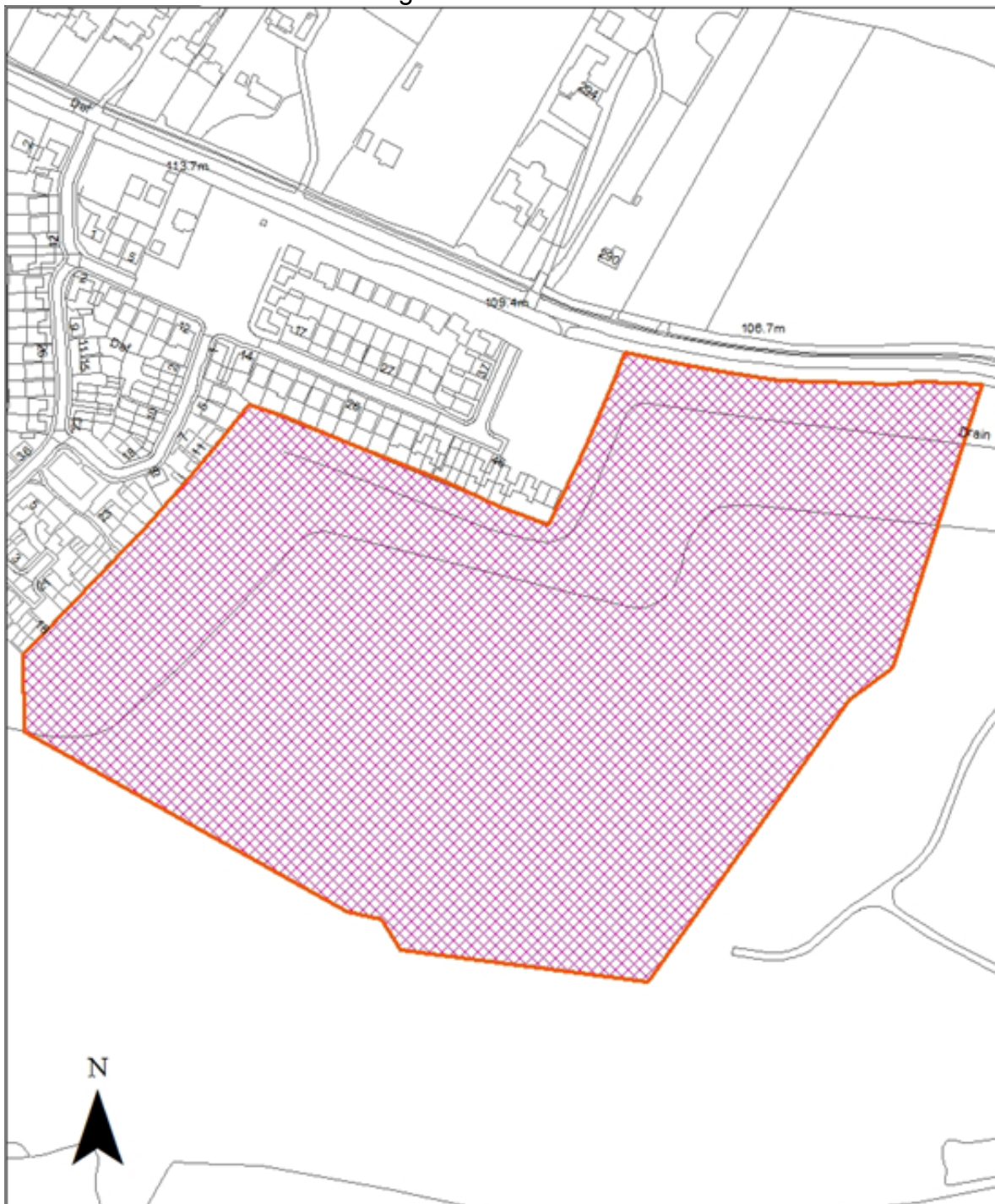




Application Number: 2014/0740

Location: Land Adjacent Bradstone Drive, Spring Lane, Lambley,
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: 2014/0740

Location: Land Adjacent Bradstone Drive, Spring Lane, Lambley, Nottinghamshire.

Proposal: Hybrid Planning application comprising: Part A Full planning application for creation of temporary access and enabling earth works to create development platform, Part B Outline planning application for residential development of up to 150 houses with associated access, landscaping and public open space. Approval sought for access. All other matters reserved

Applicant: Mr Stuart Ashton

Agent: DTZ

Case Officer: Nick Morley

Site Description

This application relates to approximately 9.5 hectares of former colliery land located on the eastern edge of Mapperley Plains. The site is immediately adjoined to the west by the rear gardens of the new residential properties on Bradstone Drive. The Gedling Country Park is located to the south and west of the site.

The land is elevated and forms a plateau which significantly drops away to the Country Park land to the south and west. The boundaries with the adjacent residential properties consist of trees, whilst mature trees and shrubs form the boundary with Spring Lane.

The site falls within the Gedling Colliery Park/Protected Open Space as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Proposed Development

This application is a hybrid application, consisting of:

Full Planning Application

Full planning permission is sought for the construction of a temporary access onto Spring Lane and enabling earthworks within the site (Phase 1) to create a

development platform for a residential outline proposal (Phase 2). The proposed Phase 1 works comprise:

- ☐ Removal of vegetation from Spring Lane and across the site.
- ☐ Creation of temporary vehicular access from Spring Lane.
- ☐ Drainage and ditch clearance and creation of temporary crossing incorporating culvert.
- ☐ Removal of existing footpath and provision of temporary footpaths.
- ☐ Preparatory earthworks for the residential development.
- ☐ Temporary ground treatment and works area fencing.
- ☐ The creation of appropriate visibility splays.

Outline Planning Application

Outline planning permission is sought for the erection of a residential development of up to 150 dwellings with associated access, landscaping and open space. Detailed approval is sought for access, the details of which are identical to the temporary access for which full planning permission is sought. All other matters are reserved for future determination.

Drawings deposited with the application include an access junction layout plan in relation to the creation of the proposed new access and a master plan and indicative layout plan in relation to the proposed residential development.

The following documents have also been deposited with the application:

- ☐ Planning Supporting Statement.
- ☐ Design and Access Statement.
- ☐ Travel Plan.
- ☐ Transport Assessment.
- ☐ Landscape and Visual Appraisal.
- ☐ Arboricultural Assessment.
- ☐ Flood Risk Assessment and Drainage Appraisal.
- ☐ Utilities and Drainage Report.
- ☐ Geo Environmental Site Assessment.
- ☐ Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal.
- ☐ Statement of Community Involvement.

An additional Reptile, Great Crested Newt, Badger Sett and Breeding Bird Survey was deposited on the 16th October, 2014.

A Viability Appraisal was submitted on the 28th October, 2014 and a revised Viability Appraisal was deposited on the 11th December, 2014.

Additional responses to ecology/landscape comments have also been deposited.

Consultations

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

been received, which raises concerns with regards to adverse visual impact and impact on the character and history of the area.

Lambley Parish Council – the following concerns have been raised:

- ☐ Impact on the Country Park. The application site is a Country Park and not building land. A larger Country Park would be preferable.
- ☐ Vehicular access off Spring Lane is dangerous and the proposal would raise traffic issues.
- ☐ The suitability of colliery wasteland for residential development.
- ☐ The proposal raises foul and surface water drainage issues.
- ☐ Impact on local schools.
- ☐ Encroachment towards Lambley.

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

Temporary Access (full planning application)

The principle of the construction of a temporary access road is acceptable from a highways point of view, subject to conditions being attached, should permission be granted, in relation to:

- ☐ No development commencing on any part of the site until a major/minor road junction has been provided onto Spring Lane.
- ☐ No part of the development being brought into use until the temporary access has been completed and surfaced in a bound material.
- ☐ Details of measures to prevent the deposit of debris onto the highway.

The applicant should also be informed of the need to enter into a S278 Agreement with the County Council.

Residential Development (outline planning application)

The principle of a residential development on this parcel of land is acceptable, subject to the following conditions:

- ☐ Approval of parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage.
- ☐ All details should comply with the County Council's Highway Design and Parking Guide.

- The existing pedestrian link in the north-western corner of the application site, at its junction with Spring Lane, and its associated footpath to the Country Park should be retained as part of any design layout for the site.

Nottinghamshire County Council (Strategic Planning) – the following strategic planning issues have been raised:

County Planning Context

Minerals

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

In relation to the Minerals Local Plan, the proposed site is not in close proximity to any existing or proposed mineral extraction allocation sites. However, the site lies within a Mineral Safeguarding and Consultation Area for brick clay. In line with the National Planning Policy Framework (paragraph 143), the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. Although not yet adopted, its provisions can be given some weight as a material consideration (in line with NPPF paragraph 216), as the plan is at a fairly advanced stage (although it should be noted that a number of minor objections to the policy, but not the zones themselves, arose through the preferred approach consultation that will need to be addressed before the plan is adopted, which may result in some minor changes to the policy).

