

REPORT OF DIRECTOR OF PLANNING AND REGENERATION

Land Between Clifton Wood And Clifton Phase 4 Development, Yew Tree Lane

1 SUMMARY

- Application No: 18/00056/POUT for outline planning permission
- Application by: Planning And Design Group (UK) Ltd on behalf of Nottingham City Council And Nottingham Trent University
- Proposal: Outline planning permission for residential development with all matters reserved except access.

The application is brought to Committee as it is a major application which departs from some policies in the Development Plan, where there are important land use considerations and significant public interest.

To meet the Council's Performance Targets this application should have been determined by 13th April 2018

2 RECOMMENDATIONS

TO GRANT PLANNING PERMISISON

2.1 Subject to:

- (a) No adverse comments being received by the 7th January 2019 which both, arise from the publicity of the Planning Application as a departure from the Development Plan and consist of issues other than those already addressed by this report,
- (b) The prior completion of a Section 106 planning obligation to be secured in accordance with paragraph 7.76-of the report and to include:
 - (i) A requirement to provide 20% affordable housing on site should any subsequent reserved matters submission comprise of 25 dwellings or more.
 - (ii) The provision of an approved scheme in respect of on-site amenity land and the Sustainable Urban Drainage System.
 - (iii) On-going management and maintenance arrangements for any on-site amenity land and the Sustainable Urban Drainage System.
 - (iv) A financial contribution towards the enhancement of public open space off-site.
 - (v) A financial contribution towards the expansion and/or enhancement of education facilities in the area.

(vi) A financial contribution of £25,000 towards the enhancement and improvement of existing footpaths in the adjacent Clifton Woods.

vii) Provisions for the long term maintenance arrangements for the emergency access.

(c) subject to conditions substantially in the form of the indicative conditions listed in the draft decision notice at the end of this report.

- 2.2 Power to determine the final details of both the conditions and the section 106 obligation be delegated to Director of Planning and Regeneration.
- 2.3 That Committee are satisfied that Regulation 122(2) Community Infrastructure Levy Regulations 2010 is complied with, in that the planning obligation sought is (a) necessary to make the development acceptable in planning terms, (b) directly related to the development and (c) fairly and reasonably related in scale and kind to the development.
- 2.4 That Committee are satisfied that the planning obligation(s) sought that relate to infrastructure would not exceed the permissible number of obligations in accordance with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The planning application relates to a 9.6 hectare site located on the south western edge of Clifton. The site comprises of a disused playing field which is owned by Nottingham Trent University (NTU) and an agricultural field which is owned by Nottingham City Council. The site is irregular in shape and largely bordered by mature hedgerows and in places by mature trees. A central row of trees crosses the site from east to west, which forms the predominant landscape feature on the site. The topography of the site is reasonably flat with a gentle slope from south to north.
- 3.2 The site is adjoined to the east by part of the existing Trent Valley Bridleway with the Barton Green housing estate beyond. To the west lies Clifton Wood, which forms a Grade II Registered Park and Garden associated with Grade 1 Listed Clifton Hall to the north. The wood has recently been identified as an ancient woodland by Natural England. It is also a Local Wildlife Site (LWS) and forms part of the Clifton Grove, Clifton Woods and Holme Pit Local Nature Reserve (LNR). The wood extends along the entire western limit of the site. The site is adjoined to the south by the Trent Valley Bridleway with pockets of woodland, forming part of the above LNR and Fox Covert LWS and agricultural grazing land beyond. To the north is a mix of agricultural land, a tree plantation and residential development on Clifton Hall Drive, built within the grounds of the Grade 1 Listed Clifton Hall. The Hall and associate listed Grade II Listed stable block is located further to the north west of Clifton Hall Drive. The Grade 1 Listed Church of St Mary the Virgin and associated Grade II listed structures; Grade II listed 1 and 2 Home Farm Cottages and Grade II listed Yew Tree Grange and associated structures sit to the north and north east of Clifton Hall Drive.
- 3.3 The site also sits within the Clifton Fox Covert Lane Archaeological Constraint Area and falls within a Minerals Safeguarding Area. The edge of the Clifton Village Conservation Area runs along the north and western boundaries of the site, incorporating Clifton Woods. The Nottinghamshire Green Belt abuts the west and

southern boundaries of the site. The Holme Pit Site of Special Scientific Interest (SSI) is located 0.2km to the west of the site.

- 3.4 There is currently no vehicular access to the site. Informal footpaths from the adjacent bridleway cross the site to gain access into Clifton Woods.

4 DETAILS OF THE PROPOSAL

- 4.1 This application seeks outline planning permission for residential development of the site, with access arrangements being the only detailed matter submitted for approval at this stage. The City Council and NTU are joint applicants for the planning application, as landowners.
- 4.2 The submission includes an illustrative masterplan which aims to illustrate how up to 278 dwellings could be accommodated on the site. A Design Code has also been submitted to inform the design and layout of future residential development, the streets, associated open spaces and a proposed landscape framework.
- 4.3 The main access to the site would be through the existing Barton Green estate. Existing access to the estate is taken from the A453 Trunk road, at the Crusader roundabout, onto Hartness Road, which forms the sole existing distributor road serving the Barton Green estate. From Hartness Road direct access to the site would be via an extension to Hawksley Gardens, which currently forms a cul-de-sac serving approximately 36 properties. An additional (emergency only) access is proposed to be built off Finchley Close, a further cul-de-sac serving approximately 14 properties. Both accesses are proposed to cross the existing bridleway, which runs along the western boundary of the estate. It is proposed to provide bridleway crossing facilities at these points.
- 4.4 The illustrative masterplan also includes the following:
- The creation of a green edge to all boundaries of the site, with new residential areas and streets set within it. This includes a green buffer along the western edge of the site with Clifton Woods which was originally shown to have an approximate width of 10m. The applicant in response to comments from statutory consultees has revised the illustrative masterplan and supporting documents to show an undulating buffer with a width of 15m to 30m.
 - Retention of the central spine of mature trees.
 - An 8m strip of green space along the eastern edge of the site with the bridleway, and the Barton Green estate beyond, to provide an easement for an existing main water pipe.
 - The creation of a further green buffer to the southern boundary.
 - The creation of green space and a surface water attenuation pond to the northern boundary of the site.
 - An indicative road and housing layout.
 - New and improved links for pedestrians and cyclists.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

467 Neighbouring properties on the following streets have been notified of the proposal:

Finchley Close
Juniper Close

Camelia Avenue
Pieris Drive
Jasmine Close
Osprey Close
Hartness Road
Primula Close
Falconwood Gardens
Hawksley Gardens
Linden Avenue
The Leys
Eucalyptus Avenue
Lilac Court
Maris Close
Mimosa Close
Veronica Walk
Crusader Court
Goldswong Terrace
Myrtus Close
Thymus Walk
Arbutus Close
Betula Close
Clifton Hall Drive

The application has also been publicised through the display of a site notice and the publishing of a press notice.

60 representations have been received from local residents. Their main concerns are summarised below:

Principal of Residential Development and Amenity

- There is no need or justification for more housing development particularly as 3000 homes are already planned as part of the Clifton South Sustainable Urban Extension to the south in Rushcliffe Borough.
- Barton Green estate is also seen to have sufficient housing and additional properties would detract from the character and open aspect of the neighbourhood.
- The development is seen as too intensive.
- The planning application is pre-empting consideration of the sites allocation for residential development in the Draft Local Plan Part 2 (LAPP) and its discussion at the forthcoming Examination of the LAPP which starts in November 2018.
- The urbanising impact of the development would result in a reduction in people's quality of life and would have a detrimental impact on the landscape amenity value of the area, through the loss of farming land and countryside which is currently enjoyed daily by walkers, families and children.
- One resident objects on the grounds that the development would be built on green belt land.
- There is concern that Clifton is already losing surrounding open space as a result of the Clifton South Sustainable Urban Extension to the south and this proposal will exacerbate it.
- The increase in traffic generation will have a negative impact on resident's quality of life in terms of air pollution, noise, fumes, outlook and the general residential feel of the estate. Concern that this would have a negative impact

on people's mental and physical health.

- Disruption, noise disturbance and pollution to existing residents during the construction period. Concern that this would have a negative impact on people's mental and physical health.
- One resident is aware that unauthorised landfill operations took place in the area. To prevent unacceptable risks to public health from pollution and potential land instability they consider that the Phase 2 site investigation as recommended in the submitted desk top contamination study should be carried out prior to planning permission being granted.
- Concerns regarding the impact on existing local services such as doctor's surgeries and capacity within existing Clifton schools.

Traffic and Access considerations

- The main concern of local residents relates to the proposed increase in traffic and congestion resulting from the development using existing roads through the Barton Green estate and its access onto the A453 at the Crusader roundabout. They consider that the existing roads on the estate were not designed to cope with the increase in the volume of traffic proposed by the development.
- One local resident has submitted written correspondence from the Local MP dated August 1994, which stated that access would not be taken through the existing residential areas, except for emergency access. It states that the Clifton West area would need an access direct from the A453.
- The use of Hawksley Gardens as the sole access to the site, due to its narrow width, is of particular concern. Residents state that it is a small cul-de-sac with minimal traffic flow making it a safe environment for local residents and children to walk/play and cycle. Extending this road as a thoroughfare to serve the development and to allow the increased volume of additional vehicular movements proposed along this narrow street, is considered to be unacceptable and unsafe. Residents feel that it would destroy the nature of Hawksley Gardens as a quiet residential cul-de-sac and that no consideration has been given to its impact on them. They consider that highway safety issues would be exacerbated by existing on street parking along both sides of Hawksley Gardens and on Hartness Road opposite the junction with Hawksley Gardens, as many residents do not have space to park two cars on their drives. This makes turning into Hawksley Gardens difficult and dangerous and reduces the width of the road further, leaving limited space for only a small car to get through.
- The possible introduction of traffic restrictions on Hawksley Gardens is seen as being unfair to existing residents who currently have unrestricted on street parking.
- There is also significant concern about the additional impact on egress from the estate at Hartness Road onto the A453, at the Crusader roundabout. This is the sole access to estate and they consider that the proposal would result in significant increase in traffic generation / congestion and queuing vehicles at this junction. Many residents state that it already takes 2- 3 changes of the traffic lights at the roundabout to exit the estate in the mornings. In addition, they feel that there is the potential for traffic to back up the A453 heading out of Nottingham as a result of one lane effectively becoming blocked as a result of the increased traffic flow trying to enter Barton Green and the new Clifton West development. In their opinion the situation would be worsened by existing on street parking of vehicles using

the public house and local shop situated at the junction of Hartness Road with the Crusader Island.

