employs wherever possible local people and assists economic growth in the area.
18. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To ensure a satisfactory development in accordance with the aims of Policy

ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

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

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage would be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the 6C's Design Guide.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment would be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete, so it is recommended that the developer contact the Highway Authority as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the Highway Authority for details.

In the interests of safety, operational needs and integrity of the Robin Hood Line railway, Network Rail advises that no part of the development should cause any existing level crossing road signs or traffic signals, or the crossing itself, to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials, which again must not cause rail and road approach sight lines of the crossing to be obstructed.

The Borough Council requests that the applicant considers incorporating 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 (see IET Code of Practice for EV Charging Equipment Installation).

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 meeting the applicant to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.