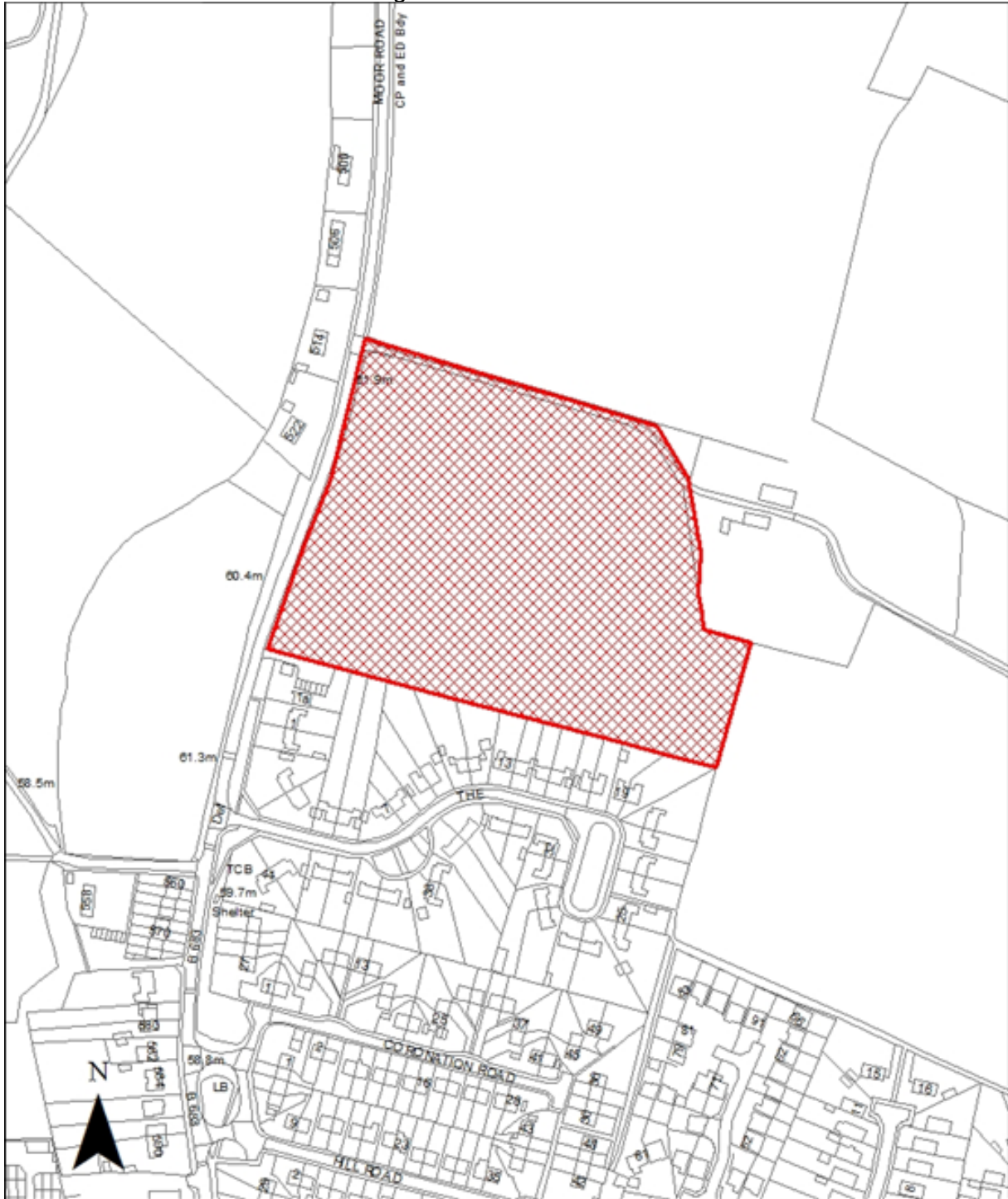




Application Number: 2014/0238
Location: Land West Of Westhouse Farm Moor Road Bestwood Nottinghamshire



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

Application Number:	2014/0238
Location:	Land West Of Westhouse Farm Moor Road Bestwood Nottinghamshire
Proposal:	Proposed residential development for 101 dwelling units, new access, amenity space, open space
Applicant:	Langridge Homes Ltd
Agent:	Geoffrey Prince Associates Ltd
Case Officer:	Nick Morley

Site Description

The application site comprises approximately 3.3 hectares of agricultural land, currently used for arable farming. It is situated directly to the north of residential properties on The Spinney, on the northern edge of Bestwood Village, and to the east of the B683 Moor Road, which forms the boundary of Gedling Borough with Ashfield District.

The development site falls relatively gently by about 9 metres, over a maximum distance of around 237 metres, from the east to west.

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

The site is in the single ownership of Langridge Homes Ltd and is part of larger landholding comprising Westhouse Farm and which extends in total to 75 hectares.

The site is identified as 'Safeguarded Land' on the Gedling Borough Replacement Local Plan Proposals Map.

Proposed Development

Outline planning permission is sought for a proposed residential development for 101 dwelling units, new access, amenity space and open space.

All matters, apart from access, are reserved for subsequent approval.

The application is accompanied by a Proposed Phase 1 Site Layout plan, showing how the site could accommodate up to 101 new dwellings, with public open space and a Sustainable Urban Drainage System, including an attenuation pond.

A new vehicular access would be created through the existing hedgerow onto Moor Road, including a new right turn filter lane and pedestrian refuge within the highway. This is shown on the Proposed Site Access plan.

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

- Arboricultural Survey
- Archaeological Desk-based Assessment
- Building for Life 12 Assessment
- Contamination Risk Assessment
- Design & Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk Mitigation & Drainage Strategy Statement
- Hedgerow Assessment
- Landscape & Visual Assessment
- Planning Statement
- Scale Parameters Schedule
- Site Location Plan
- Site Plan
- Strategic Masterplan for Future Phases
- Topographic Survey
- Transport Assessment & Travel Plan

The following additional information has been submitted during processing of the application in response to comments received:

- Response to NCC Archaeological Comments
- Response to NCC Nature Conservation Unit Comments
- Response to Nottinghamshire Wildlife Trust Comments

Consultations

Unless otherwise indicated, the comments below have been made in respect of the application as originally submitted.

The County Council has been re-consulted selectively on some of the additional information which has been submitted in response to specific technical matters which they have raised regarding archaeological and ecological issues.

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

I have received 34 written representations from local residents, including photographs in support of certain points, which make the following comments:

Development Plan Issues

- Safeguarded land, which is still being farmed, should not be identified for residential development. If this proposal goes ahead, further phases are likely to

follow, ruining the character of the surrounding countryside.

- There are many other areas that should be considered for new residential development, such as renovating derelict buildings or by purchasing and restoring empty properties. More thought needs to go into providing new properties without impacting on villages that are supposed to be Green Belt. Why does there have to be a continual quest to build on the Green Belt? – the Borough Council should consider land that is for sale, such as former Metallifera or White Hart sites on Mansfield Road; Bestwood Business Park on the former colliery and other more suitable land within the Bulwell and Hucknall area.
- There has been significant residential development in and around Bestwood Village for some years, some of which is still ongoing. Residents have already been informed that there may be more potential residential development on the former Coal Board land. If there are any further increases in residential development within the village, this will have an immense impact on the carbon footprint from heating, lighting and vehicles and also place a strain on services provided by the Borough Council, at a time of significantly reduced services due to financial constraints.
- There is over-development in the area, due to it bordering between two Councils. Problems arise due to this, as crime figures, incidents of burglaries and new developments are not shared.
- The village is now encroaching into the rural farmland to the north with this potential development and future phase plans.