- Concern that the submitted Traffic Assessment does not include a full assessment of traffic generation along Hawksley Gardens. Residents consider that the traffic generation modelling within the assessment is misleading and unrepresentative of the projected increase in traffic resulting from the development. Recent traffic accident reports have not been included and the impact of additional right turning traffic onto the A453 has not been appropriately considered. On this basis they do not consider that the development meets the requirements of the NPPF to provide a safe and suitable access to serve developments.
- Residents question why the proposed access from Finchley Gardens is for emergency access only. They suggest the access should form a second access into the development to help alleviate the increase in traffic using Hawksley Gardens.
- Residents of Finchley Close object to the use of Finchley Close as an emergency access. The close consists of privately owned properties and they consider that the emergency access should be taken from Juniper Close
- Many residents query why alternative access arrangements to the site have been discounted. They consider that the proposed access has been chosen as it is the least problematic option rather than being based upon actual feasibility, sustainability and appropriateness. A new access from the new Mill Hill roundabout on the A453 is suggested, as is proposed for the Clifton South Sustainable Urban Extension to the south in Rushcliffe Borough. Another resident suggests that access be taken to the north of the site through the existing agricultural land.
- Concern that the increase in the volume of traffic could cause additional problems for emergency services gaining access to the existing estate. Hartness Road is the sole access off the estate and residents recall an instance when the access was blocked and there was no vehicular access to the estate.
- Concerns are raised about the new access road from Hawksley Gardens which is proposed to cross the existing bridleway that runs along the western boundary of the existing estate. Residents state that the bridleway is regularly used by horse riders, walkers and cyclists and there are concerns about their future safety due to the road crossing.
- Residents consider that the proposals contained in the submitted Travel Plan would not to reduce car reliance are unrealistic and would be unlikely to be successful, and contain no mitigating plans should the measures fail. They consider that few people cycle and it is too far to walk to the tram. The existing bus services are currently infrequently used. They consider that the development would be placed further from existing bus stops, making it even less likely for residents in the new site to take up these alternative means of transport.
- One resident considers that when the potential of up to 600 vehicles entering/accessing the development is combined with the lack of plans for additional schools, leisure, medical, shopping facilities and poor public transport, the result would be that most journeys would be completed by car, often at peak times.
- Concerns relating to the use of both Hartness Road and Hawksley Gardens by heavy construction traffic, potential damage to the road surface and mud deposition and spillages on the road.

- Query over whether the development would provide sufficient off street parking.
- Request that if the development goes ahead Hartness Road should be the subject of a 20mph speed limit.

Heritage and Nature Conservation

- Given the woodland / sites of special scientific interest in the immediate locale residents are concerned about how an additional 250 homes (and associated people) will impact on these sensitive habitats, especially given the lack of any other planned leisure facilities for both young and old alike.
- Development of the site would further detract from the significance of Clifton Hall and the Church of St Marys (Grade I listed), Clifton Wood as a Registered Park and Garden (Grade II listed) and Clifton Conservation Area. There is concern that the contribution made by the application site to the historic setting and significance of Clifton Hall and Clifton Wood has been underestimated, with the classification in the submitted Heritage Impact Assessment (HIA) of 'low to at most moderate level of harm'. It is the resident's opinion that the site makes a valuable contribution to the historic setting significance of Clifton Hall, being not only part of the original estate, but as importantly, it was an area managed as common pasture until the 2nd World War. It also forms the immediate undeveloped rural setting of the Registered Park and Garden and as such forms an important part of the historic environment of these designated heritage assets. Contrary to the conclusion of the submitted HIA residents consider that the development would cause a major level of harm to these heritage assets. The proposed development is considered to be contrary to Policy 11 of the Aligned Core Strategy and Policies BE10, BE12 and BE14 of the Local Plan.
- Concern that development of the site would have an adverse environmental impact on Clifton Wood as an ancient woodland and Local Nature Reserve and Clifton Fox Covert (located to the south east of the site) as a Local Wildlife Site (formerly known as SINC) in terms of human disturbance, noise, vibration, light, air pollution and dust deposition. The site is considered to act as a valuable green pastoral buffer which protects both woodlands from the adverse impacts associated with urban development. It also makes a valuable contribution to the ecological network across the City and Rushcliffe Borough. Residents consider that the ecological appraisal does not satisfactorily demonstrate how development of the site would adequately minimise its impacts and provide net gains in biodiversity. The proposal would therefore be contrary to the NPPF in respect of its impact on ancient woodland and nature conservation interests.
- Residents reiterate the concerns raised by Nottinghamshire Wildlife Trust (see below). They consider that there hasn't been a thorough assessment in respect of the impact of the development on protected species and the flora and fauna in adjacent woodland and SINCs. The proposed buffer along the edge of Clifton Woods is considered to be inadequate. Surveys for notable and/or protected species are considered to be incomplete and the mitigation measures set out in ecological appraisal are seen as vague and inadequate to mitigate against the impact of the development on biodiversity in the adjacent woodlands.
- In addition to the above some residents consider that the development would restrict and detract from the views into and out of Clifton Wood and through to Thrumpton Parish. These are considered important to visitors as they

enhance the feeling of naturalness and tranquillity and play an important part in identifying the Hall and parkland's historic origins.

- One resident consider that the buffer to Clifton Woods should be a minimum of 50m in width to protect and conserve this woodland.
- It is considered that the site should be conserved and made available to the public as recreational space and would form a welcome extension to the Clifton Grove green corridor.

Other

- This was designated green belt land and one resident considers it should be used for sports facilities by the Trent University as originally used by Clifton Hall grammar school.
- The development would exacerbate existing drainage and foul sewer problems currently experienced.
- Given the amount of known archaeology in proximity to the site, further investigations should be carried out prior to outline planning permission being granted.
- Would result in the devaluation of property prices.
- Concern that the City Council is making decision on planning applications for its own land.

Clifton Village Residents Association has written in to object to the proposed development. The four main issues set out below reflect many of the concerns raised by local residents above:

- 1) The Highways statement and travel plan do not reflect the site specific factors; traffic flows during construction and once completed would be far higher than modelled. They consider that additional survey data should be sought to substantiate the impact on the Barton Green estate as a result of the proposed access route, and proposals for managing the access route during the substantial construction phase should be required.
- 2) That the actual trips from the site will be far higher than stated due to specific factors such as the barrier of the A453 and the survey should include this, or be substantiated by a survey of Barton Green.
- 3) The plans provide insufficient open space and do not comply with either the requirements of the Open Space Supplementary Planning Guidance or the more recent site development principles for the allocated site PA57 Clifton West, as set out in the LAPP.
- 4) The indicative masterplan, which shows roads backing onto protected woodland, is considered to be insufficient in terms of its landscaping and buffering of the development to Clifton Woods. It again does not comply with PA57 Clifton West as set out in the LAPP. The Residents Association consider that resolution of both of these important design features should be a pre start condition to ensure quality and a layout solution is agreed prior to any start on site.

Barton in Fabis Parish Council has also written in to object to the planning application. Their concerns reflect those raised by local residents under Heritage and Nature Conservation and in particular they refer to the detrimental impact the development would have on the listed setting of Clifton Hall and Clifton Woods, the woodlands natural environment and ancient woodland status.

Nottingham Local Forum consider it essential that this development has good connections to the local rights of way network. Although various access points are

shown on the indicative master plan, the only non-emergency one explicitly mentioned is the combined highway/pedestrian and cycle access from Hawksley Gardens. The Forum consider that the emergency access from Finchley Close should include a pedestrian access between the site and the adjacent residential area. There should also be more connections from the new development to the surrounding bridleways. The Forum notes that there are already a variety of public transport options which residents of the new development could access, given appropriate walking links. However consideration should be given to whether faster public transport options to the city centre may be provided, in order to encourage public transport travel.

Additional comments to the revised indicative masterplan and supporting information

One local resident has commented on the revised indicative master plan and amendments to the buffer to Clifton Wood. In their opinion neither the original planning application nor the revised proposals have provided suitable evidence in order to decide whether an undulating buffer of 15 – 30 metres would prevent unacceptable adverse impacts to both Clifton Woods as an ancient woodland and the biodiversity it supports. They consider that although there is no proposed loss of woodland, there is considerable potential for deterioration of the woodland as a result of the impacts of this development. In order to make a sound assessment of the impact they consider that a full Ecological Impact Assessment should be undertaken prior to the determination of the application. The importance of the site to the setting and significance of Clifton Hall, St Marys Church, Clifton Woods and Clifton Conservation Area as important heritage assets, in line with National Planning Policy, is restated and emphasised. The importance of vistas in and towards Clifton Wood, the Hall and Church are also restated.

They also consider that the development, together with the planned Clifton South Sustainable Urban Extension to the south in Rushcliffe Borough, and proposed mineral extraction site at Mill Hill/Barton in Fabis, would result in cumulative impacts on the historic landscape character of the area. They consider that a full assessment of these impacts should be made before determination of the application.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objection. EHSP are satisfied with the conclusions of the environmental assessment that conventionally designed houses would deliver acceptable levels of noise within the home and that no condition is required to address this. Conditions relating to remediation for ground, ground water and ground gas contamination are recommended.

Highways England (HE): No objections. The A453 and the Crusader roundabout from which the development gains access, via the Barton Green estate, is part of the strategic trunk road network, for which HE is responsible. HE initially requested that more detailed modelling of the junctions along the A453 in the vicinity of the site be carried out to demonstrate how the development would affect the performance of the trunk road network. Since this response it has been established that the design of the recently upgraded A453 included forecast traffic from this development. Based on this HE are content that the associated traffic from the proposed development can be accommodated on the A453 and no further traffic modelling is required.

Highways: No objections. The City Council is responsible for the local highway network, which in this instance relates to the existing roads running through the Barton Green Estate, in particular the proposed access into the site from Hawksley Gardens via Hartley Road and the subsequent internal road layout within the new development. Highways consider both Hartness Road and Hawksley Gardens are acceptable to serve the development, in terms of their geometry and pedestrian provision from a highways safety viewpoint. In terms of additional traffic generation the applicants have provided a Transport Assessment to show the impact on the highway network. Highways consider that whilst the development would result in some additional queuing at am and pm peak hour times at the Crusader roundabout, the anticipated increase in traffic generation as a result of the development would be acceptable in this location.

The emergency access located off Finchley Close would be gated and closed, prohibiting daily use, including pedestrians and cyclists. The access is proposed to only be used in an emergency situation. Both the Hawksley Gardens and Finchley Close accesses would cross the existing bridleway and would be required to be built to adoptable standards, with an appropriate bridleway crossing facility. An Order to stop up the bridleway is currently under consideration with the City Council Highways Team. As an outline planning application, details of the internal road layout would be considered as part of a reserved matters application. Conditions relating to the following are recommended:

- Construction Management Plan.
- Details of the proposed bridleway crossings and access from Hawksley Gardens and Finchley Close.
- Proposed road layout and parking provision within the new development.
- Provision of dropped kerbs and ramps at all major pedestrian crossing points.
- The investigation of Traffic Road Orders (TRO's) on the adjacent existing highway network and instigating the process to implement any TRO's required to protect access to the development.

Environment Agency: No objections.

Drainage Team: No objections: The drainage team are satisfied with the submitted Flood Risk Assessment. A condition relating to surface water drainage is recommended.

Historic England (HE): Clifton Hall is a Grade I Listed Building set in a Grade II Registered Park; closely associated with the Grade I Listed Church of St Mary the Virgin and the Conservation Area. HE consider that some housing development could be achieved in the application site, without compromising the relationship of the designated assets to the wider agricultural landscape. They are concerned that the application documents do not present an indicative layout and massing that demonstrates this. As presented HE consider the proposed indicative layout and massing of up to 285 units does not address the relationship between the Hall, Park, Church and Conservation Area and the wider historic landscape, in particular in views looking south east in association with these designated assets and also across the river over the assets to the land beyond. The scheme fails to illustrate that the proposed level of housing can be delivered without harm and does not present a clear and convincing justification for the harm evident in the indicative layout and massing. HE are disappointed that the proposed scheme does not at this outline stage present a layout and massing proposal to support the introduction

of up to 285 units in a manner which speaks to the significance of the Park, Hall, Church and Conservation Area in their historic landscape setting.

Conservation Officer: No objection subject to mitigation. The development is situated immediately adjacent to the grade II registered Clifton Hall Park and Garden and the Clifton Village Conservation Area (the boundaries of which overlap). The Conservation Officer considers that the southernmost part of the Park and Garden, known as Clifton Wood, would be the heritage asset most directly affected by the scheme. The Conservation Officer considers that the Impact Assessment's conclusions and suggestions are felt to be well reasoned and accurate. It is felt that the potential for impact on the tranquillity and character of Clifton Wood is considerable and could lead to a moderate level of harm to its significance and rural setting. The introduction of adequate mitigation through landscaping is therefore of high importance. The Conservation Officer considered that the layout depicted on the original indicative master plan for the site provides insufficient easement between the built up area proposed and the woodland edge. A revised indicative layout was recommended, with a suggested belt of green landscaping at least 30 metres wide being provided along the western edge of the development.