DM13 as it currently stands requires applicants to demonstrate that *non-minerals development will not unnecessarily sterilise the mineral resource* in the area. Where this cannot be demonstrated, or where the need for the non-mineral development is clear and demonstrable, the practicality of prior extraction should be fully investigated. In this instance demonstrating that there will be no unnecessary sterilisation of the mineral resource, regard should be given to the location of the site on the urban fringe, the need for the non-minerals development and the need for the mineral.

The site lies within the economic resource of Dorket Head brickworks, however current permitted reserves at the site will last until 2034. Combined with the location of the site within the southern tip of the economic resource and within close proximity to the urban fringe we would consider that the need for the minerals is outweighed by the need for (and suitability of the location of) the non-minerals development in this instance. However, the County Council would like to see it demonstrated that the practicality of prior extraction has been fully considered before a decision is made on the proposal.

Waste

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10).

As a significant housing development, the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

Local Planning Context

The application site is located within the Greenwood Community Forest, as defined on the Proposals Map, as set out in the 2005 Gedling Local Plan.

Saved Policy ENV43 'Greenwood Community Forest' states that the Council will seek to negotiate with developers to secure new tree or woodland planting as part of developments within this area.

The application site is also located within Gedling Colliery Park, as designated on the proposals map of the Adopted Local Plan 2005. Saved Policy ENV44 'Gedling Colliery Park' states that the Council proposes, through the Greenwood Community Forest Partnership, appropriate options for the provision of public open space at Gedling Colliery. Supporting text to Policy ENV44 states that Greenwood Community Forest has a thirty-year vision directed by the Strategic Plan for Greenwood (2000), within which the Gedling Colliery Pit Tip is highlighted as a gateway site where there are significant opportunities for the creation of a substantial park on the urban fringe.

Saved Policy R1 'Protection of Open Space' states that planning permission will not be granted for development on land that is used, or was last used, as open space, including country parks. The policy goes on to state that unless the site is surplus to requirements as open space, the proposed development shall:

- ☐ avoid the erosion of the recreational function and maintain or enhance the character of the open space;
- ☐ protect or enhance those parts of the rights of way network that might benefit open space;
- ☐ have regard to the impact on biodiversity and nature conservation.

In addition there are a number of other saved policies relating to housing, landscaping and highways issues that the Borough Council will need to consider when assessing the planning application.

Gedling Borough Council has prepared an Aligned Core Strategy, in conjunction with Broxtowe Borough, and Nottingham City Council local planning authorities. It is intended that the Aligned Core Strategy will provide an aligned and consistent planning strategy for Greater Nottingham.

The emerging Aligned Core Strategy was submitted for independent examination in June 2013. Following independent examination, the authorities consulted on Main Modifications to the document during March – April 2014. The main modifications have now been submitted to the examiner, with adoption expected during 2014. The Aligned Core Strategy Councils are now in receipt of the Inspectors Report and, once approved and adopted, the Aligned Core Strategy will set out the strategic policy direction for future development in Gedling Borough [the current position of the Aligned Core Strategy is set out under 'Planning Considerations' below]. The subject site is not identified as a strategic site within the emerging Aligned Core Strategy.

Strategic Planning Issues

Travel and Transport

The development spans part of the Colliery land between Spring Lane and the existing new properties off Axmouth Drive. The only vehicle access observed from the plans is via a new access road on to Spring Lane near the Nimbus Lighting premises. This application appears to be another phase of the same development of new houses opposite Nimbus Lighting.

There are currently 4 bus stops in the immediate area. The stopping points near Nimbus Lighting would be less than 400 metres from the extremities of the development.

The Travel Plan states that new bus stops would be of assistance to the residents as follows:

“3.20 - The nearest bus stops on Spring Lane are just to the west of Axmouth Drive, the new access to the Lime Tree Gardens development. They are within 400 metres walk of the site entrance. There are no bus stops within the site frontage, because there has been no need until now. New bus stops would assist the residents. Hence the development would be accessible by bus”.

Bus Stop Infrastructure

The current stops are as follows:

- ☐ GE0669 Nimbus Lighting Protection (Both Ways Stop)
- ☐ GE0682 Cheddington Avenue (Inbound)
- ☐ GE0668 Cheddington Avenue (Outbound)

There has been investment in the transport infrastructure in the Cheddington Avenue stops in the recent past and therefore the further development opportunity for these 2 stops would need to be selective. However, there was an approach for the costs associated with the previous spend on GE0682 to be reimbursed from existing Section 106 funding available in this immediate area. It is not clear whether this has been forthcoming.

The current infrastructure observations from photographic records at each stop are as follows:

- ☐ GE0669 Nimbus Lighting Protection (Both Ways Stop) – Bus Stop Pole
- ☐ GE0823 Nimbus Lighting Protection – No Infrastructure
- ☐ GE0682 Cheddington Avenue – Bus Stop Pole & Bus Shelter
- ☐ GE0668 Cheddington Avenue – Bus Stop Pole

The suggested infrastructure improvement would be as follows:

New Stop 1 - New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

New Stop 2 - New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

GE0669 Nimbus Lighting Protection (Both Ways Stop) – New Hard Stand, Real Time Pole, Bus Shelter with Solar Lighting & Raised Kerb.

It is recommended that a safety assessment would need to be made once the development is complete, in order to ensure that any new shelter would not unduly affect the visibility splays of the adjacent property. It would need to be established that the land was highway maintained, in order that sufficient additional hard stand could be constructed to facilitate the other improvements.

GE0823 Nimbus Lighting Protection - New Hard Stand, Real Time Pole with Solar Lighting, Bus Shelter & Raised Kerb

It is recommended that as there is no existing infrastructure, a complete bus stop improvement would be necessary. In view of the adjacent new house development and proposed vehicle entrance, an on-site assessment and safety review would need to be conducted to see if the bus infrastructure could be accommodated into the site layout. There would be some doubt from the observations in the plans of the adjacent development, whether this possible improvement has been factored in, given the apparent exit from a new road called Bradstone Drive on to Spring Lane.

GE0682 Cheddington Avenue – Additional Hardstand, Real Time Pole, Raised Kerb & Solar Lighting to existing Bus Shelter.

GE0668 Cheddington Avenue – Real Time Pole & Raised Kerb.

NB: This bus stop is on a raised hard stand with a safety fence to the rear. The room is limited and therefore a shelter installation would be unlikely.

The current costs are approximately as follows:

- ☐ Bus Shelter - £2,500
- ☐ Solar Lighting in Bus Shelter - £1,500
- ☐ Additional Hard Stand for a Bus Shelter - £1,000 - £2,000

- Raised Kerb - £1,500
- Real Time Displays and Associated Electrical Connections - £6,000
- Bus Stop Clearways - £500 -£700

Full details of the costs and work involved can be confirmed through developer contact with Transport & Travel Services.

It would be prudent for any comments to ensure that sufficient space and provision is catered for and left on the Nottingham bound carriageway to accommodate the improvements and that the same are marked on the plans to indicate to prospective homeowners that they are proposed for the future. This action would ensure that any consultation process necessary would be simplified. Whilst it is in the Highways remit, an extended footway from the Axmouth Drive area to the end of this new development would seem to be essential. If this is included and features any type of cycle facility, it would be essential that it was of sufficient width to ensure that the above improvements could be incorporated without any safety issues arising to potential bus users and other pedestrians.

Bus Service Support

The County Council would expect the developer to liaise directly with Transport and Travel Services to determine whether any Section 106 contribution towards bus service support is expected. Further to this, the County Council would expect a contingency fund to be made available to mitigate the impact on existing bus services should construction works interfere with these.

The current bus service on Spring Lane is provided by NCT, who operate the current 47 service. The service would appear to be adequate to cope with the additional passenger numbers from all of the potential developments.

The County Council would expect all properties to have free introductory bus travel made available to them, this along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

Landscape and Visual Impact

Impact of the proposals on Existing Physical Landscape

Approximately 8.0 ha of species rich grassland which supports ground nesting birds will be lost, together with 1.2 ha of established woodland belt.

Paragraph 6.5 of the Landscape and Visual Appraisal states that the majority of the roadside hedgerow to Spring Lane is to be retained and incorporated into the scheme. Drawing 6184-P-03 Rev A (Phase 1 Works Plan) and drawing 6184-A-04 Rev B (Arboricultural Report) show large areas of trees to be removed to facilitate the proposals – this appears to include the hedgerow along the Spring Lane boundary, including a stretch outside the red line boundary to accommodate the visibility splay. The illustrative masterplan, drawing 6184-L-03 Rev C, shows the majority of the hedgerow along Spring Lane being

retained. Clarification is required.