Sustainability Issues

- There has been no provision or improvements to essential amenities such as Health Services, GP's, dentists, chemist, shops or facilities for younger children, such as a play park or skate park. The primary school must now be at capacity. There is very little employment availability within the village. This is a small community, with few facilities, and a high level of social need. To date, no housing development in the village has resulted in the wider re-generation of the village facilities.
- Health provision is currently being considered using S106 money from previous developments. Some initiatives are being developed which could be supported to continue by further funds. These initiatives are important where transport to access facilities outside the village is poor, and currently no services are offered in the village.
- Any development needs to consider how the school capacity can be increased and ensure this happens at the beginning of the development, rather than having families move in and there being no places at the school. As public transport is poor, it is hard for families to take children to school outside the village.
- The possibility of re-locating the school from the heart of the village would be an

issue for people living in the centre of the village or to the south.

- There is a poor bus service and access to the NET is over 1 km away, with no access for the disabled. The bus service is subsidised and will soon stop running in the evenings and weekends. Pavements are narrow and only in one direction on a road which at times can be very busy and fast. The road is so narrow, that at times it has to be completely closed for roadworks. With few facilities in the village, transport to access shopping, medical services and leisure is important. This also raises concerns about the provision of affordable housing on the site.
- There are no organisations, groups or facilities for the young teenagers within the village community. This means their only option is to hang around bus shelters, causing problems for residents who live nearby. Elderly residents find this very intimidating.
- This area is prone to flooding from rainfall run-off, including both the north and south ends of Moor Road and under the former railway bridge through Mill Lakes, cutting off access to Butlers Hill tram stop. Surely hard landscaping will exacerbate this, which makes the potential attenuation pond worrying.
- There have been many times when the village has flooded due to the weather climate changes which are affecting the whole country. The village has actually been cut off with no access/egress. This is a high risk for emergency vehicles when this occurs and there are two care homes in the village, plus many elderly residents who may need emergency assistance. Increased housing would lead to increased run-off onto Moor Road.
- The existing sewage system does not extend to the development site and the existing system is at capacity.
- Opportunities to develop former colliery brownfield land for housing should have been taken, rather than extending the Country Park.
- Loss of arable land, currently used for cereal production.

Highway Issues

- The Transport Assessment, which includes the Travel Plan, is unacceptable and unfit for purpose. It has scant detail and no speed surveys have been undertaken. The upgrade of the pedestrian route to the Butlers Hill tram stop is only described as 'potential', but this route is susceptible to flooding and inadequate for disabled persons. Bus stop enhancements are only described as 'possibilities', but there are limited bus services for the village. References of a similar nature occur throughout the report, rather than stating what the development will provide. The site is not situated in a sustainable location.
- The impact of development traffic on off-site junctions (specifically Moor Bridge and the Griffins Head crossroads) has not been assessed properly in the Transport Assessment. Specific criticisms are also made about the calculations, statements and dates used in the report, and it is considered that these cannot

be relied upon as they are either incorrect or out of date.

- It is questioned whether sufficient highway surveys or assessments have been undertaken to assess the impact of the increased traffic volume on health and safety and whether Moor Road can sustain any more traffic.
- There is a huge increase in traffic going through the village, with busy and problematic junctions at either end of Moor Road. Many of the vehicles are large HGV vehicles or delivery vans. These vehicles travel at speed through the village, as they are wide enough to go over the speed ramps, creating road safety dangers to cyclists and pedestrians. They also add to increased pollution levels to the environment and noise levels.
- Moor Road already carries a high volume of traffic, as it is used to avoid a bottleneck at Hucknall. It would not be able to cope with the increase in traffic generated by the proposed development, which would increase the existing road safety dangers.
- Residents of Moor Road have difficulty exiting their drives due to the volume of traffic through the village and this has caused accidents.
- There has been a planning request for a car park to be built adjacent to the Bestwood Country Park Mill Lakes, but this was rejected because of health and safety reasons regarding access/egress and the impact of increased traffic within the village.
- The lack of a car park at the Bestwood Country Park Mill Lakes leads to vehicles parking on Moor Road near The Spinney and restricting visibility, which is detrimental to road safety.
- When planning permission was sought for an MoT business on the Business Park within the village, this was refused. The owners were informed that the reason for this was increased traffic in the village.
- Forest Lane is a notorious black spot area and there have been several accidents, some of which have resulted in death.

Design Issues

- The Design and Access Statement states that the existing form of development in Bestwood Village is largely two storey housing and bungalows, but no bungalows are incorporated in this development.

Ecological Issues

- The land which is now being considered for development was at one time Green Belt land, which should not be used for building residential properties. There are large oak trees on this land, many of which have stood for a considerable number of years. Building on this land will have a detrimental impact on wildlife. There has been a significant increase in the number of birds of prey and amphibians in and around this land and woodland areas. Surveys have not been carried out at

the optimum times to assess the impact of wildlife.

- Whilst run-off water can flow into the River Leen via the drainage pond, increased flooding would affect the Mill Lakes Park and its wildlife.
- Loss of wildlife habitat. Measures should be taken to preserve and re-establish habitats.

Landscaping, Visual Impact & Arboricultural Issues

- Potential partial loss of historic important hedgerow fronting Moor Road, allowing views into the site of the development.
- Residents of The Spinney would lose their view over the existing farmland.
- The visual impact of the proposed development on the existing public footpath would change the view permanently.

Other Issues

- If ongoing residential development continues, Bestwood will lose the status of a village and just become another urban jungle, eventually merging with Nottingham.
- Apart from a meeting in the village school, no surveys have been undertaken to ascertain the views of local residents.
- Insufficient information has been provided in support to the application.
- The value of adjacent properties will be decreased.

Friends of Bestwood Country Park (FBCP) – understand that Langridge Homes have made an application to build houses on the ‘white field’ next to The Spinney on the edge of Bestwood Village, but also that they have further plans to build on the Green Belt land around it, reaching up towards Bestwood Country Park.

The FBCP has previously objected to such use of Green Belt land, and would like to make sure that its objection will be brought forward to apply to the Langridge application specifically. This is as follows:

- FBCP understand that some of the land proposed for new housing by Langridge Homes in Bestwood Village near Bestwood Country Park is designated green belt. As a group, FBCP is opposed to any development on Green Belt land, and in general would also be concerned about any strain imposed on the Country Park and on the village through any further extensive development in the surrounding area. With regard to the Country Park and its flora and fauna in particular, the FBCP would be concerned about any threat to its remaining adjacent open land and to the wildlife corridors to and from the Park.
- FBCP believes that in the area involved there are 14 birds on the ‘red list’ of

conservation concern, and 19 on the 'amber list'. The extensive additional housing and its proposed location would also drastically increase disturbance to wildlife in adjacent sites, including butterfly colonies, plant life and fungi and further bird species, such as woodlark. The increased burden of human and pet activity (e.g. walkers, cyclists, motorcyclists, dogs, cats) at the site, would undoubtedly have a severe and irreversible negative impact on the area's biodiversity.

- A monitoring exercise undertaken last year by the Notts Biodiversity Volunteers and other teams on the River Leen and Mill Lakes, confirmed the presence of a white-clawed crayfish population. These native crayfish are a critically endangered species. The teams also found brook lamprey, an endangered species, and the rare water vole. FBCP are concerned that the drainage necessary from such extensive new housing as proposed will have an adverse effect on all of the wildlife of the river and the lakes, including these two rare species.

Village Vision (VV) - the following comments are made on behalf of Village Vision, which is a properly constituted community group made up of residents of Bestwood Village. It is considered that these comments reflect those of a considerable proportion of village residents, obtained following lengthy consultation on a number of issues, one of which was further housing development in the village:

1. Though some or all of the land involved in this proposal is termed 'white land', it is nonetheless development of farming land and thus generally considered as green space. VV is unhappy that any such further land should be lost to more housing.
2. The proposed land, north of The Spinney would, if developed, further elongate the village, causing any new housing here to be remote from the village centre and away from any of the amenities.
3. VV is well aware that Langridge own much more land adjacent to this site, also green space, which it would like to develop. Creeping development of 100 or so houses at a time appears to be their tactic, each application, judging by this one, seen to be denying impact on the school capacity, traffic problems at Moor Bridge and Griffins Head crossroads and lack of adequate public transport.
4. Langridge have made no attempt to consult with the local community on their proposals, in particular how they will impact on the village and how such impact might be mitigated.