Further to the submission of the revised proposals for the green buffer along the western boundary of the site with Clifton Woods, the Conservation Officer has commented that he is satisfied with the revised approach to the woodland edge.

Biodiversity and Greenspace Officer (BGSO): No objection subject to mitigation and conditions. An ecology appraisal and accompanying protected species surveys have been submitted as part of the planning application. Recommendations in the appraisal for the protection, mitigation and enhancement of protected species and the natural environment are mirrored in the individual surveys and included in section 5 of the appraisal. The BGSO considers the findings of the appraisal and surveys to be satisfactory and recommends that these should be secured by a suitably worded condition. These are recommended to include:

- Buffer specification.
- Ancient woodland mitigation strategy.
- Hedgehog friendly fencing.
- Badger mitigation strategy.
- Bat friendly lighting throughout the scheme.
- Bat and bird boxes on houses/ trees.
- Landscaping – including details of species, future maintenance agreements, and retention of boundary and central hedgerows/ tree line.
- Paths and development boundary specification.
- Flood attenuation pond specification.

A badger mitigation strategy has subsequently been submitted and comments from the BGSO will be reported to the meeting as an update report.

Natural England (NE): No objection subject to ancient woodland strategy being secured by condition. NE consider that without appropriate measures being secured, the development could have an adverse effect on Clifton Wood, which is now listed on the Ancient Woodland Inventory. The submission and agreement of an ancient woodland strategy is required to mitigate against these adverse effects and make the development acceptable.

City Archaeologist: The site is in an area of archaeological potential. A geophysical survey undertaken in 2017 revealed some archaeological potential in the form of possible ditches and other possible features, in parts of the site. Widespread evidence of prehistoric and Romano-British occupation has been identified in the vicinity of the site. The potential archaeological features identified through the geophysical survey could therefore be of some significance.

There should be a requirement for a programme of archaeological works initially consisting of an archaeological field evaluation, in the form of trial trenches, as a condition of planning permission to assess the character, condition and extent of archaeological remains. The archaeological field evaluation will then provide an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks.

Coal Authority: No objections.

Nottinghamshire Wildlife Trust: Object. The Trust acknowledge that the site is allocated within the current Local Plan for residential development. However, considering the ecological sensitivity of the surrounding area including the adjacent Clifton Wood, its woodland habitat, its status as a Local Nature Reserve, its scheduled status as Grade II Park and Garden, together with 2 nearby Local Wildlife sites and Holme Pit Site of Special Scientific Interest (SSSI), the Trust consider that the submitted indicative master plan is ecologically insensitive and does not follow the 'design principles' as set out in the emerging LAPP (ref: PA57 Clifton West). The Trust consider that there is very limited open space proposed. The position of the road, as shown on the indicative masterplan, due its close proximity to Clifton Wood, in their opinion does not provide sufficient space to allow the recommendation mitigation measures outlined in the ecological appraisal to be implemented. They recommend that the application is not determined until the emerging LAPP has been formally adopted.

Furthermore the Trust consider that the planning application should not be determined until additional survey work has been carried out in respect of bats, reptiles and breeding birds. They also express concern that development could have an adverse impact on badgers and the loss of suitable foraging habitat. The Trust do not consider that the impact on Clifton Woods has been adequately assessed. They feel that the status of Clifton Wood LNR in particular will be impacted by an increase in footfall, particularly as direct access is proposed to Clifton Wood from the residential development. The Trust has had a long-term involvement in the management of this LNR and consider it to be very high quality woodland in ecological terms. The Trust recommended that as a precautionary measure the wood should be treated as 'ancient woodland' and recommended that the development should follow current standing advice published by Natural England. ***(The wood has since been designated thus).***

Woodland Trust: The Woodland Trust objects on the basis of damage to Clifton Wood to the west. Although not previously identified as ancient woodland Clifton Wood was recently assessed by Natural England and has subsequently been added to the Ancient Woodland Inventory (AWI) as ancient semi-natural woodland (ASNW). The Trust are concerned that where large residential developments are proposed adjacent to areas of ancient woodland the wood can be subjected to damage and long-term degradation without appropriate mitigation in place. The Trust note that the applicants have amended their indicative master plan in order to incorporate a buffer zone that is largely 15m in width along the development

boundary, occasionally extending to 30m. While the implementation of a recognised buffer is to be commended, the Trust believes that the applicants have not provided a suitable buffer that is in line with the large size and scale of their development and the lack of areas of alternative natural green space within the development site. As such, the Trust will maintain its objection to the development until the applicants have committed to increasing the buffer size to a minimum of 50 metres in order to adequately protect Clifton Wood.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (July 2018)

- 6.1 The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible and paragraph 11 indicates that development proposals that accord with an up-to date development plan should be approved without delay. A number of sections of the NPPF are relevant to this application.
- 6.2 **Delivery of a sufficient supply of homes** - Paragraphs 59-61 support the Government's objective of significantly boosting the supply of homes where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. Paragraph 62 indicates that when the need for affordable housing is identified it should normally be expected to be met on-site.
- 6.3 **Promoting healthy and safe communities** - Paragraph 91 requires decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, are safe and accessible, and support healthy lifestyles through, for example the provision of safe and green infrastructure. Paragraph 94 stresses the importance that a sufficient choice of school places is available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 98 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 6.4 **Promoting Sustainable Transport** - Paragraphs 102-111 stress the need for transport issues to be considered at the earliest stage of plan making and development proposals so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Paragraph 108-109 require consideration of the promotion of sustainable transport modes, ensuring that safe and suitable access to the site can be achieved for all

users and acceptable mitigation of any significant impacts on the transport network. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 6.5 **Making effective use of land** - Paragraphs 117-123 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.6 **Achieving well- designed places** - Paragraphs 124-132 are focused on achieving the creation of high quality buildings and places. Paragraph 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); optimise the potential of the site to accommodate and sustain an appropriate amount and mix of; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 6.7 **Conserving and enhancing the natural environment** - Paragraphs 170-183 states (amongst other things) that planning decisions should protect, enhance valued landscapes, sites of biodiversity, minimise impacts on, provide net gains for biodiversity and recognise the intrinsic character and beauty of the countryside. Paragraph 175 states that when determining planning applications, Local Planning Authorities should apply the following principles:
- a) if significant harm to biodiversity 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;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

6.8 **Conserving the Historic Environment** – Paragraph 190 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including its setting). Paragraph 192 requires account to be taken of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that the conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) a grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

6.9.1 Where a development proposal will lead to substantial harm to a designated heritage asset permission should ordinarily be refused unless certain specified criteria are met. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

6.9.2 **Facilitating the sustainable use of minerals** – Paragraph 206 indicates that other development should not normally be permitted in a Mineral safeguarding Area if it might constrain potential future use for mineral working.

Nottingham Local Plan (November 2005):

Policy ST1 – Sustainable Communities

Policy H1 – Clifton West

Policy H2 – Housing Density

Policy H5 – Affordable Housing

Policy R2 – Open Space in New Development

Policy BE10 – Development within the curtilage or Affecting the Setting of a Listed Building

Policy BE12 – Development with Conservation Areas

Policy BE14 – Historic Parks and Gardens

Policy BE16 – Archaeological Constraint Areas

Policy NE1 – SSIs

Policy NE2 - Nature Conservation

Policy NE3 – Protected Species

Policy NE5 – Trees

Policy NE9 – Pollution

Policy NE10 – Water Quality and Flood Protection

Policy NE12 – Derelict and Contaminated Land.

Policy T3 – Car, Cycle and Servicing Parking

Policy T10 – Management of the Highway Network

Policy T12 – Public Rights of Way

Aligned Core Strategy (ACS) (September 2014):

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

Policy 11 – The Historic Environment

Policy 14 – Managing Travel Demand

Policy 17 – Biodiversity

Policy 19 – Developers Contributions

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of residential development;**
- (ii) Highway considerations;**
- (iii) Impact on Heritage Assets;**
- (iv) Impact on the Natural Environment;**
- (v) Density, layout and scale;**
- (vi) Relationship with adjoining residential properties**
- (vii) Planning obligations.**

i) Principle of residential development (Paragraph 11 of the NPPF, Policy A and 8 and the Aligned Core Strategy Policies ST1, H1.6 and H2 of the Local Plan)

- 7.1 The site is currently agricultural grazing land which sits at the western urban fringe of Clifton. The site was formerly within the Green Belt but its release came as a result of the Green Belt review that was carried out as part of the Nottingham Local Plan Review in 1997. It has been an allocated site for residential development since the adoption of that Local Plan in 1997.
- 7.2 The Clifton West Policy H1A of the adopted Local Plan 1997 proposed a net housing area of between 6.1 and 7.3 hectares with a minimum retention of 2.3 hectares of the existing playing field to form new open space.
- 7.3 A subsequent Planning Brief produced in 1997 sets out guidance for development of the site. Particular attention should be drawn to Paragraph 4.21 of the brief which states the following:
- “ Access will be at Finchley Close and Hawksley Gardens. Direct access is possible from the head of Hawksley Gardens cul-de-sac. Land at numbers 7 and 8 Finchley Gardens however prevents entry at this point. Therefore, land purchase will be required to achieve the access.”
- At the time the Planning Brief was prepared responsibility for Highways was with the County Council and the relevant guidance stated that “a 300 unit residential development requires dual entry points, each of 5.5m. The carriageway should, in addition, be flanked by 2m footways. Finchley Close and Hawksley Gardens are respectively 5.5m and 6m with requisite footways.”
- 7.4 The site did not come forward for development during the plan period of the adopted Nottingham Local Plan (1997) and the site was further allocated for residential development in the subsequent Nottingham Local Plan (adopted 2005), some policies of which are now ‘Saved’ pending the adoption of the Land and Planning Policies Development Plan Document (LAPP) which has recently undergone public examination. Saved Policy H1.6 of this Local Plan allocates the site for residential development of approximately 285 dwellings.
- 7.5 The Inspector’s Report of Inquiry into Objections to the Nottingham Local Plan 2005 assessed the merits including the site allocation in the adopted Local Plan 2005, and referred to the imbalanced housing stock in Clifton and the need for its diversification to create more of a balanced community and housing choice. The Nottingham City Playing Pitch Assessment, May 2001 (jointly commissioned by the City Council and Sport England), concluded that there was no need for sports provision in Clifton. The Inspector agreed that there was merit in revisiting the open space element of the development. He also considered that the draft brief had due regard to the surrounding land, including Clifton Woods as a Site of Importance for Nature Conservation and Local Nature Reserve. The Inspector gave great consideration to the representation of local residents at the Local Plan’s Examination Hearing in respect of their concerns regarding transportation issues and proposed access. Taking into account safety records at the time and the proposed improvements to the A453 at the Crusader roundabout, the Inspector considered that the additional vehicles from the proposed development would not be unduly detrimental to highway safety. Hartness Road, Hawksley Gardens and Finchley Close were considered to be of a sufficient width and geometry to

accommodate residential traffic associated with both the existing and proposed development.