As part of the Country Park development, it is the intention to plant up the gaps and in future lay the hedgerow along the Spring Lane hedgerow. The County Council strongly recommend that the same is carried out along the boundary with the proposed housing.

Paragraph 8.1 of the Landscape and Visual Appraisal states that there would be some permanent changes, such as the removal of some sections of hedgerow. Clarification is required on this. The County Council would recommend that the southern hedgerow is retained.

It is proposed to have attenuation ponds on the site and surface water run-off would be discharged to the drainage ditch to the north of the site, which then discharges into the Country Park site. The illustrative masterplan does not show how the existing ditch is to be re-routed/incorporated into the design. Also measures would need to be taken to prevent contamination of surface water run-off, particularly during construction.

It is proposed to remove a recently constructed path within the Country Park. The County Council recommend that the pedestrian entrance to the north-west of the Country Park off Spring Lane, and the pedestrian link to the Country Park, is retained along the proposed footways within the development site.

Overall the impact of the proposals on the landscape is moderate adverse.

Impact of the proposals on the Existing Landscape Character

The application site lies within the Mid Nottinghamshire Farmland character area (Greater Nottingham Landscape Character Assessment, published July 2009). The site lies within Policy Zone MN043 – Gedling Colliery Green Space. The former colliery site and spoil tips form a prominent feature in the landscape. Although restored to grassland with some woodland planting, the landscape is relatively immature compared to the surrounding landscape to the north and east. The landscape condition is assessed as moderate with a weak landscape character. The overall landscape strategy is “enhance and restore”.

The applicant concludes that overall there would be a Negligible to Minor Adverse effect on the landscape character of this area on completion, reducing to Negligible in the long term. The County Council would assess the impact of the development on the landscape character to be Minor Adverse in the long term.

Landscape Actions for Policy Zone MN043 include conserving and enhancing woodland planting on the restored land and promoting new planting to integrate into the surrounding area and conserving and enhancing the condition of hedgerows.

Policy Zone MN045, The Dumbles Rolling Farmland lies to the north and east of the former colliery site. This area has a strong rural character with a distinctive

rolling landform and strong field pattern with hedgerows. The Lambley/ Burton Joyce Mature Landscape Area also lies to the north of Spring Lane opposite the site boundary. Although the proposed development would not impact directly on this area, the extension of housing along Spring Lane and removal of the woodland belt would change the landscape character of the site from semi-rural to suburban.

The applicant concludes that the scheme would result in a Negligible to Minor Adverse effect on the landscape character in the vicinity of the site.

Visual Impact of the Proposals

The site is screened from the north and west by the woodland belt. Views from Spring Lane would be opened up when the woodland belt is removed and the existing hedgerow removed to allow for the visibility splay.

There are open views to the site from properties and roads in the mid and long distance.

The applicant concludes that the greatest effects would be incurred primarily at close range from residences bordering the colliery site to the west (largely Moderate Adverse impact following construction) and informal recreation users within the restored colliery (Moderate to Major Adverse impact on short distance views following construction), followed by residents at elevated locations in Gedling where there are relatively direct views across the site. In general, the County Council agrees with the findings of the visual impact assessment. Paragraph 6.5 of the Landscape and Visual Appraisal states that informal boundary shrub and tree planting will be implemented to the southern and eastern site boundaries to filter views of the development from within the surrounding landscape. The illustrative masterplan (drawing 6184-L-03 Rev C) shows clumps of trees planted outside the site boundary within the country park. It is unclear whether it is intended to retain the southern hedgerow due to the red line boundary on the drawing. The County Council recommend retaining the hedgerow to the south and planting a new hedgerow to the eastern boundary of the site, together with tree planting (within the development site rather than the country park) to reduce the visual impact of the proposed housing.

The County Council also recommend that where it is necessary to remove the hedgerow for the visibility splay, a new hedgerow should be planted along the new alignment to reduce visual impact and blend in with the existing hedgerow on Spring Lane. The applicant should submit details of how they intend to manage the existing hedgerow, including planting up the gaps and laying it where possible.

Summary

The applicant should provide the following information:

1. Confirmation of the extent of hedgerow removal on Spring Lane and

proposals to mitigate this with new hedgerow planting and management of the existing hedgerow – these works should be carried out at the enabling works stage.

2. Confirmation that the hedgerow to the southern boundary would be retained and managed as part of the development.
3. Proposals for treatment of the eastern boundary – the County Council recommends hedgerow planting and tree planting within the site boundary to the south and east, to reduce the visual impact of the development.
4. Details of how the existing ditch to the north is to be re-routed/ incorporated into the design.
5. Details of measures to be taken to prevent contamination of surface water run off during the enabling/construction stage and during operation of the site.
6. Confirmation that the new pedestrian entrance to the north-west corner of the Country Park would be retained with a link through the site.
7. Tree and hedgerow species should be as recommended for the Mid Nottinghamshire Farmlands Landscape Character Area.

Reclamation

The geo-environmental report concludes that the main environmental risk is that derived from the presence of ground gases within the body of the spoil tip, these being derived from the carbon rich content of the sediments within the lagoons and the bulk of the spoil tip materials.

The spoil tip materials have been investigated for both chemical and physical characteristics. The findings in the report indicates that the materials in Lagoon One would be removed principally on geotechnical grounds, in that they are unsuitable (too soft); these materials are also of high calorific value and present a combustion risk if left exposed to oxygen sources (atmosphere). Any extraction of such would need to control the risk of sediment wash down the drainage channels of the Country Park. The presence of iron rich sediments would also need to be monitored, as this may also present contamination risk to the water courses lower down the site. It is noted within the text that perched water is thought to be present within the site.

The report indicates that the impact of Lagoon Two is not considered significant, as there are no plans to construct housing on this area. Should the masterplan change the housing layout, then this area would need a similar solution to provide suitable foundation. As a general comment, given the size and volumes involved in the spoil tip, there may be other soft spots within the spoil tip and these may well require ground improvement measures.

The proposals also indicate that a detention pond or two (1200m³) may be required. It is normal practice to restrict the potential for surface water accumulations on spoil

tips. The report has not addressed any spoil tip stability issues the development may have with respect to the creation of the ponds. This issue is identified in Table 16 of the geo-environmental report and identifies that special stabilisation measures are required.

The report also notes that the option of soakaway was not considered feasible. This is not unexpected, given the nature of the spoil tip material. The potential for destabilising the spoil tip slopes would also preclude the use of such in certain locations.

The recommendations of the report include for further ground gas monitoring to refine the gas risk and the appropriate control measures the buildings will require. These should be implemented.

The development would require significant earth movements. These should be identified within a Materials Management Plan, which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations. The stability issues of the spoil tip itself should also be considered such that the stability of the slopes of the spoil tips are not compromised.

It is noted that the Flood Risk and Drainage Appraisal proposes to discharge to the open ditch on the northern boundary of the site whereupon this will discharge to the Country Park Drainage system. The proposed discharge rate is 48.8l/s (engineering appraisal drawing), there appears to be an inconsistency with regard to site area within the various reports presented. The FRA report makes reference to green field rates for discharge; these should be confirmed for the whole development site. It should also be noted that the site is not a greenfield site, in that the materials within the spoil tip are potentially contaminative and that drainage features need to ensure that no contamination pathway is created to allow contamination to achieve the Country Park drainage system.

Developer Contributions

Should the application proceed, Nottinghamshire County Council would seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team would work with the applicant and the Borough Council to ensure all requirements are met.

Education

Developer contributions would be required towards education provision. Discussions with regard to education requirements as a result of the proposed development are currently ongoing between Nottinghamshire County Council, Gedling Borough Council and the applicants.

Libraries

A significant new development adjacent to Bradstone Drive would comprise up to

150 new dwellings. At an average of 2.4 persons per dwelling, this would add 360 to the existing library's catchment area population of approximately 36,250.

The nearest existing library to the proposed development is Arnold Library. The National Library Standard cites a recommended stock level of 1,532 items per 1,000 population. At an average price of £10.53 per stock item.

These figures are provided in case a situation arises where a library building is able to accommodate the extra demand created due to a new development (as is the case at Arnold), but it is known that the stock levels are only adequate to meet the needs of the existing catchment population.

In these circumstance, a contribution would be sought just for library stock. Arnold Library has a total loan stock of approximately 48,326, which is adequate to serve the current population. An increase in population of 360 would put pressure on the stock and a developer contribution of £5807 would be expected to help address this situation. This figure is arrived at from the formula $360 \text{ (new population)} \times 1,532 \text{ (items)} \times £10.53 \text{ (cost per item)}$.