Bestwood Parish Council – is aware that there is a submission from another developer for 220 houses and believes that this fulfils the Bestwood Village housing requirement, as the quota for the village has been reduced from 500 to 260. However, some properties have already been built and further land at The Sycamores has been allocated, leaving a total of 198.

The Parish Council would much prefer any new development to be on brownfield sites, which is much more preferable to expanding the village boundary.

Ashfield District Council (as adjacent authority) - any comments will be reported verbally.

Nottinghamshire County Council (Education Authority) – comments that as the Borough Council is already aware through the ongoing conversations regarding primary school capacity issues at Bestwood, it is crucial that the County Council is involved in any discussions regarding primary education provision at the earliest stages.

For information, during the Core Strategy preparation a variety of scenarios were presented to the County Council in relation to future growth in Bestwood Village. At the time of these discussions, the County Council made it clear that Bestwood Hawthorn Primary School was at capacity with commitments already made to expand it to the site's capacity to meet the needs of the existing community and, as such, a new primary school would be required for all the scenarios identified.

The education impacts of this site and the proposed development at Bestwood Business Park in combination would need to be mitigated. The County Council has always made it clear that the primary education requirement to provide up to 500 new dwellings in Bestwood Village would yield an additional 105 primary age pupils and as such there would be a requirement for a new primary school on 1.1 hectares of land (either as an annexe to Bestwood Hawthorne or a new school).

As there is no capacity at Bestwood Hawthorne Primary School, the new school would be required to be delivered very early/at the start of the new development to mitigate the primary education impact. As such, it is not appropriate to consider any planning application in this location without the mitigation required for primary education. It is not appropriate to suggest that this matter would be dealt with through the Local Planning Document, as this will take some time to produce and adopt (with no certainty that it would ultimately be adopted).

Whilst the County Council acknowledges that the potential primary school site is currently located within the Green Belt, it is of the opinion that the planning application for Westhouse Farm should include the land identified for a new primary school and be determined on the basis as a departure from the Local Plan.

NHS England – observes that it has reviewed the planning application for the proposed housing development site at Westhouse Farm in relation to the potential impact on primary and secondary care health services.

From the information provided, the Derbyshire and Nottinghamshire Area Team is aware that the application outlines the development of 101 dwellings. The proposal 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 Area Team 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 Area Team would wish to explore further in conjunction with the CCG and other stakeholders what options are available and 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 Area Team 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 Area Team is unable to give a definitive answer to where the contribution would be spent. However, it will 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.

Nottinghamshire County Council (Highway Authority) – makes the following comments:

General

Although this application is being considered on its own merits, the Highway Authority is aware that the application could eventually form part of a development of up to 550 [the actual ACS figure is 560] houses. In the long-term interests of all parties involved, consideration of the proposed access arrangements has taken place.

The applicant has demonstrated that within the parameters of the National Planning Policy Framework, the traffic generation of this site as proposed does not have a severe impact on the existing highway network in the vicinity of the development. In addition, the applicant has also made a number of proposals to ensure that the site is sustainable in terms of alternative transport options for residents. These take account of the 12 key objectives of the third Nottinghamshire Local Transport Plan, the Gedling Borough Replacement Local Plan and the Greater Nottingham (Browtove Borough, Gedling Borough and Nottingham City) Aligned Core Strategies Publication Version June 2012.

Proposal

This current application is for outline planning permission only (with access not as a reserved matter).

Access is proposed from Moor Road and follows in principle the pre-application advice provided by the Highway Authority in January 2014. Moor Road is an adopted highway and from the Highway Authority's records it appears that the site within the red line application area borders the extent of the public highway.

There is a public footpath (Bestwood St Albans Footpath Number 3) that runs along the northern edge of the site. It is proposed by the applicant that the footpath would be improved within the site and further upgrades/links outside of the site would be made via the use of appropriate highways infrastructure contributions.

The Transport Assessment produced by BSP Consulting states that the development traffic increases would not result in any detrimental impact on the surrounding highway network. However, there are also proposals for a range of alternative travel options that would have a benefit for residents as well as addressing some of the perceived issues that may be raised by local residents.

These include:

1. Providing pedestrian links and a suitable crossing point to the nearby bus stops

The proposals are welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application and there would be a need to incorporate these into any 'Gateway' treatment. It is also noted that the applicant proposes to discuss the provision of travel discounts with local bus operators for new residents.

2. Potential upgrades to the public footpath link to the NET tram stop at Butlers Hill as well as cycle links to the Leen Valley Country Park

The proposals are again welcomed, although the details of any improvements would need to be agreed as part of the overall detailed planning application. The involvement and agreement of the County Council's Rights of Way Section, as well as Sustrans, would be needed at the detailed design stage.

3. Potential new 'Gateway' treatment and extended traffic calming zone for Moor Road

The applicant has made a number of suggestions on how this can be achieved and the Highway Authority welcomes these. The final choice of features would, as the applicant has suggested, be agreed at the detailed design stage.

4. Provision of Travel Information Welcome Packs for all residents

The applicant would, as part of the Travel Plan, provide all new residents with Travel Information Packs which would contain information about local pedestrian and cycling links together with information on local public transport options.

Access onto Moor Road

The applicant has provided details of the proposed access arrangements on drawing number 13152–010 contained within the Transport Assessment document. The general arrangement of the design appears to conform to the various details that the applicant has highlighted with respect to required visibility splays and speed of approaching vehicles, as well as taking account of the accident history of the road. It would also appear to be designed to a standard that would be suitable for the future expansion of the site. The Highway Authority would highlight that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6Cs) and it would be the responsibility of the applicant to ensure that this can be achieved.

Whilst the application is for outline permission for the site, the applicant should be aware that the proposals shown on Plan Number 102 within the Transport Assessment document show the existing public footpath running at the northern edge of the site being improved and forming part of the access arrangements to houses. Whilst this in itself may not pose a problem with suitable design, it is feared that the route may be used by residents as a way of accessing Moor Road. This would not be acceptable to the Highway Authority and there would be a need for the applicant to make the necessary provisions to address this concern

Highway Authority Conclusion.

In light of the applicant's evidence and proposals with respect to highway matters the Highway Authority has no objections to the proposal.

Masterplan

Vehicular parking associated with the proposed development should provide 2 off street parking spaces for each 1 – 3 bedroomed dwelling and 3 spaces for a 4 or more bedroomed dwelling. Provision for apartments and flats may be reduced, following consultation with the Highway Authority.

The design speed of the new residential access roads should be 20 mph and the carriageway width of the main spine road should be 6.75 metres with 2 x 2.00 metres footways on either side. The cul-de-sac from the spine road may be 4.8 metres wide and may have 2.00 metres wide footways, service strips, or be of a shared surface nature.

The centreline radius of carriageway would need to be defined by tracking, to allow refuse and emergency vehicles access and egress from the development site.

Carriageway crossfalls should be 1:40 and longitudinal gradients should all be a minimum of 1:100 for flexible paving, 1:80 for block surfacing, in all cases a maximum gradient of 1:20. At junctions, in all cases the gradient should not exceed 1:30 for the first 10 metres of the side road.

Visibility at junctions should be 2.4 metres x 25 metres and 25 metres forward visibility at bends.

Any sustainable urban drainage systems would not be currently adopted by the County Council and would remain the responsibility of the developer/land owner. To ensure these areas are adequately maintained, the Highway Authority would require a maintenance agreement to be set up by way of a Section 106 Agreement; this agreement would also need to cover any non-highway pedestrian/cycle links that are proposed.