- 7.6 The site is currently allocated for residential development in the emerging LAPP, Submission Version (March 2018). Policy SA1 - Site Allocations, identifies sites allocated and protected to meet the development needs of Nottingham until 2028. Site reference 'PA 57 Clifton West' is the proposed allocation for the application site. Access to the site is safeguarded from Hawksley Gardens and Finchley Close under Policy TR2. 18. The LAPP is currently at Examination stage and the soundness of the 'PA57 - Clifton West' as a residential allocation is under consideration. Although the LAPP is not yet capable of being a material planning consideration in its own right, it is at an advanced stage and both follows and maintains the clear policy direction for this site for residential development.
- 7.7 Paragraph 11 of the NPPF (2018) and Policy A of the Aligned Core Strategy (ACS) sets a clear presumption in favour of development where development proposals accord with an up-to-date development plan. The site is allocated under 'Saved' Policy H1.6 of the 2005 Local Plan for residential development. Residential development of the site is therefore considered to be in principle acceptable and would accord with the 'presumption in favour of sustainable development' set out in the NPPF and Policy A of the ACS. As an allocated site within an adopted Local Plan, the City Councils determination of the planning application can proceed independently to the current LAPP process. The City Council would not therefore have grounds to delay the determination process. Determination of the proposed development will however be subject to meeting the requirements of the policies of the NPPF, development plan and other material planning considerations of acknowledged importance.
- 7.8 The current planning application is outline and therefore details of the proposed housing numbers and mix would be agreed at the reserved matters stage. Policy H1.6 of the 'Saved' Local Plan estimates that approximately 285 dwellings could be accommodated on the site. The Submission Version of the LAPP identifies the site for predominantly family housing and estimates the potential delivery of between 255 and 275 dwellings. The Design and Access Statement submitted with the planning application states that development has the potential to provide up to 285 dwellings, which would make a significant contribution to the Council's five year land supply, as required by the NPPF, as the site is available and would be largely and potentially entirely deliverable within this period. However, given the need to protect both the setting of adjacent heritage assets and avoid adverse impacts on nature conservation interests, it is anticipated that the numbers of dwellings is likely to be lower than the current figures quoted in the 'Saved' Local Plan.
- 7.9 The NPPF, Aligned Core Strategy and Saved Local Plan policies support the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable, inclusive mixed communities. The NPPF states that Local Planning Authorities should plan for a mix of housing and identify the size, type, tenure and range of housing to meet local needs. The indicative masterplan and supporting Design Code put forward for consideration at this time is for a development of houses that would be predominately family housing focused, with potential housing mix of 1-5 bedroom houses, 20% of which would be affordable housing to meet local needs. Such accommodation would support the aims and objectives of Saved Policy ST1 and ACS Policy 8 that support the provision of family housing.

- 7.10 Residents have referred to the Clifton South Sustainable Urban Extension. The Urban Extension is located within the Borough of Rushcliffe and as such the proposed 3,000 dwellings would not contribute towards the City Councils 5 year housing supply
- 7.11 The proposal would therefore comply with NPPF, Policies A and 8 of the Aligned Core Strategy and Saved Policies ST1, H1.6 and H2 of the Local Plan.

ii) Highways considerations (NPPF, Policy 14 of the Aligned Core Strategy and Saved Policies T3 and T12 of the Local Plan)

Proposed Access through the Barton Green Estate

- 7.12 The application is an outline proposal which seeks to establish the principle of the land use but also includes consideration of access issues, with all other matters reserved. The primary access for vehicles and pedestrians would be through the extension of Hawksley Gardens at its western end. An emergency access would be created at the western end of Finchley Gardens but is not proposed to be other than for providing access and egress for emergency purposes. Access onto Hawksley Gardens is from Hartness Road, a local distributor road, which provides access into the existing estate from the A453 at the signalised Crusader roundabout.
- 7.13 The proposed extension to Hawksley Gardens would take the form of a 6m wide carriageway with 2m footways to either side. The emergency access point at the end of Finchley Close is proposed to be 3.7m in width and would be gated to restrict access to emergency use only. The access design includes for appropriate equestrian crossing facilities where the proposed access road crosses the existing bridleway running along the eastern boundary of the site.
- 7.14 Highways consider that Hawksley Gardens and Hartness Road provide suitable geometries, pedestrian provision and visibility splays to ensure that the proposed development can be safely accessed from the existing local highway. Hawksley Gardens provides a carriageway width of between 5.5 and 6m wide, and 7.5m corner radii at the junction with Hartness Road. Visibility splays of 2.4m by 65m are provided at the junction with Hartness Road. Hartness Road has been designed to the standard of a residential distributor road and Highways consider that it can accommodate traffic associated with both the existing and the proposed development. The precise design of the proposed accesses and bridleway crossing facilities would be agreed by condition.

Traffic generation and impact on the strategic and local road network

- 7.15 A Traffic Assessment (TA) has been submitted with the planning application to primarily assess the impact traffic generated by the development on the local and strategic road network. The TA using the TRICS survey database from the 'Houses Privately Owned' category concluded that the proposed development would generate 141-146 vehicular movements in the AM and PM peak hours. This level of vehicle generation during the peak hours equates to approximately 2-3 additional vehicles travelling on the local highway network every minute during the peak hours, split between arrivals and departures. The TA states that the proposed development would only have an impact of more than 5% along Hartness Road. Beyond Hartness Road impacts of 2% or less will be felt across the rest of the network.

- 7.16 Hawksley Gardens currently serves approximately 35 properties. It is acknowledged that the road has low traffic flows at present and the development would lead to a significant percentage increase which is estimated to be an additional 141-146 vehicular movements in the AM and PM peak hours. However, as previously stated, in design terms Hawksley Gardens is considered sufficient to cater for the additional traffic generated by the proposed development. This was recognised by the Planning Inspector in their report of the Inquiry on the site's allocation in the 'Saved' Local Plan (2005), who considered both Hawksley Gardens and Finchley Close to be of sufficient width to accommodate the proposed development without widening. It is recognised that additional Traffic Regulation Orders may be required along Hawksley Gardens to maintain a free flow of traffic. On this basis Highways are satisfied with the conclusions of the TA in terms of traffic generation and have raised no objections to the proposal on the grounds of highway safety on the local highway network.
- 7.17 As all traffic associated with the development would travel through the signalised Crusader roundabout on the A453, detailed junction assessments were undertaken. Highways England also required additional traffic modelling of the junctions along the A453. The TA concluded that the results of the capacity assessments indicate that the additional traffic generated by the proposed development scheme would not have a significant impact on the operation of the signalised roundabout or capacity levels on the A453. The TA anticipated that an additional 141-146 trips would travel through the Crusader Roundabout during each of the peak hours. The impact at the A453 /Green Lane roundabout was forecast to be 103-106 trips during each peak hour whilst impact at the Farnborough Road Roundabout is anticipated at 91-94 trips. The slip roads travelling between the A453 and the A52 (west) are forecast to receive between 15 and 44 additional trips during the peak hours.
- 7.18 Highways England have confirmed that the design of the recent A453 road improvements, including the Crusader roundabout, included forecast traffic from this development. On this basis Highways England are content with the submitted TA and that the associated traffic from the development can be accommodated on the A453. On this basis Highways England have raised no objections on the grounds of highway safety on the strategic highway network.
- 7.19 The use of the TRICS survey database is seen as an accepted method to forecast the likely traffic generation resulting from the development as part of a TA. Both Highways and Highways England are satisfied with the findings of the TA.

Sustainable Transport

- 7.20 The proposed development is considered to offer a number of opportunities for residents to use sustainable modes of transport, to either travel to work or access facilities within Clifton and the city centre. The site is proposed to link into the existing pedestrian network running through the existing Barton Green estate and the wider pedestrian network within Clifton. In addition, the existing bridleways running along the eastern boundary of the site and other public rights of way running through the area which provide additional pedestrian and cycle links and recreational walking routes through the surrounding area. Shared pedestrian and cycle routes have also been provided along the western side of the A453 as part of the recent improvements works.

- 7.21 The nearest existing bus stops to the centre of the site are situated along Hartness Road, a walking distance of approximately 250m from the centre of the proposed development site. Further stops are also provided along the A453, to the north of the Crusader Roundabout, within a walking distance of 875m from the centre of the site. Surface improvements are proposed to the existing bridleway which runs from the south east corner of the site along the southern boundary of the Barton Green estate and across the recreation ground to create a better access for pedestrians wishing use public transport, better linkages for cyclists in the existing cycle network, and improved access to the local park and play equipment, and Clifton beyond.
- 7.22 A Residential Travel Plan has been submitted which sets a target to reduce the percentage of car drivers during the AM and PM peak hours by over 5% over 5 years. The Travel Plan sets out 'hard and soft' measures to provide suitable links to local facilities in Clifton for pedestrians, cyclists and public transport use and to encourage the use of more sustainable modes of travel.

Alternative access arrangements

- 7.23 Local residents have suggested alternative access arrangements to the site. These are considered in turn:
- Access to the north from the A453, via agricultural fields separating Barton Green estate from Clifton Village: The land sits within the Clifton Village Conservation Area and forms part of the Open Space Network, and shares a close relationship two Grade I Listed Buildings. Use as part of the development would not accord with several policies of the Development Plan and would result in significant harm to the surrounding heritage assets. The land involves third party land which is not part of the development and viability of such a length of access road is questioned without further development along its length.
 - Access from the south from the A453 at the Mill Hill roundabout via Fox Convert Lane and Clifton Grove Woods. Land to the south of the site sits within open countryside and is washed over the Green Belt, Open Space Network and Clifton Grove is a Local Nature Reserve (LNR) and Local Wildlife Site (LWR). The proposed access would be contrary to both national and local planning policy in this respect and would be considered to extend built urban development into the Green Belt. It would result in significant harm to the LNR and LWR. The land involves third party land which is not part of the development and viability of such a length of access road is questioned.
 - The use of Juniper Close and Osprey Close in the Barton Green estate. The applicant has stated that this access option involves the demolition of existing dwellings and third party land which is not available for use as part of the development. The tenure of properties on Juniper Close would not form a material planning consideration
7. 24 The Local Plan Inspector in examining the 'Saved' Local Plan (2005) considered access to the site from both Hawksley Gardens and Finchley Close. Both roads form part of the adopted highway and are available for use as part of the development. A small parcel land has been secured at the western end of Finchley Close, solely on the basis that the access road is for emergency use only and is restricted at any other time. It is acknowledged that this could have formed a second access into the site or least pedestrian and cycle access. Highways are

however satisfied that the development can be primarily served from Hawksley Gardens.

- 7.25 Highways are satisfied that subject to the design of suitable bridleway crossing points, the development would maintain pedestrian, cycle and equestrian safety along the existing bridleway to the east of the site. An application to stop up the bridleway to facilitate both access points has been submitted to the Council and is being dealt with by Highways as a separate matter.
- 7.26 Matters regarding the internal road layout and parking for the proposed dwellings are not matters for the consideration at this stage and would be considered as part of the detailed, reserved matters. The application has been supported by a design code and illustrative masterplan which is discussed below.
- 7.27 A Construction Management Plan would be conditioned to ensure that impact of the development on the highway, pedestrians, cyclists and neighbouring residents would be mitigated as far as possible during the construction period.
- 7.28 The granting of permission would neither create an unacceptable impact on highway safety nor severe residual cumulative impacts on the road network. The proposal accords with NPPF, Policy 14 of the Aligned Core Strategy and Saved Policies T3 and T12 of the Local Plan, subject to the conditions requested by highways.

iii) Impact on Heritage Assets (NPPF, Policy 10 and 11 of the ACS and Saved Policies BE10, BE12, BE14 and BE16 of the Local Plan)

- 7.29 No designated heritage assets lie within the site itself. However, the site does lie within the immediate setting of a number of designated heritage assets including: Grade I Listed Clifton Hall, and associated Grade II structures; Grade I listed Church of St Mary the Virgin and associated Grade II listed structures; Grade II listed 1 and 2 Home Farm Cottages; Grade II listed former Stables to Clifton Hall; Grade II listed Yew Tree Grange and associated structures; and the Clifton Village Conservation Area. These heritage assets are all located to the north of the site although the Conservation Area also takes in Clifton Wood to the west.
- 7.30 The development is situated immediately adjacent to the grade II registered Park and Garden of Clifton Hall and the Clifton Village Conservation Area (the boundaries of which overlap). The southernmost part of the Park and Garden, known as Clifton Wood, would be the heritage asset most directly affected by the scheme. This area of mixed, semi-natural woodland was shown on Ingham's map of 1763 as wilderness, an area for walking and tranquil relaxation. Later maps show a more formal grid pattern of paths was laid out in the wood. This layout survived into the 20th century, but is now heavily overgrown.
- 7.31 The proposed development would not result in a direct impact on or loss of any designated heritage asset. However, given the potential impact on the setting of the above heritage assets, a Historic Environment Impact Assessment (HEIA) has been submitted with the planning application.
- 7.32 The HEIA noted that the proposed development would be visible from Clifton Wood and would:

- result in the loss of a large area of farmland that contributes to the open, undeveloped rural setting of the asset when viewed from the east, north and south.
- restrict views of the tree-line and views out of the wood to the east.
- lead to the construction of road infrastructure bordering the eastern tree-line.
- This will inevitably increase traffic noise and activity, impacting on the tranquillity of the woodland.
- The proposed development will more closely integrate the Registered garden with the extended settlement of Clifton, restricting views of the eastern tree-line and views out of the asset to the east, although these already include views of the rooftops of properties along Hartness Road.