Overall Conclusions

The County Council would expect the developer to liaise directly with Transport and Travel Services to determine whether any Section 106 contribution towards bus service support is expected. Further to this, the County Council would expect a contingency fund to be made available to mitigate the impact on existing bus services, should construction works interfere with these.

The County Council would expect all properties to have free introductory bus travel made available to them, this along with other sustainable travel measures should be set out in a site Travel Plan, the details of which can be discussed with Transport Strategy.

The County Council would seek a developer contribution of £5807 for additional library stock that would be required to meet the needs of the population that would be occupying the new dwellings.

It should be noted that all comments contained above could be subject to change, as a result of on-going negotiations between Nottinghamshire County Council, the Local Authority and the applicants.

In terms of Landscape and Visual Impact, the County Council would request that confirmation of the requested information is sought, as set out above, and relevant conditions be applied to any planning permission granted at this site.

From a reclamation perspective, the development would require significant earth movements. These should be identified within a Materials Management Plan which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations.

Additional Comments

Following the receipt of additional information, confirmation that a hedgerow will be planted along the eastern boundary between the proposed housing and the Country Park is welcomed. However, the additional information indicates that there would be informal tree planting to soften views from the Country Park, whereas the masterplan indicates that there is an access road to the perimeter with no space for tree planting, other than in the small areas to the front of the properties or within the hedgerow. It is therefore requested that a larger scale plan should be provided with typical cross sections showing areas to be planted and how they will reduce the visual impact of the development from the Country Park.

Nottinghamshire County Council (Education Authority) – comment that the proposed development would yield an additional 32 primary and 24 secondary places. Based on current projections, the 24 additional secondary places can be accommodated in existing schools. The primary schools are however at capacity and cannot accommodate the additional 32 primary places arising from the proposed development at Spring Lane, Bradstone Drive.

The County Council would therefore wish to seek an education contribution of £365,560 (32 x £11,455) to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

This development would also impact on the local library service and at an average of 2.4 persons per dwelling, the 150 new dwellings would add 360 to the existing library's catchment area population. If this development went ahead a library contribution of £5,807 for the additional stock that would also be sought.

Public Protection (Land Contamination) – makes the following comments having viewed the site investigation report:

Soil Sampling

The distribution of the soil samples when compared to the illustrative masterplan seems to leave areas of proposed housing without any soil testing and therefore assessment. Although it is understood that some sampling was targeted at the lagoons, in the context of the masterplan, Public Protection would expect a more rigorous non- targeted sampling regime across the locations where housing is proposed (9 non-targeted samples is not sufficient for a site of this scale).

Gas Monitoring

Having reviewed the results and the calculation of the Gas Screening Levels of the report, there appear to be some anomalies with the results and their interpretation [examples of which are provided], which need to be reviewed and double checked.

Whilst comments make reference to response zones being at depth, no comment is made as to how this might change following the extensive earthworks which are proposed.

No comments are given with regards to how negative flow readings have been interpreted.

The site boundary shown on the earthworks drawings does not seem to match the development boundary in the masterplan.

Although it is agreed in the report that further ground risk assessment is required, it is recommended that a more rigorous assessment of the soils is also carried out. It may be more appropriate to carry out soil sampling after the re-grading earthworks to ensure that the data collected is representative of the final soil horizon.

It is therefore recommended that should permission be granted, a condition be attached with regards to the submission and written approval of a 'Site Characterisation' and a 'Remediation Scheme'.

Public Protection (Air Quality & Emissions) – comments that during both the initial earthworks and during construction, there is potential for increased levels of dust from the site.

To ensure that the potential for increased levels of dust is considered and mitigated against, it is recommended that should permission be granted, a condition be attached requiring the submission of a Dust Management Plan prior to works commencing on site..

It is also recommended that the developer considers including in the Travel Plan the commitment to provide dedicated outside electric power points to allow residents to charge electric vehicles into the future.

Further comments have been received which recommend that a condition also be attached requiring that after the earthworks are completed a review of the soil sampling results and the areas proposed areas for residential development is carried out.

Environment Agency - no objections are raised, 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 include have been provided, together with additional advice].
- ☐ 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, together with additional advice].
- ☐ Measures, including a remediation strategy, to deal with any unexpected contamination.
- ☐ A scheme to treat and remove suspended solids from surface water run-off during construction works.

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; to protect controlled waters; and to reduce the risk of surface water contamination during the construction phase. The site lies within a Source Protection Zone 3 and potentially historic contaminating uses have been identified.

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.

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

STW also advises that there is a public sewer located within the application site.

Nottinghamshire Wildlife Trust (NWT) – comments that a holding objection has been placed on the application pending the submission, prior to determination of the application, of additional surveys with regards to amphibians, badgers, breeding birds, reptiles and an assessment for the requirement for invertebrate surveys. Notwithstanding this, the NWT agrees with S6 of the Ecology Statement deposited with the application and comments that:

Designated Sites

Consideration should be given to the impacts of the reduction in land area to be included within the parkland and to the cumulative impacts resulting from this and other developments proposed and ongoing in the area such as the solar farm.

Due to the close proximity of the Gedling Colliery Site and Dismantled Railway Local Wildlife Site (LWS) to the application site, the NWT suggests that measures should be taken to protect the interest of that site. This should be secured by condition.

Botanical Interest

The majority of the site has been identified as supporting semi-improved neutral grassland. It is recommended that good quality areas of grassland are identified and retained within the development and that where this cannot be achieved, consideration be given to habitat translocation. This should be secured by condition.

Bats

Whilst no structures with bat roosting potential have been identified within the site, the area does provide good foraging and commuting habitat, connected to the wider environment. As such, it is recommended that a 'bat friendly' lighting scheme is incorporated into the development. This should be secured by condition.

Badgers

The site was identified as providing foraging habitats for badgers. Best practice measures should be secured by condition.

Birds

In order to avoid impacts to nesting birds it is requested that all vegetation clearing works are carried out outside of the bird breeding season. If works are to be carried out during this time then a suitably qualified ecologist should be on site to inspect for nesting birds. This should be secured by condition.

Summary

Further mitigation and compensation works will almost certainly be required following the ongoing surveys, especially for birds.

It was also recommended that the development should aim to enhance biodiversity in terms of providing suitable habitats for insects and small mammals, incorporating new native trees and hedgerow planting in suitable places, providing bird and bat boxes around the site and considering the creation of new ponds/wetland areas.

Following the submission of the bird breeding and bat activity report surveys additional comments have been received as follows:

Birds

The breeding bird survey carried out during the most recent breeding bird season identified the presence of 40 bird species, which included a number of red-listed and amber-listed birds of conservation concern.

Although the recommendations made within Section 5 of the report are generally supported, concerns are raised with regard to the lack of provision made for ground nesting birds by the development. Skylark and meadow pipit were confirmed as breeders on site and the site will not be made available for such species post-development. The report states that 'whilst it is beyond the scope of this development grasslands in the wider site should be managed to support existing populations of skylark and meadow pipit'. This is not a suitable recommendation that can be secured by condition, given that the land outside the red-line boundary is under different ownership. Ideally, this standpoint would be reconsidered.

It is recommended that should permission be granted, conditions are attached to secure the other advice put forward in the report (Sections 5.3 and 5.4). Specifically:

- ☐ Retain existing peripheral hedgerows.
- ☐ Plant new species-rich hedgerows on the edges and within the site.
- ☐ Boundary trees and associated shrub / scrub should be planted to provide habitat for owl species.
- ☐ A nest box scheme should be incorporated into the development.
- ☐ If development commences within the breeding season, transects and vantage points should be established in areas of rough vegetation to search for the presence of ground nesting birds. If birds are found to be nesting, works must be halted until young have fledged.
- ☐ A breeding bird mitigation plan will be produced to protect breeding birds.

In relation to ground nesting birds, it is considered important that ecological compensation is secured. As it is not possible to achieve this within the development, it is suggested that the developer provides funds (which may be via a S106) to secure the long term future management habitat on the Tip.

Further to this, in order to avoid impacts to nesting birds, it is requested that all vegetation clearance be undertaken outside of the bird-breeding season (March-September inclusive). As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended). This should be secured by condition.

Bats

It is welcomed that bat activity surveys were carried out to evaluate the use of the site by foraging and commuting bats. The majority of bats were pipistrelles and noctules. The recommendations made within the report (Section 4), are supported and should be secured by condition, as follows:

- ☐ Retain and incorporate the strips of plantation woodland and hedgerows into the proposed scheme.
- ☐ Implement a sensitive lighting strategy.