The development would be subject to the Advance Payments Code, unless a suitable agreement is entered into with regards to road adoption and the applicant should be advised to contact the Highway Authority at an early stage to discuss this procedure.

Nottinghamshire County Council's Planning Contributions Strategy

In accordance with the above document, the proposed development would be subject to a contribution of £70k, together with any mitigation works that would be required. This needs to be secured as part of a Section 106 Agreement.

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

- Details of the new road.
- Any garage doors to be set back specified distances from the highway boundary.
- Suitable access arrangement; the provision of pedestrian links and a crossing point to nearby bus stops; the provision of potential upgrades to the public footpath link to the NET tram stop and cycle links to the Leen Valley Country Park; and the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road.
- Wheel washing facilities.

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

Nottinghamshire County Council (Rights of Way) – observe that the application may impact upon Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site.

Whilst not an objection, the County Council would require that the availability of the path is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Environment Agency – advises that the proposed development would be acceptable, subject to the imposition of planning conditions requiring the following details:

- A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development [specific details of what the scheme should demonstrate have been provided].
- A remediation strategy that includes components to deal with the risks associated with contamination of the site (specific details of the required components have been provided and additional advice).

These conditions are required in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution. The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply, as defined in the Agency's 'Policy and Practice for the Protection of Groundwater'.

Severn Trent Water should be consulted and requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

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

Nottinghamshire County Council (Nature Conservation Unit) – makes the following comments regarding nature conservation issues:

Original Comments

The proposals will not affect any designated nature conservation sites. The nearest Local Wildlife Site, Mill Lakes Bestwood (2/231) is located around 150m to the south-west, whilst the nearest SSSI, Linby Quarries, is around 3.4km to the north.

- An Extended Phase 1 Habitat Survey has been completed in support of this application. This makes recommendations for a number of further surveys for protected species. However, the area in which the Extended Phase 1 Habitat Survey was carried out is at least four times larger than the area being developed into a housing estate, and includes habitats not present within the development area. It is therefore recommended that the applicant's consultant ecologist give this consideration and re-evaluate which surveys are actually required, given that the majority of the surveyed area is not being developed.
- In any event, the results of these surveys are required prior to the determination of the application, so that the potential impacts can be properly assessed.
- In the event that planning permission is granted, conditions should be used to

cover the following matters:

- o That bat and bird boxes would be incorporated into the new buildings on the the housing estate;
- o That a detailed landscaping plan is produced, utilising native species appropriate to the local area within areas of open space and boundary planting;
- o That no vegetation clearance takes place during the bird nesting season (which runs from March to August inclusive);
- o That measures are put in place for the protection of retained vegetation.

Revised Comments

The letter from Middlemarch Environmental (10th April 2014) confirms that the development site is a smaller part of a wider survey area, and that impacts on protected species appear unlikely, provided that appropriate mitigation is put in place. Therefore, in addition to the mitigation measured recommended in the Nature Conservation Unit's letter dated 12th March 2014, the following measures should also be secured by condition:

- The production of a 'bat friendly' lighting scheme to ensure that artificial lighting avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat (including the balancing pond);
- A pre-commencement walkover survey of the site is undertaken to ensure that badgers have not moved into the site;
- The covering of excavations or installation of ramps, and the capping of pipes of 15cm diameter or greater overnight, to prevent mammals becoming trapped during construction works;
- The production and implementation of a reptile method statement, to ensure the field margins are cleared sensitively.

Nottinghamshire Wildlife Trust (NWT) - makes the following comments:

Original Comments

The NWT has reviewed the Extended Phase 1 Habitat Survey and whilst having no objection in principle to the application and generally supporting the approach to survey and assessment, would like to make the following comments on this document:

Nature Conservation Sites

In relation to Local Wildlife Sites, the NWT considers that development impacts are highly unlikely due to the location of the proposed development.

Habitats

The NWT would wish to seek confirmation that the boundary hedges to the south, east and west would be retained and, preferably, enhanced for biodiversity where possible.

The report suggests inclusion of nest/ bat roost features within the development. Further to this, NWT recommends nesting opportunities for specific species including house sparrows and swifts. A range of bat tubes and access panels are now available that would provide roosting opportunities for those species of bat that inhabit buildings [a possible source of bird and bat boxes/bricks has been provided].

Regarding other possible enhancements, the NWT would wish to see opportunities for wildlife maximised in relation to the open space at the south-west corner of the site (this feature appears to be a SuDS system). The NWT wishes to draw attention to its own architect's biodiversity guide, which describes additional features that could be incorporated in the built environment.

Such enhancements are encouraged in paragraph 118 of the National Planning Policy Framework.

Species

The report contains a number of recommendations in relation to additional surveys (bats, badgers, great crested newts and reptiles). The NWT queries whether these have been carried out or whether the recommendations relate to the wider area (it is noted that the report includes a much larger area and the NWT presumes this proposal is the first phase of a larger scheme).

The NWT recommends the use of condition(s) to secure advice in relation to nesting birds and terrestrial mammals.

Possible Sherwood potential Special Protection Area (SPA)

This site lies within the 5 km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated 11 July 2011.

Revised Comments

The NWT has reviewed the letter from Middlemarch Environmental (10th April 2014). This provides an assessment of the ecological impacts of the scheme in relation to the development parcel subject to this planning application (the submitted ecological report covered a wider area).

The NWT considers this information is adequate and is aware that the recommendations for detailed ecological surveys (e.g. for reptiles etc) relate to adjacent development parcels which are outside the red line boundary of this application.

Should the application be approved, the NWT would recommend the use of condition(s) to secure advice in the letter dated 10th April in relation to:

- Provision of enhancements, including details (type, number and location) of bat and bird boxes (R1).
- Precautions to protect nesting birds during construction phase (R4).
- Pre-works phase check for badgers (R5).
- Precautions to protect terrestrial mammals (R6).

With regard to the possible Sherwood potential Special Protection Area (SPA), the NWT wishes to reiterate that this site lies within the 5 km buffer zone identified in Natural England's Indicative core area & RSPB's IBA boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Gedling Borough Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their updated note dated March 2014.

English Heritage – no comments, as the application does not fall under the relevant statutory provisions for notification in this instance.

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

Original Comments

Aerial photographs of the site have revealed a small number of cropmarks within the proposed development area, including a possible trackway and a former field boundary; a palaeochannel of the River Leen; and possible ridge and furrow earthworks in fields to the west of the proposed development area.

Given the presence of undated cropmarks within the development area, alongside Late Iron Age/Romano British earthworks and possible ridge and furrow earthworks within the wider area, the possibility of uncovering remains from these periods cannot be ruled out.

It was therefore originally advised, on the basis of the information supplied in the archaeological desk-based assessment provided, that further evaluation was needed here. Accordingly, it was recommended that the applicant supply additional information on the buried archaeological resource, including a further archaeological field evaluation and geophysical survey, possibly with a subsequent scheme of trial trenching.

Revised Comments

After further discussion with the applicant's archaeological consultant, the County Council has amended its original advice:

The current application only deals with 'Phase 1' of the site which is approximately 3.3 hectares in size and located in the south-west corner of the overall site. As this outline application only seeks to establish the principle of the development along with a site access point, the County Council is happy for an archaeological scheme of investigation to be secured as a Reserved Matters condition. This archaeological scheme of investigation should include post-determination evaluation, beginning with a scheme of geophysical survey in the first instance, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary.

Public Protection (Land Contamination & Travel Plan) – make the following comments:

Contaminated Land

The applicant submitted a letter report giving an initial opinion regarding the risk from land contamination. Having reviewed the letter, Public Protection confirms that it would concur that the site is unlikely to be affected by significant contamination. As such, Public Protection would have no further comment regarding this part of the development.