- 7.33 In respect of Clifton Hall, the assessment concludes there to be no clear or known functional or historical relationship between the site and this asset. The visual connection between the asset and the site is considered to be restricted by a rise/fall in topography, mature planting, a field boundary to the south of the Hall and by later modern development along Clifton Hall Drive within the immediate setting of the Hall. The HEIA does agree with local residents that it is likely that the site once lay under the ownership of the hall and was farmed as part of its estate. In respect of St Marys Church it concludes there to be no known functional relationship between the Site and this asset. Once more it considers the visual connection is restricted by a rise/fall in topography, mature planting, a field boundary and by later modern development within the immediate setting of the Church. The HEIA concludes that the southernmost part of the proposed development may be visible from both the second floor of the Hall and the top of the church tower, featuring in distant rural views. It considers that this will bring low and negligible levels of harm to the setting and appreciation of the special architectural and historic significance of these assets respectively.
- 7.34 The HEIA considered that the development of the site would have no impact on the setting and significance of the Grade II listed 1 and 2 Home Farm Cottages and a neutral impact on the setting and significance of the Grade II listed Yew Tree Grange and associated structures.
- 7.35 The HEIA considers that the proposed development would infill a sizeable plot of open arable land that contributes to the transition from the settlement of Clifton Village to the rural hinterland of fields and managed woodland, as observed within short and long-distance views from the south. As such it would impact on the experience of the peripheries of the built up area of Clifton Village Conservation Area from the south and the adjacent woodland. The new development would impact on the openness of views towards and away from the Conservation Area, mainly on the approach along the track from the south. It further notes that the 1997 Conservation Area Appraisal and Management Plan expressly acknowledges the allocation of the site within the Local Plan at that time. Overall, it is considered that the proposed development will bring a low to at most moderate level of harm to the character and appearance of the Conservation Area.
- 7.36 The HEIA, having assessed the significance of heritage assets and the contribution that setting, makes to that significance, concludes that the development would lead to a low to at most moderate level of harm to the designated heritage assets. It goes on to suggest that a well considered landscaping scheme could help mitigate this impact.

- 7.37 The Conservation Officer considers the above conclusions and proposed mitigation measures to be well reasoned and accurate. They are of the opinion that the potential for impact on the tranquillity and character of Clifton Wood is considered appropriate and could lead to a moderate level of harm to its significance and rural setting. The introduction of adequate mitigation through landscaping is therefore of high importance.
- 7.38 Policies BE10, BE12 and BE14 of the Local Plan (2005) relate to the impact on Listed Building, Conservation Areas and Registered Parks and Gardens. These policies are set out in absolute terms to the effect that if the application results in any form of harm or detriment then planning permission should be refused. These policies are however now 13 years old and are out of step with the revised NPPF (2018), which sets out the policy direction in terms of the assessment of the impact of development on heritage assets. The new policies of the LAPP have been updated to reflect the policy position of the revised NPPF. The HEIA has assessed the impact on heritage assets in line with the revised NPPF and highlights a level of 'harm' albeit low to moderate. Given the absolute terms of the Local Plan policies a recommendation to grant permission in these circumstances forms a 'technical' departure from the Local Plan even though such a recommendation is in accordance with other policies of that Plan, most notably the longstanding allocation of the Site for housing development. Officers are of the opinion that given the age of Policies BE10, BE12 and BE14, and their inconsistency with National and forthcoming local Policy that greater weight should be given to the policy direction outlined in the revised NPPF. The application is considered on this basis below.
- 7.39 Paragraph 196 of the NPPF (2018) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 7.40 When the policies of the NPPF and the development plan are taken as a whole, the benefits of the proposed development must be regarded as significant. The site is a long standing housing allocation in the development plan that is available and deliverable to help meet the Council's 5 year housing land supply, would widen the housing offer locally and increase the amount of affordable housing in the area. The economic stimulus of new house building is a material benefit implicit in the NPPF, which explicitly seeks to boost significantly the supply of housing. Taken together, the social and economic benefits of the proposed development would be substantial. In the context of the NPPF it is necessary to weigh such benefits against any environmental disadvantages and other impacts taking into account the scope for mitigation through the proportionate and appropriate use of planning conditions.
7. 41 Historic England (HE) have not objected to the development and clearly state that some housing development could be achieved in the application site without compromising the relationship of the designated assets to the wider historic agricultural landscape, i.e. without subsuming the park into a suburban landscape. However, they are concerned that the application documents do not present an indicative layout and massing that demonstrates this. At this outline stage all matters, apart from access, are reserved for future approval including the number of houses, their scale, external appearance and landscaping. It is considered that the concerns of HE can be fully addressed through the subsequent reserved matters planning application, in full consultation with them.

- 7.42 The original illustrative masterplan and supporting Design Code were submitted to demonstrate that a development of 285 dwellings could potentially be accommodated on the site. The illustrative masterplan showed a network of roads passing through and around the perimeter of the site. Alongside Clifton Wood a thin strip of green was shown while larger areas of landscaping were present at the northern end of the site and in the south west and south east corner. The Design Code proposed the scale of the housing to be two storeys in height with lower densities around the perimeter edge adjoin the boundaries with the designated heritage and nature conservation assets.
- 7.43 The Conservation Officer considered that the original illustrative masterplan provided insufficient mitigation and easement between the built up area and the woodland edge of the Registered Park and Garden. It was suggested that a buffer of green landscaping at least 30 metres wide be provided along the western edge of the development in order to provide sufficient separation distance between the tranquil environment of the Wood and potential sources of noise and visual disturbance arising from the new housing and road. Improving accessibility to the Registered Park and Garden and restoration of the woodland walks would provide additional benefits which help to justify the development's impact.
- 7.44 A revised illustrative masterplan and Design Code were subsequently submitted to respond to consultation responses. In summary, changes to the masterplan included an increased western buffer which is now 15m to 30m in width, restricted and managed access to the woods, and the inclusion of suitable habitat for foraging badgers. In responding to the impact on the Registered Park and Garden the applicant notes that the asset's significance comes not from a consequence of views into the woodland, but through its remnant status as a former formal plantation associated with the hall to the north east. Within the woodland the original paths are not clear, but would have primarily taken vistas along east - west axis rather than out from the woodland to the application site. From the site towards the woodland the picture is one of a solid naturalised woodland edge, with no clue to the original formalised parkland.
- 7.45 The Conservation Officer is satisfied with the proposed approach to the woodland edge design. Although he considers that a more consistent 30m buffer would have provided a more significant degree of separation, the variable 15-30m easement represents an adequate and more natural compromise between protecting the setting of this heritage asset and the development of housing on this allocated site. It is also considered that the reduced housing density proposed in the Design Code to the north and western edges of the development would further mitigate the impact of new housing within the immediate setting of the heritage assets.
- 7.46 As a result of changes made to the illustrative masterplan and Design Code it is clear that the ability of the site to be developed with 285 dwellings is unrealistic and likely to provide insufficient mitigation to outweigh the potential harm to the woodland as a designated heritage asset. The subsequent reserved matters application for the development, in terms of its layout, scale and external appearance, would be required to fully address this and all other issues, resulting in an appropriate housing density to reflect its context.
- 7.47 The submitted archaeology assessment has identified that the part of the site sits within an area of Archaeological constraint and has potential to contain

archaeological remains. The Council's Archaeologist has requested a scheme for archaeological evaluation, which can be secured by condition.

- 7.48 In conclusion, it is considered that housing delivery is a public benefit that can in itself be weighed against the development's 'less than substantial harm' as set out in Paragraph 196 of the NPPF. Notably the Clifton West site is a longstanding housing allocation which has not previously come forward as an active development opportunity. It is clear that by definition, the allocation of the site within a Local Plan represents a wider public benefit. It is also considered that with sufficient mitigation, any residual impacts of granting permission on the designated heritage assets would not significantly or demonstrably outweigh the public benefits of the proposed development, when assessed against the policies of the NPPF as a whole.
- 7.49 The proposed development is therefore considered to comply with paragraphs 132 and 134 of the NPPF and Policy 11 of the Aligned Core Strategy and Saved Policies BE16 of the Local Plan. Government Guidance on determining planning applications advises that "*the National Planning Policy Framework does not remove the requirement to determine the application in accordance with the development plan unless there are other material considerations that indicate otherwise*" and the NPPF itself is such a material consideration. The same guidance also advises that "*conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.*" Bearing all of this in mind, and as indicated above, it is felt that the NPPF should be afforded more weight than Saved Policies BE10, BE12, and BE14 of the Local Plan especially when balanced against the benefits of this development and the Site's longstanding allocation for housing. Whilst the proposals are contrary to these policies it is felt on balance that it is appropriate to recommend the grant of planning permission and this has been advertised as a departure from these Local Plan policies.

iv) Impact on the Natural Environment (NPPF, Policy 17 of the ACS and Saved Policies NE1, NE2, NE3 and NE5 of the Local Plan)

- 7.50 Clifton Wood has recently been listed as an ancient woodland, in September 2018, by Natural England. It is also a Local Wildlife Site (LWS) and forms part of the Clifton Grove, Clifton Woods and Holme Pit Local Nature Reserve (LNR). The wood extends along the entire western limit of the site. The site is adjoined to the south by pockets of woodland, forming part of the above LNR and Fox Covert LWS. The Holme Pit Site of Special Scientific Interest (SSI) is located 0.2km to the west of the site.
- 7.51 Saved Policies NE1, NE2 and NE3 of the Local Plan state that development likely to have an adverse impact on the fauna, flora, landscape or geological features of a SSI, LNR, and LWS or other locally important sites will not be permitted unless it can clearly be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the nature conservation value of the site and, in the case of policy NE3 (Conservation of Species) where there is an overriding need for the development. Where planning permission is granted, conditions and/or planning obligations will be sought to provide appropriate mitigation and compensation measures.