The previous recommendations of the NWT still stand, and conditions should be used to secure the ecological advice put forward in the protected species survey reports (for great crested newts, reptiles and badgers). Specifically:

- ☐ No great crested newts were recorded but other amphibians, most notably common toad (species of principle importance under the NERC Act) are highly likely to be present within the application site. Therefore, the proposed amphibian Method Statement (GCN survey 5.2 and 5.3) should be secured.
- ☐ A precautionary reptile Method Statement, together with the hibernacula creation should be secured (Reptile survey 4.1-4.3).
- ☐ A badger Method Statement, including an update badger activity survey of the development area and a 30m boundary to take place prior to any commencement of earth works, should be secured.

Wildlife Sites

Due to the close proximity of Gedling Colliery Site and Dismantled Railway LWS to the application site, it is suggested that measures should be taken to protect the interest of that site, which should be secured by condition.

Enhancements

In addition to the above, it is suggested that the development should aim to enhance biodiversity if approve, for example by:

- ☐ Consideration being given to sowing a wildflower meadow mix, in order to provide suitable habitats for insects and small mammals (and in turn bats and birds).
- ☐ The incorporation of new native tree and hedgerow planting within suitable areas.
- ☐ The provision of bat and bird boxes for a range of species around the site.
- ☐ Consideration being given to the creation of new ponds / wetland areas. As there are already a number of ponds in the area, this will create a further enhanced “pondscape” of benefit to amphibians in particular. The Trust would wish to see the landscaping plans amended to include this.

An Ecological Management Plan is required for created/retained habitats within the development. In the absence of this, concern would be raised that habitats would be of low value and that the plantation area with gardens backing onto them could suffer neglect/problems with tipping of garden waste or garden encroachment, if a Management Plan is not secured.

Country Park (additional comments)

It is noted that the majority of the land within the footprint of the proposed residential development, is within the indicative Country Park as shown on the initial masterplan and revised boundary plan.

It is also noted that the boundary was further amended on 6th March 2013. It is considered that this amendment, which also removed the area within the solar farm footprint from the Country Park footprint, has significantly adversely impacted on the wildlife value of this former colliery site, which was originally restored as wildlife habitat and is acknowledged in the Committee report for the Country Park application. Furthermore, the wildlife value of the site is well documented and much appreciated locally. This proposed residential development effectively compromises 9.5 ha of restored pit tip, and removes 5.09 ha for the proposed residential area, which supports habitats of Principle Importance under the NERC Act.

The Amphibian Survey states that there would be no cumulative impacts on amphibians from this proposed residential development, when it is considered alongside the solar farm development. The NWT considers that there would be impacts due to the removal of, and likely increased disturbance of, terrestrial habitat

(grassland and woodland plantation) within the development footprint. Similarly, disturbance to wintering/breeding birds is likely to increase with the addition of 150 residential units in such close proximity to the Country Park, especially as the masterplan shows the potential development has 6 direct access points to the Country Park.

In summary, it is not considered that the additional ecological information has sufficiently assessed cumulative ecological impacts of the development. Concern is also expressed with regards to the substantial impacts on Priority Habitats (loss of lowland neutral grassland and woodland) from this proposed development and the previous objections are maintained.

The NWT has made some further observations (mainly to clarify points raised previously). These are as follows:

- The NWT considers it important that ecological compensation is secured for ground nesting birds. As it is not possible to achieve this anywhere within the development (as any retained open grassland would be likely to become dog walking areas and displace skylarks), the NWT suggests that the developer provides funds (this may be via a Section 106) to secure the long term management of skylark habitat on the Tip.
- Given the amphibian interest on site, the NWT would again wish to reiterate that a new pond (which should be designed to hold water permanently) is built into the landscaping. The NWT would like to see the landscaping plans amended to include this.
- An Ecological Management Plan is required for created/retained habitats within the development. The NWT would be concerned that, in the absence of this, habitats may be of low value, with close mown amenity grass and well-manicured hedges etc. The NWT is also concerned that the plantation areas with gardens backing onto them could suffer neglect/problems with tipping of garden waste or garden encroachment, if a management/maintenance plan is not secured.

As noted previously, the NWT wishes to maintain an objection, unless the above issues are addressed.

Nottinghamshire County Council (Forestry Manager) – comments that the information submitted with the application is factually correct. It is recommended that a condition should be attached, should permission be granted, requiring the submission of specific tree protection plan and method statement which should be put into place prior to any development commencing on site.

NHS England – has requested a planning obligation contribution towards healthcare services.

Housing Strategy – initially requested that a 30% affordable housing contribution be delivered as on site provision; with the split being 70% social rent and 30% assisted ownership.

Following discussions, a 20% affordable housing contribution has been agreed; with a split of 65% social rent and 35% shared ownership has subsequently been agreed.

Parks & Street Care - comment that the site contains more open space than would be normally expected, due to the location of a former colliery lagoon in the centre of the development. It results in a large area in the development which is not suitable for housing stock. As a result, this area has been designed around and left in the design as public open space with play area and attenuation ponds. The requested 10 year maintenance contribution reflects this fact.

The location of a children's play area so close to the attenuation pond may not be appropriate design wise. An off-site commuted sum contribution, that could go to further develop children's play in the Country Park only a short distance away, would be a preferred option.

Economic Development – comment that the Borough Council has a commitment to drive economic growth and is working to promote new employment and skills opportunities for residents in the Borough. Local Employment Agreements help provide these opportunities, and the developer should be willing to work with a partner or partners, as well as the Borough Council, in order to develop the Local Employment Agreement.

It is recommended, therefore, that a condition should be imposed on any permission the application relating to the developer entering into a local employment agreement for the construction phase of the development.

Estates – no objections raised.

Planning Considerations

The key planning considerations regarding this proposal are how it relates to current and emerging planning policy and whether it would meet the main principles of sustainable development; how it addresses climate change, flooding, pollution and the impact of the proposed development on the highway network and road safety.

Other planning considerations which must also be assessed are landscape impact, ecological issues and archaeology.

Finally it is necessary to consider the use of appropriate planning obligations to secure the necessary infrastructure and contributions reasonably required to serve the proposed development.

Relevant Planning Policy Considerations

This hybrid planning application is for the construction of an access road (full planning application) and the erection of 150 dwellings (outline planning application). The site includes land identified for the Gedling Country Park.

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 8: Promoting Healthy Communities (paragraphs 69-78)
- ☐ 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 13: Facilitating the sustainable use of minerals

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)

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

The Aligned Core Strategy for Gedling Borough (ACS) was approved in September 2014. This 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 relating to 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.

It is considered that the challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS. Therefore 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.

It is considered that the following policies are relevant:

- ☐ ACS Policy A: Presumption in Favour of Sustainable Development
- ☐ ACS Policy 1: Climate Change
- ☐ ACS Policy 2: The Spatial Strategy
- ☐ ACS Policy 8: Housing Size, Mix and Choice
- ☐ ACS Policy 10: Design and Enhancing Local Identity
- ☐ ACS Policy 14: Managing Travel Demand
- ☐ ACS Policy 16: Green Infrastructure, Parks & Open Space
- ☐ ACS Policy 17: Biodiversity
- ☐ ACS Policy 18: Infrastructure
- ☐ ACS Policy 19: Developer Contributions

The site includes land which was considered through the SHLAA process to be potentially suitable for housing. This area was included as a potential development site in the Issues & Options stage of the Local Planning Document (Part 2 Local Plan).

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 ENV42 (Aquifer Protection)
- ☐ RLP Policy ENV43: Greenwood Community Forest
- ☐ RLP Policy ENV44 (Gedling Colliery Park)
- ☐ RLP Policy H7 (Residential Development on unidentified sites within the urban area and defined village envelopes)
- ☐ RLP Policy H8: Residential Density
- ☐ RLP Policy R1 (Protection of Open Space)
- ☐ RLP Policy R2 (Accessible Public Open Space).
- ☐ 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 H7, R1 and R2, as these are up to date and consistent with the NPPF.

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 for Residential Developments SPD (2012).
- ☐ The 6C's Design Guide.

Planning Policy & Prematurity

Prematurity

The National Planning Practice Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited and unlikely except where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. 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 application site is of a size which is not addressed by ACS. The allocation of sites of this size will come through the Local Planning Document.

The site is unlikely to be of a scale that is significant in terms of predetermining issues that should be dealt with via the Local Planning Document. Additionally, the Local Planning Document is not at an advanced stage of preparation. The first stage of public consultation (Issues & Options) was held October to December 2013. At the time of writing, no decisions have been made on which sites will ultimately be proposed to be allocated for development and there has been no formal public consultation on specific proposals. The guidance highlights that refusal on grounds of prematurity is unlikely to be an issue where a draft plan has not yet been submitted for examination.

As the Local Planning Document is not at an advanced stage, both criteria have not been met. It is considered that, regardless of whether the application would predetermine issues, refusal on the grounds of prematurity is not possible at this time.