Should a follow up application be made that includes the farm buildings, then this would need further assessment.

Air Quality

The applicant has submitted a Transport Assessment and Travel Plan. Having reviewed Section 5: 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 (including a commitment to incorporate provision for dwellings to have dedicated outside electric power points; to allow residents to charge electric/hybrid vehicles into the future).

However, Public Protection would consider it appropriate to ensure that during development issues relating to construction dust are managed to an agreed level. As such, it is recommended that a condition requiring the submission of a dust management plan is imposed on any permission.

Urban Design Consultant – requested a Building for Life assessment in order to judge the proposal in a clearer way, but made the following comments initially:

Original Comments

The layout has a structure with a spine access and roads off, which address the site boundaries.

There are some areas where the potential streetscene could be made more interesting at the detailed stage, including reducing the visual impact of parked vehicles so that they do not dominate parts of the street frontage.

A few private drives terminate with a row of garaging, which is not a desired design

solution and the distance between some rear elevations on the illustrative layout are too short.

Connectivity with the surrounding area should also be considered.

Additional Comments (Building for Life Assessment)

Generally concurs with the submitted assessment, but comments with regard to meeting local housing requirements that it is important that there is a mix of housing that reflects local need, which should be agreed with Housing Strategy.

Housing Strategy (HS) - would require 30% affordable housing in the Bestwood St Albans submarket area. HS's starting point would be that 70% of this should be for either social rent or Affordable Rent, with the remainder for shared ownership, so this would give 21 units for rent and 9 for shared ownership.

However, if the application is granted, HS would want to consult with the Parish Council and the local community about what type of affordable housing is needed before entering into a Section 106 Agreement. It may be that HS would accept a commuted sum in lieu of some or all of the affordable housing contribution.

Parks & Street Care – no comments received.

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.

The other main planning considerations which must be assessed are the impact of the proposed development on:

- Highway Safety
- Residential Amenity
- Design
- Ecological
- Landscape, Visual Amenity & Arboriculture
- Pollution & Contamination
- Heritage
- Planning Obligations

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

Relevant Policies & Background Information

This planning application is for the construction of 101 dwellings, new access, amenity space and open space on safeguarded land adjacent to the village of Bestwood, which is identified as a 'key settlement for growth' in Policy 2 of the Aligned Core Strategy.

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 (paragraphs 11-16). With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- NPPF Section 4: Promoting sustainable transport (paragraphs 29-41)
- 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, decision-taking and implementation, the following sections and annex 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)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

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 2014 adopted the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The adopted ACS will form Part 1 of the new Local Plan for Gedling Borough (Part 2 of the new Local Plan is in preparation). It is considered that the following policies of the ACS are 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 14: Managing Travel Demand
- ACS Policy 15 (Transport Infrastructure Priorities);
- 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 Bestwood Village identified as a strategic location for up to 560 dwellings in the latter category. This policy is based on sound evidence as set out in the Strategic Housing Land Availability Assessment for Gedling Borough, the Appraisal of Sustainable Urban Extensions Study (Tribal 2008) and the Sustainable Locations for Growth Study (Tribal 2010). In relation to the distribution of homes the Inspector conducting the examination into the ACS reported at paragraph 91:

“Bestwood Village. Mod 14 proposes to lower the number of new dwellings proposed from up to 500 to up to 260.....Bestwood is estimated to be less than half a mile from Nottingham’s main built up area and in need of regeneration. Given the uncertainty surrounding Gedling’s largest sites which were identified in its earlier Local Plan but not progressed, the above locational factors and the need for a range of small and large sites to ensure speedy delivery of new homes, I consider that Mod 14 as drafted should not be made. Policy 2.3 c) in Gedling i) Bestwood Village should read “up to 500 homes” as in the ACS Publication Version ”

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 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 clarify 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”.

The proposed development is on land which was safeguarded for possible future development within the adopted RLP and not within Green Belt and so the challenge to ACS Policy 3 is of less relevance to this particular proposal.

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.

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 has been modelled by independent consultants MVA using the Greater Nottingham Transportation Model. The result of the modelling demonstrates areas of pressure on the network for which mitigation measures will be required using the hierarchical approach set out in ACS Policy 15. As such, it is considered that ACS Policy 14 is soundly based and should be given significant weight. ACS Policy 15 prioritises new transport infrastructure in accordance with ACS Policies 2 and 14 and, for the reasons set out above, is also considered sound.

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. The new Local Plan will comprise the adopted ACS and the Local Plan Part 2, which will include non-strategic site allocations and development management policies and will fully replace the adopted RLP. Gedling Borough published a consultation document called Gedling Borough Local Planning Document Issues and Options in October 2013. Further informal consultation on options for the Part 2 Local Plan is taking place through a series of

workshops being held throughout January/February 2015. It is anticipated that a Local Plan Part 2 Publication Draft will be published in October 2015.

The application site comprises safeguarded land designated in the adopted RLP and the site has been considered through the SHLAA process. The SHLAA has assessed this site alongside the adjoining land at Westhouse Farm (in the same ownership) under one site (site reference 27) as 'suitable if policy changes'.

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 to this proposal:

- RLP Policy C2: Community Facilities for New Development
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV3: Development on Contaminated Land
- RLP Policy ENV31 (Safeguarded Land);
- RLP Policy ENV42 (Aquifer Protection);
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy H8: Residential Density
- RLP Policy R3: Provision of Open Space with New Residential Development
- RLP Policy T10: Highway Design and Parking Guidelines

In accordance with paragraphs 14 and 215 of the NPPF, significant weight should be given to Local Plan policies ENV42, H8 and R3, as these are up to date and consistent with the NPPF. RLP Policy ENV31 is not considered completely up to date with the NPPF and should have moderate weight attached to it.

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

- Open Space Provision SPG (2001)
- 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.

Prematurity

The National Planning Practice Guidance and the accompanying NPPF Technical Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited. The guidance identifies that prematurity may be an issue when:

- The application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
- The Local Plan is at an advanced stage, but has not yet been adopted.

The NPPF Technical Guidance adds that Local Planning Authorities would need to indicate clearly why the development would prejudice the outcome of the Plan making process.

The ACS identifies Bestwood Village as a Key Settlement and a strategic location for housing growth and includes plans which provide an indication only of where development might take place. The allocation of housing sites at Bestwood will come through the Local Plan Part 2. As stated above, consultation on the Issues and Options stage of the Local Plan Part 2 was undertaken in Oct/Nov 2013. Based on sites assessed through the SHLAA process, this document sought views from consultees on which sites around Bestwood should be developed. Progress on the Local Plan Part 2 is set out above and it is anticipated that the Submission Draft Local Plan Part 2 will be published in October 2015. However, as the Local Plan Part 2 has not been published it cannot be said to be at an advanced stage and therefore has no material weight in Policy terms.

The proposed site has been considered through the recent masterplanning exercise finalised in early 2014, which is intended to provide supporting evidence to the Local Planning Document and will inform the allocation of sites in the next stage of its preparation. This masterplanning work carried out by independent consultants has included engagement with the local community in Bestwood and is a material consideration in determining this proposal. The key conclusions and recommendations from the masterplan report for Bestwood are set out below.

ACS Policy 2 identifies Bestwood Village as a strategic location for housing growth and some greenfield land within the Green Belt will be required if up to 560 dwellings are to be provided. ACS Policy 3 provides guidance on Green Belt review for the emerging Local Plan Part 2 document and prioritises non Green Belt sites before Green Belt locations. The proposal adjoins the settlement of Bestwood on its north western edge and is located on safeguarded land and is not in Green Belt. Whilst not falling within the built up part of the settlement, the proposed location is, according to ACS Policy 3, in the second preferred category for locating development around Key Settlements and does not require the release of Green Belt. The proposal is consistent with the locational strategy in the ACS, but cannot be considered prejudicial to the outcome of the Local Planning Document as this is not sufficiently advanced.