- 7.52 In light of the adjacent national and local designated sites an Ecological Appraisal has been carried out. This in turn has led to further survey work being carried in connection with bats, Great Crested Newts and Badgers. The Nottingham Wildlife Trust have made comment that additional survey work has not been undertaken in respect of breeding birds and reptiles. The applicants' ecologist identified some potential for breeding birds, including Birds of Conservation Concern (BoCC), but did not consider a full breeding bird survey necessary based on desk study records and the site being relatively small and lacking in diversity. Similarly, the ecologist did not consider a reptile survey to be necessary based on the desk study records and that habitats in the site are generally unsuitable for reptile species.
- 7.53 The Biodiversity and Green Space Officer (BGSO) considers the submitted Appraisal and surveys to be satisfactory.
- 7.54 The Appraisal identifies the site to largely comprise improved grassland with approximately 50% of its boundaries having mature hedgerows. Along the boundary between the two fields, through the centre of the site, is a line of semi mature trees. The proposed development would involve loss of the improved grassland. The Appraisal considers that the site does not contain notable habitats in their own right but does provide opportunities for use by protected species:
- Great Crested Newts: The survey found no evidence of great crested newts.
 - Birds: The vegetated habitats within the site are likely to be used by nesting birds, including ground nesting species within the open grassland areas. All wild birds, their nests, eggs and dependent young are protected under the Wildlife and Countryside Act 1981 Act and this would have implications for scheduling of any site clearance activity.
 - Bats: Although there is no opportunity for roosting within the site itself, the adjacent areas (particularly the woodlands) are considered likely to support roosting bats, and trees and hedgerows within the site may provide important foraging and commuting corridors associated with local roosts. The bat survey showed evidence of bat foraging within the development site.
 - Badgers: Evidence of badger activity in the area was found across the site and surrounding woodlands.
- 7.55 In terms of impact on the adjacent woodland designated sites, the Appraisal recognised that housing development up the boundaries of the woodland areas could lead several harmful impacts including increased disturbance of the woodland habitat resulting in damage to fauna, reduction in the quality of the woodland fringe as foraging habitat, and a potential increase in the predation of birds and other wildlife.
- 7.56 Based on the findings of the ecological surveys the Appraisal sets out recommendations which would mitigate the impacts of the development:
- The retention of existing trees where possible, in particular the mature hedgerow along the eastern boundary of the site with the bridleway.
 - A buffer of soft landscaping along the boundary with the woodland areas to minimise degradation of the woodland fringe and maintain the value of these areas as foraging and commuting habitat for wildlife.
 - High fences around gardens backing onto any woodland areas.
 - Clearance of the site should be undertaken outside the bird breeding season.
 - Installation of a 'hawk kite' in each field before the commencement of the bird breeding season to minimise risk to ground breeding birds.

- Installation of bat friendly lighting and the need for it to avoid illumination of the woodland fringe and mature hedgerows.
- Consideration of permeability of the site to species such as hedgehogs.
- Creation of corridors of green habitat throughout the site.
- Ecological enhancements including bat roost provision, bird nesting boxes and native soft landscaping.

- 7.57 The BGSO considers that a buffer between the woodland on the north, west and southern boundaries and proposed development is required to not only provide an area of protected land adjacent to the protected Clifton Wood, but also to retain foraging habitat for mammals, foraging birds of prey and other species. It is recommended that this should be at least 30m in width, should compliment the woodland fringe and in doing so would help to reduce impacts of disturbance following the development.
- 7.58 The Design Code sets out that the proposed green buffer to the site's boundaries would provide the needed mitigation required to meets the requirements of the NPPF and development plan. Furthermore the existing hedge line through the middle of the site is to be retained and the mature hedgerow long the eastern boundary of the site would be retained, and further protected by the green buffer. These are welcomed inclusions within the proposals, providing a green corridor between Clifton Wood and the bridleway to the east and south as a foraging route for bats, birds and other mammals.
- 7.59 Paragraph 175(c) of the NPPF states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'. The proposed development would not result in the loss of ancient woodland.
- 7.60 Natural England have raised no objection to the proposal, subject to appropriate mitigation. They consider that without appropriate measures the application would have an adverse effect on Clifton Wood, as an ancient woodland. In order to mitigate these adverse effects and make the development acceptable, a suitable ancient woodland strategy should be secured by condition. Guidance produced by Natural England and the Forestry Commission (Ancient Woodland, ancient trees and veteran trees: protecting them from development, October 2014) sets out what form the mitigation measures could take. These include, improvement to the condition of the wood, noise, light reduction measures and buffer zones. For ancient woodlands its states that buffer zones should be at least 15m in width to avoid root damage, but may need to be larger to reduce the impacts of air pollution for increased traffic associated with development. A buffer should contribute to the wider ecological networks and be part of the green infrastructure of the site.
- 7.61 In light of the submitted ecological appraisal the BGSO requested additional survey work on badger foraging and commuting routes across the site and a revised width for the buffer, together with details of how this will be soft landscaped. Further to the submission of the additional badger survey and revised proposals for the green buffer, the BGSO requested a badger mitigation strategy. This is currently with the BGSO and any further comments regarding this will be reported.
- 7.62 The BGSO has no adverse comments to make on the principle of the revised buffer as set out in the revised Masterplan and Design Code, which varies between 15-

30m in width. She considers that the maximum width should be sought as a priority and should reflect the presence of badgers and sensitivity of the adjacent ancient woodland. She supports the recommendations of Natural England for the submission of an ancient woodland strategy. Landscaping of the buffer should ensure the use of native species, to create a stepped structure of trees, shrubs and grassland. This will provide a retained habitat for badgers and other small mammals, birds and invertebrates.

7. 63 The BGSO states that the ancient woodland mitigation strategy and management of access to Clifton Wood should include the improvement of existing footpaths throughout the woods. The BGSO has recommended there be two pedestrian access routes into the woodland from the development, in addition to the current path from the south. This is required to provide an accessible Local Nature Reserve for future and existing residents, and help to reduce the environmental impacts of the creation of desire line paths within the woodland.
- 7.64 A financial contribution towards these works is to be secured as part of the S106 Agreement. Furthermore the S106 Agreement is also required to provide a financial contribution towards the enhancement of existing public open space in the surrounding area, part of which is to be put towards improvement of Clifton Wood.
- 7.65 In conclusion it is considered that the impact of the proposed development on the natural environment is acceptable subject suitable conditions requiring the mitigation measures outlined above. The proposal would accord with the NPPF, Policy 17 of the ACS and Saved Policies NE1, NE2, NE3 and NE5 of the Local Plan subject to the conditions required by the Natural England and the BGSO.

(v) Density, layout and scale (Policy 10 of the Aligned Core Strategy and Saved Policies H2, T3, NE5 of the Local Plan)

7. 66 All matters regarding site layout, scale and design of the proposed dwellings would be considered under a subsequent reserved matters submission. The application is however supported by the revised illustrative Masterplan and Design Code.
- 7.67 The illustrative Masterplan and Design Code show an indicative road layout and residential development frontages to demonstrate how the site could be developed for up to 285 properties (although the revisions referred to elsewhere may result in a lower level of housing) and achieves an average density of 37 dwellings per hectare. Densities would vary across the site to respond to its immediate context, with lower densities envisaged at the development edge along the west, south and northern boundaries of the site. The Design Code sets out an indicative housing mix which would deliver a range of 1-5 bedroom houses likely to comprise largely three bedroom family houses with a smaller range of two, four and five bedroom dwellings, which reflects the character of the site and the largely family housing proposition in the surrounding area. The Masterplan and Design Code show a road layout and built form consisting of detached, semi-detached and some terraced housing organised in perimeter blocks. Continuous residential frontages are proposed to define, overlook and activate the streets. Building heights are restricted to two storey.
- 7.68 A key feature of the Masterplan and Design Code is the retention of large areas of informal open space and the enhancement of existing green infrastructure around the rural edges of the site. The position of the informal open space and attenuation pond along the northern boundary of the site would create an attractive open and

green entrance into the site, as well as suitable mitigation for the designated heritage assets. Green buffers along the western and southern boundaries provide important mitigation and separation of the built development from Clifton Wood and the adjacent LNR's and LWS to the south. They would also provide a soft green edge to the development where it meets open countryside and the Green Belt. A large strip of open space is also provided by the easement to a mains water pipe that runs along the eastern boundary of the site with the bridleway. The existing hedge line through the middle of the site is shown to be retained to create a green corridor between Clifton Wood and the bridleway. In addition to mitigation they all offer opportunities for ecological enhancement and new landscaping.

- 7.69 The Design Code sets out a hierarchy of three types of streets, namely the main distributor road, the residential street and the shared surface pedestrian priority residential streets, to create a framework for differing street design and character. It also sets out various curtilage parking scenarios. A series of 6 character areas are proposed across the development to add a further layer design, interest and to help create a sense of place. Together with the proposed areas of informal green space these character areas provide an important tool to develop and steer an appropriate scale, density and character of development at the rural edges of the site with Clifton Wood, open countryside to the south and with the designated heritage assets to the north.
- 7.70 An updated Design Code and Design and Access Statement would be required to be submitted to support a subsequent reserved matters application to ensure that the development would fully address comments made by Historic England. Details of external materials and hard and soft landscaping would be required by condition.
- 7.71 It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy and Saved Policies H2, T3 and NE5 of the Local Plan in this regard

(vi) Relationship with adjoining residential properties (Policy 10 of the Aligned Core Strategy and Saved Policy NE9 of the Local Plan)

- 7.72 The site is separated from the Barton Green estate by the existing bridleway to the east. The need to provide a mains water pipe easement which runs along the eastern edge of the site with the bridleway would provide further separation between existing and new development. It is considered that the relationship with the properties immediately adjacent to the site is acceptable and that the proposal would not unacceptably impact upon the amenities of the neighbouring occupiers. The reserved matters submission would resolve details of the layout, including the boundary treatment to the edge of the site where it abuts existing residential properties. It is therefore considered that the proposed development would satisfy Policy 10 of the Aligned Core Strategy in this regard.
- 7.73 There will inevitably be some impact from additional car movements on residents fronting the roads within Barton Green that would provide access to the development, but this impact is assessed in broader terms under the Highways consideration section and is found to be at an acceptable level for these roads. Regarding the change to the character of the Hawksley Gardens, and to a lesser extent Finchley Gardens, it is recognised that a significant change would occur but once again it noted that these are allocated routes to serve an allocated development site within the 'Saved' Local Plan, where the principle of this change has been accepted in principle since 1997. These are cul-du-sacs with roads that

end at the site boundary of a housing development where there has always existed the potential to access further developable land. Setting this change in character to one side, the impact of the car movements in itself would be the same as for the other access routes through Barton Green and as stated above, this is considered to be of an acceptable level.

7.74 It is therefore considered that the proposed development would comply with Policy 10 of the Aligned Core Strategy and Saved Policy NE9 of the Local Plan in this regard

(vii) Planning obligations (NPPF, Policies ST1, H5, R2, NE2, NE3 and NE5 of the Local Plan and Policies 8, 11, 17 and 19 of the Aligned Core Strategy)

7.75 For this development a number of both Policy based and site specific planning obligations would be required to ensure that the development is acceptable in planning terms, namely b:

- (i) A requirement to provide 20% affordable housing on site should any subsequent reserved matters submission comprise of 25 dwellings or more.
- (ii) The provision of an approved scheme in respect of on-site amenity land and the Sustainable Urban Drainage System.
- (iii) On-going management and maintenance arrangements for any on-site amenity land and the Sustainable Urban Drainage System.
- (iv) A financial contribution towards the enhancement of public open space off-site.
- (v) A financial contribution towards the expansion and/or enhancement of education facilities in the area.
- (vi) A financial contribution of £25,000 towards the enhancement and improvement of existing footpaths in the adjacent Clifton Wood.
- (vii) Provisions for the long term maintenance arrangements for the emergency access.

7.76 As indicated above, the site comprises two parcels of land, one of which is owned by the City Council and the other by Nottingham Trent University (NTU). The intention is that the site will be marketed jointly should planning permission be granted. As it is not possible for the Council to enter into a planning obligation with itself, and, in order to ensure that the full range of necessary obligations are secured, NTU have agreed that they will enter into a S106 Agreement to secure all the necessary planning obligations for the whole site against their land. The S106 obligation will then include mechanisms to ensure that no development would commence on the NTU land until a second S106 Agreement has been completed in respect to the land currently owned by the City Council once that land has been sold. This would ensure that the all the necessary planning obligations are secured in full. Both applicants have agreed the relevant Heads of Terms and this proposed mechanism.