Five Year Housing Land Supply & Housing

Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a five year supply of deliverable housing sites. The Five Year Housing Land Supply Assessment is currently being updated both to reflect the adoption of the ACS and the 2014 Strategic Housing Land Allocation Assessment review.

At this time, the Five Year Housing Land Supply Assessment (2015) is the most up to date assessment of housing land supply and applications should be determined accordingly. This 2015 document identifies that against the Regional Strategy there is only 4.31 years supply of deliverable housing sites within the Borough. This assesses the housing land supply situation as of 31st March 2014 and does not include sites granted since.

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. Appeals (notably the Binfield decision ref 2179560) have indicated that this would include policies which restrict or direct residential development.

Paragraph 49 goes on to say that 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. Policy A of the ACS would also apply. 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.

The impact of the proposal on Open Space is addressed below. It should also be considered if the proposals conflict with other policies within the NPPF such as those related to design and highways.

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 adopts a spatial strategy of urban concentration with regeneration and seeks to provide most development in or adjoin the main built up area. Sites in or adjacent to the urban area are considered to be sustainable locations due to their accessibility to public transport and facilities and services. The site is adjacent to the urban area outside of the Nottinghamshire Green Belt and has previously been used in association with the former Gedling Colliery although it is unclear if the site meets the definition of 'previously developed land' in the NPPF.

At a local level Policy H7 sets the approach for dealing with housing proposals on 'windfall' sites not on Green Belt land. It states that within the urban area permission will be granted provided the development:-

- ☐ is of a high standard and does not adversely affect the area;
- ☐ would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- ☐ it is not contrary to other policies in the Local Plan.

While the proposal, not being within the urban area, does not accord with Policy H7 it does accord with the ACS spatial strategy of urban concentration with regeneration. It should therefore be considered whether the proposal will result in the loss of features which make an important contribution to the character of the area and is of a high standard of design.

I am of the opinion that the lack of a five year land supply, and the consistency with the spatial strategy of urban concentration with regeneration, should be given significant weight in determining this application. Taking these matters into account, and that I consider that the proposal would not result in the loss of features that would make an important contribution to the character of the area, I am satisfied that the proposal would accord with the paragraphs 14 and 49 of the NPPF, Policy 2 of the ACS and H7 of the RLP.

Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS.

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

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

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

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use.

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

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

Infrastructure

The Affordable Housing SPD sets differential requirements for affordable housing depending on the sub-market the site is within. This particular site does not fall within a specific sub-market and it has been agreed that 20% of the dwellings should be affordable, with a split of 65% social rent and 35% shared ownership.

This approach is in accordance with the affordable housing elements of ACS Policy 8 and the Affordable Housing SPD.

Density

Policy H8 of the Replacement Local Plan sets out the Borough Councils requirements for residential density. The developable area of the application site is 5 ha in size and would provide up to 150 dwellings. This would result in a net density of 30 dwellings per hectare, which meets the density required by Policy H8 of the RLP.

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 which exceeds the threshold outlined in this Policy, the details of which would need to meet the provisions of RLP Policy R3 and the Open Space Provision SPG.

Transport & Access

The Highway Authority has no objection to the proposals on highways grounds, but has requested integrated transport contributions towards:

- ☐ Bus Stop Infrastructure improvements
- ☐ Bus Service Support

Accessibility

With regard to accessibility, I note that the site is located within the urban area, with bus stops into and out of the city in close proximity. The site is also within walking distance of a convenience shopping facilities.

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

Education

An education contribution is sought by the County Council to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Libraries

A library contribution is sought by the County Council towards additional library stock.

Flood Risk & Sustainable Drainage

The proposed development site is located within Flood Zone 1 (a 1 in 1000 year probability) and is at little risk of flooding.

The Environment Agency has no objections to the proposals, but confirms the need for a sustainable surface water scheme; a remediation strategy to deal with the risks

associated with contamination of the site; and a scheme to treat and remove suspended solids from surface water run-off during construction works. These can be secured by the imposition of appropriate conditions, if permission is granted.

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.

Conclusion

I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS, and subject to other material considerations, as discussed below.

Open Space/Country Park Considerations

The site is part of an area identified by Policy ENV44 of the Replacement Local Plan for the Gedling Country Park. The application which granted planning permission for the Country Park (2012/1456) included around 4 ha of this application site in the approved area. It is, therefore, necessary to assess the application against policy related to Parks and Open Space.

Section 8 of the NPPF at paragraph 73 identifies that access to high quality open spaces can make an important contribution to the health and well-being of communities. Paragraph 74 of the NPPF goes on to identify that existing open space should not be built on unless:

- ☐ An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
- ☐ The resulting loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- ☐ The development is for alternative sports and recreation provision, the need for which clearly outweighs the loss.

ACS Policy 16.4 identifies that Parks and Open Space should be protected from development. Exceptions may be made in a small number of cases. The policy also sets out a sequential approach requiring that alternative scheme designs which have little or no impact are considered before mitigation is provided. This should include consideration of building on the area of land not included in the planning permission for the Country Park.

Policy R1 (Protection of Open Space) of the RLP adopts a similar approach to the NPPF and sets out that planning permission will not be granted for development on open space except where one of a number of conditions are met. Policy R1 also requires that, where the site is not surplus to requirements as open space, development:

- ☐ Avoid the erosion of the recreational function and maintain or enhance the character of the open space;

- ☐ Protect or enhance those parts of the rights of way network that might benefit open space; and
- ☐ Has regard to the impact on biodiversity and nature conservation.

Policy R2 sets out that development which would adversely affect access to open space should not be granted planning permission.

Policy R3 of the RLP requires that residential development on 0.4 of a hectare and above should have a minimum of 10% local open space which would equate to around 1.5 hectares. The area set aside for the attenuation ponds is also proposed for recreational use and equates to approximately 4.5 hectares, exceeding the threshold outlined in the this policy.

Overall it should be considered whether one of the exceptions to development on Open Space, either from the NPPF or the RLP, applies in this case. It should also be considered whether there are alternative scheme designs which would not result in the loss of land from the approved Country Park.

If there are exceptions and no reasonable alternative scheme designs, the proposals should ensure that the recreational function and character of the Country Park is not eroded, that rights of way and access to the Country Park are protected or enhanced and that regard is given to the impact on biodiversity and nature conservation.

I am mindful that the site falls within land allocated as the Gedling Country Park within the RLP. However, the loss of open space from the Country Park, should permission be granted, would in my opinion be so minimal as to not result in any detrimental impact on its function. Existing access to the Country Park from the development site would be retained and enhanced.

I am also mindful of the Planning Statement submitted with the planning application, which states that the applicant is currently the landowner of the Gedling Country Park site, subject to a lease granted to the Council. The majority part of this application site (5.5 ha) has never been proposed to form part of the Country Park, whilst a smaller part (4 ha) lies within the Country Park boundary, as identified in its planning permission. Given the ground conditions within the development site area, it is necessary to extend the housing development beyond the boundary with the Country Park and re-provide accessible public open space within the development site. The developable housing area of 5 ha ensures that there is no net loss of public open space overall.

Loss of open space from the Country Park area comprises only a small part of its entire area (around 110 ha) and would not be detrimental to its function. A large area of parkland would still be available on the remainder of the designated former colliery site. As such, it is considered that this loss of open space would be acceptable, when balanced with the requirements of other policies within the development plan.

Taking all the above considerations into account, I am satisfied, on balance, that the proposal would not erode the recreational function and character or public enjoyment of the Country Park; that the loss of open space would be replaced by equivalent

provision in terms of quantity, quality and accessibility; and that the necessary exceptions tests have been met, in accordance with Section 8 of the NPPF, Policy 16 of the ACS and Policies R1, R2 and R3 of the RLP.

Landscape, Visual Amenity & Arboricultural Considerations

The relevant planning policies which need to be considered in relation to landscape, visual amenity 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. ACS Policy 10 is based on the landscape character approach advocated in the NPPF and based on robust evidence contained within the Greater Nottingham Landscape Guidelines. Accordingly, ACS Policy 10 is considered to be underpinned by sound evidence on landscape character and should be given significant weight.

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, Green Infrastructure and other landscape issues, I note that where the development abuts Spring Lane, the existing tree line would form this boundary, rather than being removed as part of the proposed development. However, removal of some vegetation immediately to the south of the hedgerow may be required. Replacement hedge planting to Spring Lane can be secured by the imposition of an appropriate condition relating to the temporary access and enabling earthworks, if full planning permission is granted.

The hedgerow to the southern boundary would be retained and managed as part of the scheme. Any sections to be removed would only be required to provide pedestrian access to the adjacent Country Park path network. The site would retain and enhance pedestrian access to the Country Park. The access via Axmouth Drive would be retained within the scheme, as shown on the masterplan, and new links would be provided from Spring Lane to the Country Park, and into and through the development itself.