The site has been previously identified as having potential for housing having been considered through the SHLAA process (considered suitable subject to policy changes). The proposed site has also been considered during the recent masterplanning study which is intended to provide supporting evidence to the Local Planning Document. The findings from the recent masterplanning exercise are also material to this planning application. Findings include:

- In terms of strategic directions for growth, the north-west of the village is the most suitable direction if green field development is required.
- Growth to the north-west appears suitable and would minimise impact on the Green Belt by using safeguarded land.
- The Consultant's preferred option would be to maximise development on brownfield sites within the village. However, some development would be

- required to the north of the village extending along Moor Road.
- These conclusions are based on a recommended density of 25 dwellings /ha which is considered suitable taking into account local character, housing types, the need for sensitive landscaping in a semi-rural location and need for open space.
 - A replacement primary school on a new site should be provided in a location accessible to both the existing and new development.

In summary, the consultants conclude that in addition to brownfield sites within the settlement, including Bestwood Business Park, some development would be required to the north-west of Bestwood and also that there would need to be the provision of a new primary school on an accessible site.

In this context, it should be noted that this proposal for housing on the safeguarded land could be planned in such a way as to not prejudice the possible expansion of the site onto further land at Westhouse Farm. A separate planning application has also been submitted by the same applicant to provide land for a new primary school on an adjacent site under the same ownership which would meet the future education needs arising from both the application site and also elsewhere across the village (education provision is specifically considered later in this report).

In summary, it is considered that the criterion in the NPPF (as set out above) for justifying refusal on prematurity grounds has not been met in this particular case.

Housing Land Supply

The Five Year Housing Land Supply Assessment (as at 31st March 2014) identifies that there is a 4.31 year supply of deliverable housing sites within the Borough. Paragraph 49 of the NPPF sets out that where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out-of-date. Recent appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development. This would include safeguarded land policy and, as such, in this case ENV31 is considered out of date. However, while the policy wording of Policy ENV31 is out of date, the site remains designated as safeguarded land.

Where policies are out of date, applications for residential development should be considered in the context of the presumption in favour of sustainable development contained in paragraph 14 of the NPPF. The presumption in favour of sustainable development requires that, where the development plan is out of date, permission is granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

Accordingly significant weight needs to be given to the NPPF and ACS Policy A in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

Safeguarded Land

The proposed site is identified as safeguarded land on the adopted RLP Proposals Map. RLP Policy ENV31 states that land identified as safeguarded “*shall be safeguarded from inappropriate development until a future Local Development Document is adopted that proposes it for development*”. Paragraph 1.71 of RLP Policy ENV31 states that:

“The safeguarded land identified on the Proposals Map should be treated as Green Belt and planning permission will not be granted for development which would prejudice its later comprehensive development”.

RLP Policy ENV31 also states that the appropriateness for development will be established by considering proposals as if they were in Green Belt.

The Thundersley decision (ref 2177157) and the Ministerial Statement (1st July 2013) highlight that Green Belt release should be through Local Plan reviews, unless there are more very special circumstances other than the demand for housing. While this application is on safeguarded land which should be treated as if it were Green Belt, it is not Green Belt and would result in no loss of Green Belt. The Ministerial Statement, therefore, does not apply in this case.

The safeguarded land subject to the proposal is located adjacent to Bestwood Village which is identified as a ‘key settlement for growth’ in Policy 2 of the ACS. This proposed site is on safeguarded land specifically excluded from Green Belt and identified for potential longer term development needs. Significant weight needs to be given to the NPPF in terms of the presumption in favour of development and to the need to have a 5 year supply of housing.

Sustainability Considerations

Infrastructure

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This site is within the Bestwood St Albans sub-market and as such 30% of the dwellings should be affordable. This would result in about 30 affordable dwellings being provided in accordance with the SPD. The planning application states that 30% would be for affordable housing. This approach is in accordance with the affordable housing elements of ACS Policy 8 and the Affordable Housing SPD.

Density

Policy H8 of the RLP sets out the Borough Council’s requirements for residential density. In this location, the minimum density requirement is 30 dwellings per hectare. The applicant indicates that the density of the site is around 30 dwellings per hectare (inclusive of open space and amenity space, meaning that the net density excluding open space would in fact be higher).

However, the masterplanning work indicates that taking into account local characteristics, the semi-rural village location, and the need for sensitive landscaping and open space, a density of around 25 dwellings per hectare is most appropriate (net of public open space or land for services such as schools). However, the masterplan acknowledges that density would need to be judged on a site by site basis. The applicant states that within the site a range of densities would exist, with generally lower densities along the Moor Road frontage and at the countryside edge. In general, I am satisfied therefore that the proposal accords with RLP Policy 8.

Open Space

Policy R3 of the RLP requires that residential development should provide at least 10% local open space to serve the development. The proposed development provides for a level of open space, the details of which would need to meet the provisions of RLP Policy R3 and the Open Space Provision SPG.

Utilities

The Infrastructure Delivery Plan indicates that the main sewer along Moor Road may need upsizing and this is also identified as a priority in the masterplan exercise. The applicant's supporting information refers to ongoing work with STW in order to assess sewerage capacity and the need for any improvements.

Transport and access

The applicant considers that the location is sustainable and accessible to public transport with bus services 141 (City Centre) and 228 (Hucknall – Bestwood - Bulwell) providing an hourly bus service. Butlers Hill Tram stop is located approximately 1 km away and is accessible via a public footpath from Moor Road through Leen Valley Park. The location is close to Cycle Route 6.

The Highway Authority has no objection to the proposals on highways grounds and comments that the applicant has demonstrated that the traffic generation of the site would not have a severe impact on the existing highway network in the vicinity of the development. The Highway Authority welcomes the following proposals put forward by the applicant to promote more sustainable travel options, which would need to be secured via a Section 106 Agreement for Integrated Transport Improvement Contributions:

- Providing pedestrian links and a suitable crossing point to the nearby bus stops;
- Potential upgrades to the public footpath link to the NET tram stop at Butlers Hill as well as cycle links to the Leen Valley Country Park;
- Potential new "Gateway" treatment and extended traffic calming zone for Moor Road; and
- Provision of Travel Information Welcome Packs for all residents.

A single access from Moor Road is proposed. The access would be 6.5 metres wide with visibility splays in excess of 42 metres and a setback of 2.4 metres. The Highway Authority considers that the general arrangement of the access appears to conform to the various details highlighted by the applicant, including visibility splays,

speed of approaching vehicles and also that the accident history of the road has been taken into account. The Highway Authority also notes that the access would appear to be designed to a standard that would be suitable for the future expansion of the site. However, the Highway Authority adds that the final approved design of the junction layout would need to satisfy the requirements set out within the Design Manual for Roads and Bridges and/or the County Council's Highway Technical Design Manual (6C's) and an appropriate condition to this effect is set out in this report.

Having taken account of the Highway Authority's comments, I have considered the proposals against ACS Policies 14 and 15. Policy 14 seeks to reduce travel demand by locating development in accordance with the ACS locational strategy for new development set out in ACS Policy 2. ACS Policy 14 then goes on to set out a hierarchical approach to delivering sustainable transport networks. ACS Policy 15 states that where development gives rise to the need for additional transport infrastructure, it should be prioritised in accordance with the locational strategy in ACS Policy 2. Part 2 of ACS Policy 15 requires new development on its own or in combination with other development to include a sufficient package of measures to encourage non-car borne modes of travel, but requires that any residual car trips arising from the development should not unacceptably compromise the efficient operation of the wider transport system.