Affordable Housing (Policy 8 of the Aligned Core Strategy and Saved Policy H5 of the Local Plan)

- 7.77 Policy H5 of the Local Plan sets out the requirement to secure up to 20% affordable housing on all new residential developments. In this instance it is considered that the affordable housing provision should be provided on site. The final tenure mix and siting of the affordable housing would be secured through the planning obligation and dealt with at the reserved matters stage.
- 7.78 As affordable housing is calculated by reference to a policy based formula reliant on details to be covered in the reserved matters, it is not possible to give a precise indication of the number of affordable housing units to be required at this stage, however, the S106 obligation will secure full compliance with Policy H5 of the Local Plan.

Public Open Space (Saved Policy R2 of the Local Plan)

- 7.79 Policy R2 of the Local Plan sets out the requirements to secure either the provision of public open space on site or a financial contribution towards the enhancement of existing public open space within the local area. Informal green space is required along all boundaries of the site but given the requirement to mitigate against the adverse impacts of the development as set out above, this would not be seen as meeting the public open space requirements of the development. A financial contribution in lieu of on-site public open will also be required based on the formula within the Council's Open Space Supplementary Planning Guidance. This will be directed towards the improvement of the Clifton Wood Local Nature Reserve, Barton Green play area, Clifton Playing Fields (tennis courts and Sports Barn) and Clifton Central Park. These are areas of public open space readily accessible to the residents of this development.
- 7.80 As the financial contribution towards the enhancement of existing public open space is calculated by reference to a policy based formula reliant on details to be covered in the reserved matters, it is not possible to give a precise indication of what the final contribution towards public open space would be at this stage. The planning obligation will secure the enhancement of existing public open space and would therefore meet Policy R2 of the Local Plan.

Education (Saved Policy ST1 of the Local Plan)

- 7.81 In terms of education, the secondary schools are already experiencing capacity issues and consequently the development is going to increase pressure for school places. The contribution will be used towards expanding the capacity of Farnborough secondary school in the Clifton catchment area.
- 7.82 Given that this is an outline planning application, the final education contribution cannot be calculated at this stage. The proposed Section 106 obligation will include the relevant formula to calculate the contribution. The S106 obligation will secure the enhancement of education facilities in the Clifton catchment area and will therefore meet Policy ST1 of the Local Plan.

Clifton Wood footpath improvements (NPPF, Policies 11 and 17 of the ACS and Saved Policies BE14, NE2, NE3 and NE5 of the Local Plan)

- 7.83 A financial contribution is required to ensure that the proposal meets the mitigation requirements set out above and accords with the NPPF and Saved Policy NE5 of the Local Plan (in respect of ancient woodlands,); Policy 11 and Saved Policy BE14 of the ACS, to ensure the preservation of the setting of Clifton Wood as a

Scheduled Parks and Garden; and Policy 17 of the ACS and Saved Policies NE2 and NE3 with regards to the protection and preservation of nature conservation interests. The proposed footpath contribution would be put towards the improvement of existing footpath links, and to help manage pedestrian access within Clifton Wood.

Management Arrangements

- 7.84 The revised illustrative masterplan shows various areas of amenity land which are needed to meet the mitigation requirements for protected species and woodland as set out above. The s106 obligation will ensure that this land together with the Sustainable Urban Drainage System is maintained by a management company.
- 7.85 There is also a need to ensure that the emergency access is properly maintained and managed and this will also be covered by the S106 obligation.
- 7.86 In relation to all of the above (including each of the named areas of public open space to be enhanced by the open space financial contribution and the secondary school to be expanded), the planning obligations sought will not exceed the permissible number of obligations in accordance with Regulation 123 (3) of the Community Infrastructure Levy Regulations 2010.
- 7.87 The obligations proposed are necessary and directly relate to the development and accord with the policies outlined above.

Other Matters (Policies 10 and 11 of the Aligned Core Strategy and Policies NE9, NE12 and BE16 of the Local Plan)

- 7.88 Contamination: (Policy NE9 and NE12 of the Local Plan): The requirement for a remediation strategy to deal with ground, gas and water contamination, including adjacent landfill operations, would be secured by condition. The proposals are therefore in accordance with Policy NE9 and NE12 of the Local Plan.
- 7.89 In response to the issue regarding the City Council interest as applicant, this planning application is required to be determined by the City Council as Local Planning Authority and the recommendation is made solely in light of the proposed development's compliance with the National Planning Policy Framework and the policies of the Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. Further transparency is offered by the determination of the application at Planning Committee.
- 7.90 The applicant has agreed to provide employment and training opportunities for the construction phase of the development. This would be secured as part of the s106.
- 7.91 The site is located within a Minerals Safeguarding Area. No objections have been raised by the Coal Authority in this regard.

8. SUSTAINABILITY (Policy 1 of the Aligned Core Strategy and Saved Policy NE10 of the Local Plan)

- 8.1 The conservation and enhancement of the surrounding woodland habitat as designated assets forms an integral part of the scheme.

- 8.2 The proposed development would seek to include measures from the following, as appropriate:-
- Seek to provide insulation standards to meet or exceed current building regulation standards.
 - Dwellings to accommodate features that actively reduce water and energy consumption and carbon emissions.
 - Plots orientated to take advantage of natural light and heat capture where possible.
 - Accommodation of space and provision for local recycling and waste management on all plots.
 - Sustainable construction standards as part of the build process.
- 8.3 Surface water drainage is to be reduced to greenfield runoff rates and has been designed to use sustainable drainage techniques. A surface water attenuation pond is to be provided in the northern part of the site corner of the site and is proposed to include measure to enhance biodiversity. Details of surface water drainage would be dealt with by condition.

9 FINANCIAL IMPLICATIONS

The policy compliant requirements for Affordable Housing and the financial contributions towards education, off-site public open space and off-site footpath improvements are outlined in the above appraisal section. As an outline planning application, the final figures are not known and would be calculated in accordance with established formulas once a planning application for reserved matters is approved.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement, however it should be noted that the power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning Act (Development Management Procedure) (England) Order 2015. Should further legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Deliver quality housing for all

Ensure Nottingham's workforce is skilled

14 CRIME AND DISORDER ACT IMPLICATIONS

None.

15 **VALUE FOR MONEY**

None.

16 **List of background papers other than published works or those disclosing confidential or exempt information**

1. Application No: 18/00056/POUT - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P2FKSQLYFIL00>

17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

Contact Officer:


Mrs Jo Bates, Case Officer, Development Management.

Email: jo.bates@nottinghamcity.gov.uk. Telephone: 0115 8764041

NOMAD printed map



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Key
 City Boundary

Description
No description provided

My Ref: 18/00056/POUT (PP-06059463)
Your Ref:
Contact: Mrs Jo Bates
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Planning And Design Group (UK) Ltd
FAO: Mr Bob Woollard
Pure Offices
Lake View Drive
Sherwood Park
Nottingham
NG15 0DT

Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR OUTLINE PLANNING PERMISSION**

Application No: 18/00056/POUT (PP-06059463)
Application by: Nottingham City Council And Nottingham Trent University
Location: Land Between Clifton Wood And Clifton Phase 4 Development, Yew Tree Lane, Nottingham
Proposal: Outline planning permission for residential development with all matters reserved except access.

Nottingham City Council as Local Planning Authority hereby **GRANTS OUTLINE PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. Approval of the details of scale, layout, appearance and landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for the approval of any reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission; and

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)



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Continued...

3. The development shall not be commenced, including vehicle movement and ground preparation, until details of the vehicle/pedestrian access road from Hawksley Gardens, the emergency access from Finchley Close and the bridleway crossings have been submitted to and agreed in writing with the Local Planning Authority. This shall include details of measures to safeguard users of the bridleway, at the point the proposed accesses cross the bridleway, during construction, and should include a timetable for their implementation.

The access road, emergency access road and bridleway crossings shall then be constructed in full accordance with the approved details in line with the agreed implementation timescale, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site in the interest of highways and pedestrian safety in accordance with Policy 10 and 14 of the Aligned Core Strategy.

4. No development including vehicular access and site preparation works shall be carried out until details of a Construction Management Plan have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period for the development and shall provide for:

- (a) Measures to be taken to reduce noise and disturbance to neighbouring properties;
- (b) The proposed hours of construction and delivery times.
- (c) Details of the type, size and frequency of vehicles to/from the site and haul routes (if any);
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Measures to prevent the deposit of debris on the highway to include wheel washing facilities, if necessary;
- (f) Measures to control the emission of dust and dirt during construction;
- (g) Site security;
- (h) The parking of vehicles of site operatives and visitors, to be contained with the site;
- (j) A timetable for its implementation.

The construction of the development shall be carried out in full accordance with the Plan.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents to comply with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

5. No development involving the breaking of ground shall take place within the site until a programme of archaeological works, consisting initially of an archaeological field evaluation, has been submitted to and approved in writing by the Local Planning Authority. The scheme of evaluation shall determine the character, extent and condition of any archaeological remains and provide an evidence base to determine what further archaeological work may be required in advance of and/or during groundworks.

The development shall be carried out in full accordance with the approved programme of archaeological works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any archaeological remains of significance are safeguarded in accordance with Policy 11 of the Aligned Core Strategy and Policy BE16 of the Nottingham Local Plan.

6. The development hereby permitted shall not be commenced, including vehicle movement and ground preparation, until an Arboricultural Method Statement (AMS), to include retained trees, adjacent woodland and hedgerows, prepared in accordance with principles set out in British Standard 5837:2012- 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall specify measures to be put in place for the duration of construction operations to protect the existing trees/woodland/hedgerows that are shown to be retained on the approved plans or adjoin the site.

The AMS shall include a programme of arboricultural supervision to ensure all staff on site are made aware of the tree protection conditions. The development shall be carried out in accordance with any ongoing requirements set out in the approved Arboricultural Method Statement.

Reason: To ensure the protection of retained trees, adjacent woodland and boundary hedgerows during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

7. The tree protection measures detailed in the approved Arboricultural Method Statement (AMS) and plans approved under a subsequent reserved matters application shall be put in place prior to the commencement of any work on site, including demolition, vehicle movement and ground preparation. The protection is to be retained for the duration of all site works including hard surface installation. No works are to be carried out to the trees unless prior approval has been given by the Local Planning Authority.

Reason: To ensure that all staff on site are fully aware of the importance of the trees and for the Local Planning Authority to have a named contact in case of any arboricultural issues that may arise.

8. No development, including vehicular access and site preparation, shall commence until details of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall ensure that Clifton Woods are protected from impacts such as damage by construction traffic, dust, pollution, and increased noise and lighting levels. The CEMP shall contain details relating to locations of protective hoardings around the site along with measures to prevent accidental encroachment within proposed green buffers. No direct lighting of the surrounding woodland and mature trees should occur during construction. Further consideration should be given to site hydrology and run-off to prevent potential effects from ground contamination. Any environmentally hazardous material used should be kept in dedicated stores and storage tanks should have appropriate bunding.

The development shall be carried out in full accordance with the approved Plan.

Reason: In the interest on nature conservation in accordance with Policies 17 of the Aligned Core Strategy and Policies BE14, NE2 and NE3 of the Nottingham Local Plan.



9. The development hereby permitted shall not be commenced, including vehicle movement and site preparation, until a detailed Ancient Woodland Mitigation Strategy required to protect Clifton Woods as an ancient woodland is prepared in accordance with the principles set out in Natural England and Forestry Commission standing advice on ancient woodland.