Details of the landscaping of the proposed residential development would be required for consideration at the reserved matters stage, if outline planning permission is granted. However, I note that the current proposals for boundary treatment to the southeast/east include hedgerows to property frontages and informal tree planting to soften views of the development from the Country Park. A further hedgerow would also be planted along the boundary between the site and the Country Park.

The existing drainage ditch along Spring Lane would be retained and maintained as part of the development proposals. This would be culverted beneath the proposed access.

Measures to prevent contamination of surface water run-off can be addressed by the imposition of an appropriate condition, if permission is granted, requiring the submission of a Construction Environmental Management Plan.

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 neither Public Protection, the Environment Agency or the County Council's Reclamations team have any objections in principle to the proposed development, but recommend the imposition of appropriate conditions to ensure that any issues regarding land and water contamination, flooding, spoil tip stability and construction dust are dealt with.

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

Highway 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. Highway contributions have been considered separately under Planning Obligations below.

Section 4 of the NPPF states at paragraph 32 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 and that 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.

Traffic and transportation issues (including a *Transport Assessment and Framework*

Travel Plan) have been considered by the Highway Authority, which has no objections subject to conditions.

Whilst there is likely to be an increase in traffic noise as a consequence of the level of traffic generated by the proposed development, this is not likely to amount to a statutory nuisance. Provisions for the safe and convenient access and circulation of pedestrians and vehicles would be assessed at the reserved matters stage.

Detailed approval is sought as part of this application to establish the creation of a new vehicular access, off Spring Lane. Initially, this would serve as a temporary access for the enabling earthworks (Phase 1) and would then form the access for the residential development (Phase 2).

Whilst I appreciate the concerns which have been expressed by Lambley Parish Council about the proposed access, I note that the County Council as Highway Authority has no objection to this in principle.

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, the Parking Provision for Residential Development SPD and the 6C's Design Guide.

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 at paragraph 56 that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Paragraph 58 of the NPPF states, amongst other things, that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including the incorporation of green and other public space as part of developments) and support local facilities and transport networks.

Paragraph 61 of the NPPF states that although visual appearance and the

architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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.

In my opinion, the proposed development, as detailed in the indicative layout drawing and Design and Access Statement deposited with the application, would function well and would add to the overall quality of the area. It also has the potential to establish a strong sense of place, optimise the potential of the site to accommodate development and to provide for a mix of housing. With all matters being reserved for subsequent approval, except for access arrangements, a detailed assessment of design cannot be undertaken at this outline stage, but such considerations would be fully assessed during any subsequent future detailed applications. These must comply with national residential design policy, the latest urban design and sustainability standards, and local plan policy.

I am satisfied, therefore, that the proposed development could be designed 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.

Amenity Considerations

The relevant planning policies which need to be considered in relation to residential amenity are set out in Section 11 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

Section 11 of the NPPF states, amongst other things, at paragraph 123, that planning decisions should aim to avoid any adverse noise impacts as a result of new development

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 there is likely to be an increased amount of traffic activity, both during the construction period and afterwards, I am satisfied that the proposed development would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated.

I note that Public Protection has requested the imposition of a Dust Management Plan to control potential air pollution and I am satisfied that any adverse noise issues which may arise can be controlled under Environmental Health legislation.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties on Bradstone Drive in terms of overlooking, overshadowing or overbearing issues, based on the details shown in the illustrative layout which was submitted with the application. The potential impact on adjacent residential properties would be addressed in detail at the reserved matters stage.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Section 11 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

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, Policy 17 of the ACS and Policy ENV36 of the RLP.

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.

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

As suggested by the NWT, I would recommend the imposition of a wide range of appropriate conditions, if permission is granted, to protect and enhance ecological interests, including the provision of new biodiversity features and measures to secure the appropriate management and maintenance of existing and created habitats.

However, I note that the NWT still maintains an objection with regard to insufficient assessment of the cumulative ecological impacts of the proposed development and the substantial impacts on Priority Habitats (loss of lowland neutral grassland and woodland).

With regard to cumulative impact, it is accepted that this proposal would develop an area of land within the designated boundary of the Country Park. The impact of the proposed development on the application site and its mitigation proposals have been fully assessed in ecological matters, irrespective of the Country Park boundary.

There has been no cumulative consideration of the development with the amendment to the Country Park boundary in this location, as assessment of the development alone comprehensively covers any impact on this part of the site.

The re-designation of the Solar Farm site to exclude this from the Country Park boundary is also academic as the Solar Farm site has not been removed as a habitat or permanently developed, so it remains accessible by species. The Solar Farm scheme was fully assessed on ecological matters in its planning application and the

area would be fenced for security, thereby preventing disturbance caused by people and dogs. In this respect, the ground habitat will remain undisturbed in the long term and therefore the housing development proposed would have no cumulative impact with this.

Whilst the defined area of the Country Park has reduced from its previously stated area, it remains a significantly sized ecological resource. Although the proposed housing development would necessarily remove some land and vegetation, it would also provide on-site mitigation to minimise its impact, such as the provision of new hedgerow planting.

It is not possible to retain existing grassland within the development site, given the nature and area of development. On the basis that the submitted surveys do not indicate that the site's grassland is of good quality, any consideration of retention or translocation would be unreasonable and is not warranted.

Although it is not possible to replace the habitat which would be lost, therefore, I am satisfied that mitigation would be provided by the planting of replacement trees and the proposed infilling of gaps in the existing hedgerows with native species, details of which can be secured by the imposition of appropriate conditions.

With regard to impacts on Priority Habitats, this is stated as being 'lowland neutral grassland and woodland', within which there is a broad range of qualities of habitat. The Botanical Survey within the Phase 1 Habitat Survey did not identify any areas within the application site as being 'good quality areas'.

Whilst some woodland vegetation removal is unavoidable to create the access and development area, this would also be mitigated by the provision of new hedgerow planting around the edges of the site.

Although new ponds or wetland areas may be created within the site, where these have a drainage function, I do not consider it would be appropriate to impose a condition to this effect as the provision of these would depend on technical feasibility, such as ground conditions and levels.

In addition, I do not consider it would be reasonable to impose a condition to 'protect the interest' of the Gedling Colliery Site and Dismantled Railway LWS.

In conclusion, I am satisfied that a reasonable balance has been achieved overall between the needs of the development and the ecological interest of the site, although I do not consider it would be reasonable to require the provision of any significant mitigation beyond the application site and/or compensatory measures for the loss of grassland in this instance.

Whilst the proposed development would not fully accord with the aims of Section 11 of the NPPF, Policy 17 of the ACS and Policy ENV36 of the RLP, I do not consider that it would result in such significant harm to the nearby LWS or Priority Habitat, as to justify the refusal of planning permission in this instance and am of the opinion that, on balance, more weight should be attached to the presumption in favour of sustainable development.

Minerals Considerations

Section 13 of the NPPF states at paragraph 142 that since minerals are a finite resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation.

Paragraph 143 then states that local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.

I note the comments of the County Council as Minerals Authority, and would recommend the imposition of an appropriate condition, if permission is granted, to assess the potential sterilization of mineral resources and the practicality of prior extraction of brick clay from the site.

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, County Council and the Borough Council is for the provision of, or financial contributions towards, the following:

- ☐ Affordable Housing
- ☐ Public Open Space
- ☐ Healthcare Facilities
- ☐ Highway Contributions
- ☐ Educational Facilities
- ☐ Libraries

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 am of the view that the proposed access and associated residential development would not result in a significant amount of encroachment along Spring Lane towards Lambley Village.
- ☐ The planning considerations set out and discussed above indicate that the proposed development would generally accord with the relevant national and local planning policies.

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 FULL AND 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, Highways, Educational and Library Facilities; and subject to the following conditions:

Conditions

1. The development hereby permitted for the creation of a temporary access and enabling earthworks must be begun not later than three years beginning with the date of this permission.
2. Application for the approval of reserved matters relating to the residential development (appearance, landscaping, layout and scale) shall be made not later than three years beginning with the date of this permission and the development shall be begun not later than two years from the final approval of the reserved matters or, in the case of approval of the reserved matters on different dates, the final approval of the last such matter to be approved.
3. The development hereby granted full planning permission for the creation of a temporary access and enabling earthworks, and outline planning permission for the residential development, shall be constructed in accordance with the following approved plan: Proposed Access Junction Layout (ADC1040/001 Rev A) and Cut and Fill Volumetrics (10-02 Rev P1), received on 19th June, 2014, except where further details are required for approval by other conditions of this planning permission.
4. The temporary access hereby permitted shall be provided on Spring Lane in accordance with the details shown on drawing number ADC1040/001 Rev A, prior to the commencement of the enabling works. The temporary access shall be retained for the duration of the enabling works, unless otherwise prior agreed in writing by the Borough Council.
5. The temporary access hereby permitted shall be completed and surfaced in a bound material for a minimum distance of 15.00 metres behind the highway

boundary, prior to the commencement of the enabling works. The temporary access shall be retained for the duration of the enabling works, unless otherwise prior agreed in writing by the Borough Council.