The proposal accords with ACS Policy 2, which identifies Bestwood Village as a strategic location for housing growth thereby according with both ACS Policies 14 and 15, which seek to integrate planned housing growth with sustainable transport provision and investment priorities. The Highway Authority welcomes the proposals set out by the applicant to encourage more sustainable travel options, which accords with the provisions in ACS Policies 14 and 15 to promote sustainable travel modes. With respect to traffic impacts, the Highway Authority considers that the proposal and its resultant car borne traffic would not lead to a severe impact on the existing highway network. Accordingly, I consider that the proposal accords with ACS Policies 14 and 15.

Education

The applicant is willing to provide a 1.5 hectare site for a full size primary school on adjacent land which is in a location accessible to both the proposed housing development and the rest of the village, and is also willing to make a financial contribution to the school facilities. Various options are being discussed with the Education Authority as to the size of the new school. The applicant has submitted an outline application for the new school which will be subject to a report to a future Planning Committee.

Flood Risk

The proposed development site is located within Flood Zone 1 (a 1 in 1000 year probability) and is at little risk of flooding. The proposal includes a sustainable urban drainage system to manage surface water runoff, which would ultimately discharge to the River Leen. The drainage rates would be managed through the incorporation of an attenuation pond, which would need to limit surface water run-off to a level

which is acceptable to the Environment Agency. In this context, the masterplanning work undertaken in 2014 noted that in the past there has been surface water flooding along Moor Road to the north of the village and therefore the incorporation of SuDS would be consistent with the masterplan.

The Environment Agency has no objections to the proposals, but confirms the need for a sustainable surface water scheme to be secured by a condition along the following lines:

- Submission of a surface water drainage scheme based on sustainable drainage principles which would limit water runoff to the equivalent of a greenfield runoff rate; and the capacity to accommodate surface water run-off on site up to 1:100 year event plus an allowance for climate change.

Having taken into account the advice of the Environment Agency, appropriate conditions meeting their requirements are set out in this report. Subject to these conditions, I am satisfied that the proposal meets the requirements of Section 10 of the NPPF and Policy 1 of the ACS.

Landscape

The proposed development site is located within the Sherwood Landscape County Character Area as identified by Nottinghamshire County Council in the Nottinghamshire Landscape Guidelines. These guidelines were updated and are set out in the Greater Nottingham Landscape Character Assessment (GNLCA) which includes the site within the Killarney Estate Wooded Farmlands Policy Zone (SPZ02) and also adjoins the River Leen Corridor Policy Zone (ML018) which adjoins Moor Road.

The Killarney Estate Wooded Farmlands is described as having an undulating area with a north-south ridgeline running through it. It tends to have medium sized fields which are arable. It also includes the restored Bestwood Colliery and Killarney Park Residential Estate. The landscape character is assessed as moderate with moderate sensitivity. The River Leen Corridor is low lying and flat to gently undulating area with strong linear features including the River Leen and disused railway. It includes important features including Mill Lakes, but these are not highly visible being surrounded by woodland.

A Landscape and Visual Assessment has been submitted with the planning application and reflects the main points set out in the GNLCA. This Landscape and Visual Assessment concludes that there is potential to minimise any potential landscape and visual effects and makes a series of recommendations. I consider that these recommendations can be secured through a suitable condition requiring a detailed planting and landscaping scheme to be agreed by the Council at the more detailed design stage. I conclude that the proposal would meet the requirements of ACS Policies 10 and 16.

Agricultural Land

The Agricultural Land Classification map shows the land as being Grade 3B and 4,

which suggests that it is not particularly good quality farm land which needs to be safeguarded from development.

Conclusion

Whilst the Local Planning Document will allocate smaller non-strategic housing sites, this document is insufficiently advanced to merit a refusal on the grounds of prematurity. Significant weight will need to be given to the NPPF in terms of the presumption in favour of development and the need to increase housing supply. The proposal to develop the safeguarded land generally accords with the locational strategy of the ACS and the recommendations of the 2014 masterplanning work. In addition, the site is generally acceptable in principle subject to any appropriate mitigation in relation to the potential impacts on local services and facilities including those located within Ashfield.

Highway Safety Considerations

The relevant planning policies which need to be considered in relation to highway matters are set out in Section 4 of the NPPF and Policies ENV1 and T10 of the RLP.

Paragraph 32 of the NPPF states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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 a new vehicular access, off Moor Road.

I appreciate the concerns which have been expressed by Village Vision and local residents with regard to highway safety. However, I note that the County Council as Highway Authority is satisfied that the applicant has demonstrated that, within the parameters of the NPPF, the traffic generation of this site as proposed would not

have a severe impact on the existing highway network in the vicinity of the development. In addition, the applicant has also made a number of proposals to ensure that the site is sustainable in terms of alternative transport options for residents.

In summary, the Highway Authority has no objections in principle to the creation of the new access to serve the proposed development, subject to the imposition of appropriate conditions and an Integrated Transport Improvement Contribution.

With regard to the internal access, parking and turning arrangements, details of these would be required for consideration at the reserved matters stage, if outline planning permission is granted, and would be expected to accord with Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

Amenity Considerations

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

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.

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.

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 proposed development and I do not consider that the proposed development would have a significant adverse effect on the amenities of adjoining occupiers or the locality in general by reason of the level of traffic generated.

With regard to air quality, I note that Public Protection recommends the imposition of an appropriate condition to mitigate any issues with dust from the site during the construction period.

Details of the layout and design of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted, and I am satisfied that the proposed development could be designed so as not to have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy 10 of the ACS and Policy ENV1 of the RLP.

Design Considerations

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

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.

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.

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.

Details of the appearance, landscaping, layout and scale of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted. I am satisfied, therefore, that the proposed development could be designed so as to take account of the comments made by the Urban Design Consultant and Housing Strategy with regard to the layout, appearance and housing mix in accordance with the aims of Sections 6 and 7 of the NPPF, Policies 8 and 10 of the ACS and Policy ENV1 of the RLP.

Density considerations have already been addressed under Sustainability Considerations above.

Ecological Considerations

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

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.

Policy 17 of the ACS 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.

Whilst I appreciate the concerns expressed by the Friends of Bestwood Country Park, I note that neither the County Council's Nature Conservation Unit nor the Nottinghamshire Wildlife Trust consider that the proposals would affect any designated nature conservation sites and that appropriate mitigation measures for any protected species, together with biodiversity enhancements, could be secured by the imposition of appropriate conditions.

With regard to the possible Sherwood potential Special Protection Area, I note that the addendum to the Ecology Report concludes that the existing habitats within the site do not appear suitable for woodlark or nightjar.

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

As such, I consider that the proposed development would accord with the aims of Section 11 of the NPPF and Policy 17 of 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 Section 11 of the NPPF, Policies 10 and 16 of the ACS and Policy ENV43 of the RLP.

Section 11 of the NPPF states at paragraph 109, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

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 Sustainability Considerations above), the Strategic River Corridor of the Trent, the Greenwood Community Forest and Urban Fringe Areas.

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.

With regard to the Greenwood Community Forest and Green Infrastructure, I note that the Design and Access Statement states that planting schemes would be designed to create a structure and setting for the new development and would be used to form spatial definition, enhancement of the streetscape and to provide 'green corridors'. Proposed hedgerows along the eastern boundary of the site would form a landscape buffer and enhance and form a green corridor around the perimeter of the site, by joining up with the existing mature hedgerows, whilst also helping to screen the development from the adjacent open countryside.

As already noted (see Sustainability Considerations), a Landscape and Visual Assessment has been submitted which reflects the main points set out in the GNLCA.

With regard to landscape character, I am satisfied that the majority of the existing hedgerows and trees along the site boundaries would be retained and enhanced as part of any development, which would provide both good visual amenity and screening. In addition, the retained hedgerows would allow the wildlife corridors to continue to function and provide connectivity through the landscape.

With regard to visual impact, whilst the proposed development would have some visual impact on existing residents on The Spinney and Moor 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.

Details of the landscaping of the proposed development would be required for consideration at the reserved matters stage, if outline planning permission is granted.