The development shall be carried out in full accordance with the mitigation strategy.

Reason: To ensure the protection of retained trees, adjacent woodland and boundary hedgerows during the construction period and in accordance with the aims of Policy NE5 of the Local Plan.

10. No development shall commence, including vehicle access and all site preparation works, until a detailed ecological mitigation strategy (EMS) required to protect badgers, has been submitted to and approved in writing by Local Planning Authority. The EMS shall include detailed method statements, as required, to avoid harm or significant disturbance to the badgers that may be impacted by the development works. The mitigation strategy shall include the following:

- The location and status of the setts;
- Updated survey work as necessary; to be completed by qualified and where necessary licenced ecologist following published guidance;
- The location of and width of the buffer, based on up to date locations of setts;
- Appropriate landscaping of the woodland buffer, central retained to provide a stepped structure with berry, nut and nectar producing species to provide food source;
- Location of upgraded paths in Clifton Woods in relation to badgers;
- Working methods during construction, to avoid disturbance and harm to badgers and their setts;
- Methods in place to reduce disturbance after development;
- Retention of foraging routes and access to adjacent foraging areas throughout;

The development shall be carried out in full accordance with the approved EMS.

Reason: To safeguard and manage protected species and valued habitat in accordance with the aims of Policy 17 of the Aligned Core Strategy and Policies NE2 & NE3 of the Local Plan.

11. No development shall commence, including vehicle access and all site preparation works, until precise details of the proposed green buffer/informal open space required to mitigate against the harm to the adjacent heritage assets, ancient woodland and protected species, to include their size, width, boundary and landscape treatment, and timescales for their implementation, have been submitted to and agreed in writing with the Local Planning Authority.

Thereafter the green buffer/informal open space shall be constructed in accordance with the approved details and timescale, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the setting of adjoining heritage assets, ancient woodland, protected species and valued habitat in accordance with the aims of Policies 11 and 17 of the Aligned Core Strategy and Policies BE10, BE12, BE14, NE2 & NE3 of the Local Plan.



12. Prior to the commencement of the development, a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site shall be submitted to and be approved in writing by the Local Planning Authority:

a) A Site Investigation, based on the recommendations made in the Phase 1, Desk Study, Produced by BSP Consulting dated 11 January 2017, and a detailed assessment of the risk to all receptors that may be affected, including those off site.

b) A Remediation Plan, based on the Phase 1 report and Site Investigation (required by a) above) giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).

c) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in b) above are complete.

The Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

13. Notwithstanding the submitted Flood Risk Assessment, the development shall not be commenced until drainage plans for the disposal of surface water, to include the use of sustainable urban drainage measures and additional source control features, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the surface water drainage scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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 in accordance with Policy 1 of the Aligned Core Strategy and Policy NE10 of the Local Plan.

14. The development shall not be commenced until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority.

The development shall be completed in accordance with the approved site levels.

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.



15. The development shall not be commenced until details of the layout of the development and the design, external appearance and scale of the buildings, including their relationship to adjacent heritage and ecological assets, protected species and existing ground levels, have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the layout and appearance of the development will be satisfactory in accordance with the NPPF, Policy 10, 11 and 17 of the Aligned Core Strategy and Policies BE10, BE12, BE14 of the Local Plan.

16. No above ground development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) External materials including windows, bricks, other finishes to walls and tiles;
- b) Hard surfacing of all external areas to include roads, foot/cycle paths and parking areas;
- c) Boundary treatment and enclosures to the site and individual plot boundaries;
- d) Refuge storage for the site and individual premises.

The development shall be completed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure an appropriate quality of finish to the approved development and to protect the amenities of neighbouring residential properties in accordance with Policy 10 of the Aligned Core Strategy.



17. No above ground development shall be commenced until details of ecological management and enhancement measures, which shall have regard to the recommendations of the ecological appraisal and separate protected species surveys, produced by Penny Anderson Associates Ltd, have been submitted to and approved in writing by the Local Planning Authority. Measures shall include details of the following:

- The production and approval of a the badger and ancient woodland mitigation strategy (in line with conditions 10 and 11);
- A buffer of soft landscaping along all boundaries of the site (inline with condition 12);
- Retention of the central line trees on the site;
- Retention of boundary hedgerows and vegetation features to all boundaries for commuting bats, which should not be lit, and for potential badger commuting areas;
- The inclusion of bat friendly lighting throughout;
- Clearance of vegetation outside of the bird breeding season;
- A bat and bird box scheme;
- Update of the badger survey and ecological assessment/ protected species scoping report;
- Hedgehog friendly fencing throughout the scheme;
- Details of landscaping and management for retained and newly created grasslands, meadows and buffers, including a specification for the attenuation pond;
- Paths and development boundary specification;
- Timescales for the implementation of ecological enhancements.

The development shall be carried out in accordance with the approved measures.

Reason: In the interests of ecological enhancement and in accordance with the NPPF, Policy 17 of the Aligned Core Strategy and Policy NE3, NE2 and NE5 of the Nottingham Local Plan.

18. No above ground development shall be commenced until an electric vehicle charging scheme has been submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the first occupation of the development.

Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

19. No above ground development shall take place until details of a renewable energy scheme have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the renewable/low carbon energy scheme shall be implemented prior to first occupation of each dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of providing a sustainable development and in accordance with Policy 1 of the Aligned Cored Strategy.

20. No above ground development shall be commenced until details of improvements to the bridle way running along the southern boundary of the site and existing Barton Green Estate, together with footpath improvements across the Barton Green park to provide pedestrian access to existing pedestrian and public transport routes, have been submitted to and agreed in writing with the Local Planning Authority.

The works shall be implemented in accordance with the a timescale to be agreed as part of the details.



Reason: To promote sustainable modes of travel in accordance with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Nottingham Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

21. Each dwelling shall not be occupied until the following have been completed and made available for use, unless otherwise agreed in writing with the Local Planning Authority.

- a) the installation of the means of enclosure for the property;
- b) laying of the hard surfaced areas for the property;
- c) installation of the bin storage area for the property;
- d) Car parking has been provided for the property;
- e) Refuse storage for the property.

Reason: To ensure that the appearance of the development will be satisfactory and in the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

22. No part of the development hereby permitted shall be occupied until a detailed landscaping and planting scheme indicating the type, height, species, location, sectional pit details and maintenance arrangements of the proposed trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the development and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a high quality development in accordance with Policy 10 of the Aligned Core Strategy.

23. Prior to first occupation of the development, the following shall be submitted to and be approved in writing by the Local Planning Authority:

- a) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground gas contamination of the site has been fully implemented and completed.
- b) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with ground and groundwater contamination of the site has been fully implemented and completed.

To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policies NE9 and NE12 of the Nottingham Local Plan.

24. Prior to the first occupation of the development a timescale for the installation of the roads, pavements and footpaths shall be submitted to and agreed in writing with the Local Planning Authority.

Thereafter their installation shall be carried out in accordance with the approved timescales.

Reason: To ensure a high quality development in accordance with Policy 14 of the Aligned Core Strategy.



Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

25. All site clearance work shall be undertaken outside of the bird-breeding season, ie. not within March to September inclusive. All birds' nests (except pest species) are protected from disturbance and destruction by the Wildlife and Countryside Act 1981 (as amended). If work has to take place during the bird breeding season a survey for nesting birds shall be carried out by an experienced ecologist and the results of this submitted for the written approval of the Local Planning Authority before the work begins. If nesting birds are discovered, no activity likely to cause disturbance shall be undertaken in the vicinity of the nest until the chicks have fledged.

Reason: In the interests of conserving protected species and the ecology of the development in accordance with Policy NE3 of the Local Plan.

Standard condition- scope of permission

- S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 12 January 2018.

Reason: To determine the scope of this permission.

Informatives

1. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

2. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

3. Conditions and are 'reserved matters' as defined in the Town & Country Planning (General Development Procedure) Order 1995.

4. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated
- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.



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Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

5. Construction & Demolition

Noise Control: Hours of Work and Equipment

The acceptable hours for demolition or construction work are detailed below; -

Monday to Friday:	0730-1800 (noisy operations restricted to 0800-1800)
Saturday:	0830-1700 (noisy operations restricted to 0900-1300)
Sunday:	at no time
Bank Holidays:	at no time

Work outside these hours may be acceptable in exceptional circumstances but must be agreed with Nottingham City Council's Environmental Health Team (Tel: 0115 9152020; email: pollution.control@nottinghamcity.gov.uk)

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression / silencers.

Dust/Grit and Other Fugitive Emissions

Construction and demolition work invariably generates grit and dust, which can be carried off-site and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays.

Appropriate measures include;-

Flexible plastic sheeting
Water sprays /damping down of spoil and demolition waste
Wheel washing.
Periodic road cleaning.

6. Ancient Woodland advice:

- The ancient woodland strategy should cover all aspects highlighted in Natural England and Forestry Commission standing advice on ancient woodland
<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveyslicences>. The assessment guide can be used to determine a developments potential impact
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/740503/FCNE_AWSA_AssessmentGuideFinalSept2018.pdf

-The Environmental Construction Management Plan should detail how impacts on the woodland will be avoided.

7. Noise Control: hours of work and equipment during demolition/construction
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)
Sunday: at no time
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting
Water sprays/damping down of spoil and demolition waste
Wheel washing
Periodic road cleaning

8. Highways:

1) It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring. If the development works will have any impact on the public highway, please contact Highways Network Management on 0115 876 5238 or by email at highway.management@nottinghamcity.gov.uk. All associated costs will be the responsibility of the developer.



2) The Highways Network Management team at Loxley House must be notified regarding when the works will be carried out as disturbance to the highway will be occurring and licences may be required. Please contact them on 0115 8765238. All costs shall be borne by the applicant.

3) Planning consent is not consent to work on the highway. To carry out off-site works associated with the planning consent, approval must first be obtained from the Local Highway Authority. Approval will take the form of a Section 278 Agreement and you should contact Highways Network Management on 0115 8765293 to instigate the process. It is strongly recommended that you make contact at the earliest opportunity to allow time for the process to be completed as you will not be permitted to work on the Highway before it is complete. All associated costs will be borne by the developer. We reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway.

4) 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 Nottingham City 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. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the City Council in writing before any work commences on site. For further information please contact Network Management on 0115 876 5293.

5) The Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. All trees to be planted on highway will be subject to commuted sum payments for their maintenance. The commuted sum for a street tree is £938.61 per tree. Trees that will have a dual purpose as use for drainage will incur greater costs. For further information regarding the collection of commuted sums the applicant should contact Network Management on 0115 876 5293.

6) Please contact our drainage experts Paul Daniels 0115 8765275 to discuss requirements to satisfy the condition related to drainage.

8) Please contact Robert Smith 0115 8763604 robert.smith3@nottinghamcity.gov.uk to discuss sustainable transport, and the Travel Plan and measures.

9) At the same time as the remainder of the development, all parking areas shall be provided with minimum dimensions of 2.4m x 5.5m (with additional 0.5m if adjacent to a hard boundary) with permeable surface construction. The spaces should be marked out in accordance with details which shall first have been agreed in writing with the City Council as local planning authority, and shall be retained and not used for any other purpose.

9. PUBLIC RIGHT OF WAY (PROW)

The crossing of the bridleway at the two places identified shall be built to adoptable standards and be of an appropriate design to accommodate all expected access users such as horses. The

design shall ensure these users are prioritised over vehicular traffic. All costs to be borne by the applicant and the design to be agreed in liaison with the highway authority.

To discuss Public Right Of Way details further the applicant should contact John Lee 0115 8765246.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



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RIGHTS OF APPEAL

Application No: 18/00056/POUT (PP-06059463)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.



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