6. Before development is commenced on the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council a Materials Management Plan. The development would require significant earth movements and these should be identified within the Materials Management Plan, which would need to be well developed and integrated within the Construction Environmental Management Plan, given the potential for contamination release during excavations. The stability issues of the spoil tip itself should also be considered, such that the stability of the slopes of the spoil tips are not compromised. The enabling earthworks shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council: (1) cross-sections and contour plans showing details of the existing and proposed site levels in relation to adjacent properties, including finished floor levels for the residential development, for each of these phases; and (2) an assessment of any site slope stability issues the development may have with respect to the creation of ponds and any special stabilisation measures that are required to mitigate slope stability issues for each of these phases. Each phase of the development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
8. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development hereby permitted, 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.
9. In the event that remediation is required to render the development suitable for use in any phase, a written remediation scheme and timetable of works for that phase 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 for that phase being first brought into use, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out, including a review of the soil sampling results and the proposed areas for residential development, refining the conceptual site model and ensuring the whole of the site is suitable for use, 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.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken in accordance with the requirements of condition 8 above. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
11. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a scheme to treat and remove suspended solids from surface water run-off during construction works for each of these phases. The approved scheme shall be implemented prior to any other works (excluding those required by conditions 12 and 13) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
12. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan for each of these phases. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The approved plan shall be implemented in accordance with the approved details prior to any other works (excluding those required by conditions 11 and 13) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
13. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the deposit of debris upon the adjacent public highway. The approved measures shall be implemented prior to any other works (excluding those required by conditions 11 and 12) commencing on each of these phases and shall be retained for the duration of the construction period for each phase, unless otherwise prior agreed in writing by the Borough Council.
14. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council details of a surface water drainage scheme for each of these phases. The surface water

drainage scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme to be submitted shall: (1) Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687, or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken; (2) Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site; (3) Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'; (4) Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods; and (5) Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters. The surface water drainage scheme shall be implemented in accordance with the approved details at the time that each phase is constructed and shall be retained in accordance with the approved details for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

15. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, a written Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Borough Council for each of these phases. The CEMP shall include the following: (1) details of an ecological clerk who shall be employed to oversee ecological mitigation and to gain necessary licences to undertake ecological mitigation; (2) details of the proposed hours of working during the period of development, together with details of any site lighting and compound lighting; (3) details of the proposed area for the storage of soil and other materials during the period of development, together with details of how dust, noise, incidental damage and spillages will be monitored and dealt with; (4) details of the proposed means of access of construction vehicles during the period of development; (5) details of a methodology and programme of site clearance of vegetation; (6) details of a methodology and mechanism for the surveying, recording and reporting together with the provision of a programme and timetable for the implementation of mitigation measures, including translocation measures, in relation to flora and fauna that could be affected during the period of development (the ecological interest to be covered shall include amphibians, badgers, bats, birds, insects, reptiles, trees, hedgerows and grassland); and (7) details of planting schemes indicating the location, size, species and density of all planting proposed to compensate for the loss of habitat during development and a schedule of implementation and timetable of the proposed

planting and a management plan including long term design objectives, management responsibilities and maintenance schedules covering the construction phase. The CEMP shall be implemented in accordance with the approved details for each of these phases and the proposed mitigation measures shall be retained in accordance with approved details.

16. Prior to the commencement of the temporary access and enabling earthworks and prior to the commencement of the residential development, a written Ecological Management Plan (EMP) for the retained and created habitats, including any appropriate mitigation measures, shall be submitted to and approved in writing by the Borough Council for each of these phases. The EMP shall be implemented in accordance with the approved details and the proposed mitigation measures shall be retained in accordance with the approved details.
17. Prior to the commencement of site clearance for the temporary access and enabling earthworks and prior to the commencement of the residential development, there shall be submitted to and approved in writing by the Borough Council a Tree Protection Plan and Method Statement for each of these phases. The Tree Protection Plan and Method Statement shall be implemented in accordance with the approved details for the duration of each phase.
18. Prior to the commencement of the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council: (1) details of a new hedgerow, which shall consist of native species, along the new alignment of the visibility splays to Spring Lane; and (2) details of how the existing hedgerow to Spring Lane is to be managed, including the planting up of gaps and laying. The new hedgerow and any management works to the existing hedgerow to Spring Lane shall be implemented in accordance with the approved details in the first planting season following the completion of the temporary access and enabling earthworks and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. Prior to the commencement of the temporary access and enabling earthworks, there shall be submitted to and approved in writing by the Borough Council an assessment of the practicality of prior extraction of brick clay from the site. In the event that the assessment demonstrates that the prior extraction of brick clay is feasible, the development hereby permitted shall not commence until the prior extraction of brick clay has been completed.
20. Before development is commenced on the residential development, there shall be submitted to and approved in writing by the Borough Council details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage. All details submitted to the Borough Council for approval shall comply with the County Council's Highway Design and Parking Guides which are current at the time the details are submitted. The development shall be implemented in accordance with the

approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

21. Before development is commenced on the residential development 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.
22. Before development is commenced on the residential development, there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
23. Before development is commenced on the residential development 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, avoids illuminating boundary features such as hedgerows and other areas of retained or created habitat. The scheme shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
24. Before development is commenced on the residential development, 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.
25. No removal of hedgerows, trees, shrubs or grassland shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks, including transects and vantage points in areas of rough vegetation to search for the presence of ground 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. If birds are found to be nesting once development has commenced, works must be halted in the vicinity until the young have fledged.
26. During the construction of the temporary access, the enabling earthworks and construction of the residential development, 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.

27. The detailed plans and particulars to be submitted as reserved matters for the residential development 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.
28. The detailed plans and particulars to be submitted as reserved matters for the residential development in relation to landscaping shall include: (1) 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; (2) details of the boundary treatments, including those to individual plot boundaries, which shall retain and incorporate the strips of plantation woodland and peripheral hedgerows into the proposed scheme; (3) typical cross-sections, showing areas to be planted and how they will reduce the visual impact of the development from the Country Park; (4) 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 (5) 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.
29. If within a period of five years beginning with the date of the planting of any tree or shrub, approved as reserved matters for the residential development 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.
30. The existing pedestrian link in the north-western corner of the application site at its junction with Spring Lane, and its associated footpath to the Country Park, shall be retained as part of any design layout for the residential development of the site, unless otherwise prior agreed in writing by the Borough Council.
31. 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.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. To ensure adequate means of access to the site for initial construction traffic 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).
5. To ensure a full rotation of vehicle wheels to prevent mud and detritus being deposited on the highway 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).
6. To ensure a satisfactory development and 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. 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).
8. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. 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 Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To reduce the risk of surface water contamination during the construction phase, in accordance with the aims of Section 11 of the National Planning

Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

12. To protect the residential amenity of the area in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. To prevent mud and detritus being deposited on the highway 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).
14. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the National Planning Policy Framework and Policies 1 and 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 the arboricultural impact of the proposed 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).
18. 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).
19. To ensure that there will be no unnecessary sterilisation of mineral resource, in accordance with Section 13 of the National Planning Policy Framework.
20. To ensure that the roads of the proposed development are designed to an adoptable standard, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).

23. 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).
24. 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).
25. 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).
26. 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).
27. 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).
28. 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).
29. 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).
30. To retain pedestrian links to the Country Park, in accordance with the aims of Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
31. 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. Please contact the Highway Authority for details.

The Environment Agency advises that condition 14 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 sustainable drainage should be used, with a preference for above ground solutions.

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 the NPPF.

The Environment Agency notes that the application proposes a number of culvert crossings to access the site. The Environment Agency recommends that preference be given to clear span bridges to limit the loss of channel capacity, risk of blockages and the loss of bank habitat. If clear span bridges are not feasible, then the culverts should be designed to convey up to the 100 year plus climate change flows. Consent for culverting the ordinary watercourses will be required from the Lead Local Flood Authority (LLFA) and therefore the Environment Agency recommends that the applicant contacts the LLFA as early as practically possible.

Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003, and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If you require further information, please contact Severn Trent Water on 0116 234 3834.

The Borough Council requests that the applicant considers incorporating provision for residential dwellings (with dedicated parking) to have dedicated outside electric power points, to allow residents to charge electric/hybrid vehicles into the future (see IET Code of Practice for EV Charging Equipment Installation).

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

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant to discuss 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.