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

Pollution & Contamination Considerations

The relevant planning policies which need to be considered in relation to pollution are set out in Section 11 of the NPPF and Policies ENV3 and ENV42 of the RLP.

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.

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.

Policy ENV42 of the RLP states that planning permission will not be granted for development which would be liable to cause contamination of the groundwater in the aquifers, unless measures can be carried out as part of the development to prevent such contamination taking place.

I note that Public Protection considers that the site is unlikely to be affected by significant contamination and has no objections in principle to the proposed development, but recommends the imposition of appropriate conditions to ensure that during development issues relating to construction dust are managed to an agreed level.

In addition, I note that Public Protection considers that most of the proposals included in the Travel Plan would help to mitigate, and thus make the development sustainable, from an air quality point of view, including a commitment to incorporate provision for dwellings to have dedicated outside electric power points in order to allow residents to charge electric/hybrid vehicles into the future.

The site is located on the Lenton Sandstone formation, which is a Principal Aquifer and is situated within the Source Protection Zone 3 of water supply. Whilst having no objection in principle, I note that the Environment Agency recommends the imposition of an appropriate condition, if permission is granted, to deal with the risks associated with contamination of the site in order to protect the water environment from pollution.

It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and Policies ENV3 and ENV42 of the RLP.

Heritage Considerations

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

Section 12 of the NPPF states at paragraph 126, 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.

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.

Archaeology and cultural heritage issues have been assessed within the Archaeological Desk-Based Assessment and the Design and Access Statement.

I am satisfied that the proposed development would not have any undue impact on the setting or significance of the closest nationally designated assets to the application site or to any of the locally designated assets.

After further discussion with the applicant's archaeological consultant, 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 archaeological interest.

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

Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in paragraphs 173-177 and 203-206 of NPPF, in relation to plan-making and decision-taking, Policies 18 and 19 of the ACS and Policy C2 of the RLP.

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.

Policy 18 of the ACS 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 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.

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.

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

- Affordable Housing
- Public Open Space
- Healthcare Facilities
- Integrated Transport Improvements
- Educational Facilities

Secretary of State Referral

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 the comments of Village Vision regarding lack of consultation by the applicant with the local community. However, I am aware that the applicant wrote to the Parish Council shortly after submission of the application and indicated that they would welcome the opportunity to meet with the Parish Council during the consultation period and to attend a public meeting, which duly took place in April 2014.
- The metallifactory site has had the benefit of outline planning permission for residential development since October 2008, although this has recently expired. Work on a new Lidl store on the former White Hart site is now well advanced. The Borough Council also resolved to grant outline planning permission for residential development on the remaining part of the Bestwood Business Park in August 2014.
- I am satisfied that sufficient information has been provided in support of the application.
- Loss of view or the impact of the proposed development on the valuation of existing properties are not a material planning considerations.

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 OUTLINE PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority and with the County Council as local highway and education authority for the provision of, or financial contributions towards Affordable Housing, Open Space, Healthcare Facilities, Integrated

Transport and Educational Facilities; and subject to the following conditions:

Conditions

1. Application for the approval of the reserved matters shall be made to the Borough Council not later than three years from the date of this permission.
2. The vehicular access hereby permitted shall be constructed in accordance with the Proposed Site Access drawing (13152-010), deposited on 28th February 2014.
3. Prior to the commencement of the development hereby approved a written assessment of the nature and extent of any potential or actual contamination shall be submitted to and approved in writing by the Borough Council. 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.
4. In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action) must be submitted to and approved in writing by the Borough Council.
5. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the new road, including longitudinal and cross sectional gradients, visibility splays, Traffic Regulation Orders, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced there shall be submitted to and approved

in writing by the Borough Council details of: (1) a suitable access arrangement, as shown for indicative purposes on drawing number 13152-010; (2) the provision of pedestrian links and a suitable crossing point to the nearby bus stops; (3) the provision of potential upgrades to the public footpath link to the NET tram stop at Butlers Hill, as well as cycle links to the Leen Valley Country Park; and (4) the provision of a new 'Gateway' treatment and extended traffic calming zone for Moor Road. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

8. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of wheel washing facilities to be used by vehicles entering and leaving site during the construction period. The approved wheel washing facilities shall be maintained in working order at all times during the construction period and shall be used by every vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
9. 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 foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate: (1) The utilisation of holding sustainable drainage techniques which incorporate at least two differing forms of SuDS treatment in accordance with Table 3.3 of CIRIA C697 'The SuDS Manual' prior to discharging from the site; (2) The limitation of surface water run-off to the equivalent Greenfield runoff rate; (3) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and (4) Responsibility for the future maintenance of drainage features.
11. 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 include post-determination evaluation beginning with a scheme of geophysical survey, possibly with a subsequent scheme of trial trenching and/or archaeological monitoring, as deemed necessary. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.

12. 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 Survey, February 2014, by Middlemarch Environmental Ltd. 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.
13. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a 'bat friendly' lighting scheme to ensure that artificial lighting (including any construction site lighting and compound lighting), avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat (including the balancing pond). The scheme 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 within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow, swallow and swift. 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, including vegetation clearance or ground works, there shall be submitted to and approved in writing by the Borough Council a reptile method statement to ensure the field margins are cleared sensitively. The method statement shall be implemented in accordance with the approved details before the development is first commenced, unless otherwise prior agreed in writing by the Borough Council.
16. No vegetation clearance or ground works shall be undertaken until the site has been walked by an ecologist to ensure that badgers have not moved onto the site. If any badgers are found to be present, details of any 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.
17. 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.

18. During the construction phase, if any trenches are left open overnight, they should be left with a sloping end or ramp to allow badgers or other mammals that may fall into the excavation to escape, and any pipes over 150 mm in diameter should be capped off at night to prevent mammals from entering them.
19. The detailed plans and particulars to be submitted as reserved matters in relation to scale shall include details of existing and proposed site levels in relation to adjacent properties. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
20. The detailed plans and particulars to be submitted as reserved matters in relation to appearance shall include details of the materials to be used in the external elevations and roofs of the proposed buildings. The development shall be carried out in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
21. The detailed plans and particulars to be submitted as reserved matters in relation to landscaping shall include: (a) details of the size, species, positions and density of all trees and shrubs to be planted, which shall consist of native species, ideally of local provenance, where possible; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
22. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters in relation to landscaping, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
23. 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.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Section 92 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To 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 ensure that the roads of the proposed development are designed to an adoptable standard in order to accord with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure an adequate form of development in the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. In the interests of highway safety in accordance with Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; to ensure the future maintenance of the sustainable drainage structures; and to protect the water environment from pollution, in accordance with the National Planning Policy Framework and Policies 1 and 17 of the Aligned Core Strategy Submission Documents.
11. To ensure the appropriate investigation and recording of archaeological features, in accordance with Section 12 of the National Planning Policy Framework and Policy 11 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. 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).
13. 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).

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 minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
16. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling (September 2014).
17. 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).
18. To minimise any potential impacts on biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
19. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. 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).
22. To ensure a satisfactory development, in accordance with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
23. 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).

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

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

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

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

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

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

The Environment Agency advises that condition 8 should not be altered without its prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

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

The Environment Agency advises that SuDS involve a range of techniques, including methods appropriate to impermeable sites that hold water in storage areas e.g. ponds, basins, green roofs etc rather than just the use of infiltration techniques. Support for the SuDS approach is set out in NPPF.

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 issues raised, 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.

The County Council Rights of Way require that the availability of the Bestwood St Albans Parish Footpath No.3, which runs alongside the northern boundary of the site, is not affected or obstructed in any way by the proposed development at this location, unless subject to appropriate diversion or closure orders. The County Council should be consulted on any re-surfacing or gating issues and the developers should be aware of potential path users in the area, who should not be impeded or endangered in any way.