



Position
Statement

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Gedling Local Planning Document Examination

Position Statement on behalf of
Northern Trust Limited

Ref. 9151009
Matter 5: Housing

January 2017



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Issue 5b: Housing Supply in the Plan Period

Question 16 – Are all of the housing sites allocated in Policies LPD 64 to LPD 70 justified and deliverable in terms of national policy and guidance and as indicated in the Housing Trajectory? [Appendix A]

1.1 The paragraphs below answer the above question specifically in relation to the proposed allocation of the Linden Grove site (H4) under Policy LPD 64.

Justified

1.2 Paragraph 182 of the NPPF establishes that to be found sound Local Plans must be “Justified”. In order to be justified the plan “*should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence...*”

1.3 The Council’s Site Selection Document (May 2016) explains the approach taken to site selection. The first step involved the identification of a large pool of potential sites through the SHLAA (2015).

1.4 The Council then conducted an initial sieve of the sites identified on the basis of the following criteria:

- Location;
- Size;
- Planning Status; and
- SHLAA Assessment¹.

1.5 This reduced the initial pool of SHLAA sites and led to the identification of a smaller pool of 114 ‘Reasonable Alternative’ sites across the Borough as a whole. In total 33 ‘Reasonable Alternative’ sites were identified in and adjoining the urban area.

1.6 All Reasonable Alternatives were then subject to a more detailed assessment which considered the following:

- the site capacity;
- the site status (i.e. brownfield/ greenfield);
- the SHLAA conclusions;
- infrastructure impacts and requirements;

¹ Paragraph 2.3 of the Site Selection Document – Main Report (May 2016).

- the outcome of the Council's Sustainability Appraisal (2016);
- the contribution of sites to the purposes of the Green Belt, based on the Council's Green Belt Assessment (2015);
- compliance with the ACS;
- highways implications, including input from Nottinghamshire County Council as Local Highways Authority;
- the impact of possible development sites on heritage assets; and
- the responses received to previous rounds of consultation.

1.7 On the basis of that assessment the majority of sites were rejected and a small number were identified for allocation.

1.8 The Council's site selection process, for the urban area, which led to the identification of the Linden Grove site (H4), as a proposed housing allocation under Policy LPD 64, was robust and accords with the Spatial Strategy established in the ACS (see the answer to **Matter 3: Issue 3a: Question 2** made by GVA on Northern Trust's behalf for further detail).

1.9 Therefore, it is considered that the proposed allocation of the Linden Grove site (H4) for residential development is justified in terms of national policy and guidance.

1.10 However, we remain of the view that the wording of Policy LPD 64, which would prohibit the delivery of housing on the site until after the completion of the GAR, is not justified. There is also, to our knowledge, no evidence that other alternative solutions, which could allow the scheme to be developed in advance of the GAR, have been considered by NCC or Gedling Borough Council. Therefore, our concerns regarding the soundness of this policy remain, as set out in previous representations to the LPD (Ref. 9151009) and in answer to **Matter 7: Issue 7c: Question 17**.

Deliverable

1.11 Footnote 11 to Paragraph 47 of the NPPF establishes that to be considered "*deliverable*", sites should be:

- **available** now;
- offer a **suitable** location for development now; and
- be **achievable** with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

Availability

1.12 The NPPG² states that a site is:

“considered available for development, when, on the best information available...there is confidence that there are no legal or ownership problems... land is controlled by a developer or landowner who has expressed an intention to develop, or ... to sell...”.

1.13 The site is being actively promoted for residential development by Northern Trust on behalf of the landowner, Midlands Land Portfolio Limited.

1.14 There are no legal or ownership issues. The land owners express objective is to secure the necessary planning approvals and then sell the site to a house builder. Accordingly, the site is available now in NPPF terms.

1.15 It is noted that a small part of the site, in the north east corner, is required to support the delivery of the Gedling Access Road. This would not affect the availability of the site for residential development and has been taken into account in the technical and masterplanning work undertaken to date.

Suitability

1.16 Detailed sub-criteria for assessing the suitability of sites are set out in the NPPG³. It confirms that a number of factors should be considered when assessing a site's suitability for development, including:

- Development Plan policy, emerging plan policy and national policy (including how up-to-date plan policies are);
- physical limitations or problems (e.g. access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination);
- potential impacts including the effect upon landscape, nature and heritage;
- environmental/amenity impacts.

Consistency with Policy

1.17 The site is in a sustainable location, immediately adjacent and well-related to the main urban area of Nottingham, in the preferred location for the provision of the majority of housing in the Borough, as set out in the ACS.

² PPG Paragraph: 020 Reference ID: 3-020-20140306

³ PPG Paragraph: 019 Reference ID: 3-019-20140306

- 1.18 The ACS establishes the need for the release of Green Belt land in order to meet the development needs in the area. The 'exceptional circumstances', required for the release of land from the Green Belt, exist (please see the answer to **Matter 7: Issue 7c: Question 23** for details).
- 1.19 Appendix A of the Site Selection Paper (May 2016) confirms that the site is "suitable if policy changes" (i.e. the site was removed from the Green Belt) and the Council considers that exceptional circumstances exist to remove the site from the Green Belt.

Physical Constraints

- 1.20 Northern Trust has commissioned a range of technical assessments to demonstrate that there are no physical constraints which would make the site unsuitable for residential development. This has included technical work in respect of the following disciplines:

Flood Risk and Drainage

- 1.21 In 2016 Waterman undertook a Flood Risk Assessment of the site. This confirms that whilst the Environment Agency's on-line flood map identifies the majority of the development site as located within Flood Zone 2 (i.e. at medium risk of flooding), more recent information obtained from the Environment Agency indicates that the site is actually located within Flood Zone 1 (i.e. at low risk of flooding).
- 1.22 The Greater Nottingham Strategic Flood Risk Assessment Partnership, Technical Report Volume 3 – Gedling Borough Council, June 2008, produced by Black and Veatch also identifies the site as within Flood Zone 1, the lowest level of risk.
- 1.23 Waterman has undertaken further flood risk modelling of the Harrington Drain, that runs through the southern part of the site. The outcome of this modelling also confirms that the site lies within Flood Zone 1.
- 1.24 Waterman concludes that the site can be drained appropriately, incorporating the use of SUDs, and development of the site would not increase flood risk elsewhere.

Ecology

- 1.25 TEP undertook a Preliminary Ecological Assessment of the site in 2012. This confirmed that, due to the distance and the lack of linkages between the site and designated sites, its development will not have any direct or indirect impact on any designated sites.

1.26 TEP's Assessment also concluded that:

- The hedgerows and watercourse on site have the greatest ecological value of the habitats on site. The majority of hedges and the watercourse could be retained as part of the proposals.
- It is highly unlikely that GCN would range into the site.
- No badger setts were recorded and development of the site will have no significant impact on badgers.
- There are no potential roosting opportunities for bats, but the grassland and hedgerows on site will provide limited potential for foraging and connectivity.
- The site provides potential nesting habitat for a range of birds which would affect the timing of vegetation clearance.
- The watercourse is unsuitable for use by otters but has the potential to support water voles. The watercourse could be retained with an appropriate buffer.
- The site contains very limited habitat suitable for reptiles.

1.27 Therefore, ecology does not represent a material constraint to development and any impacts could be appropriately mitigated through design.

Arboriculture

1.28 In 2014 TEP undertook a Tree Survey and Arboricultural Impact Assessment of the site. It confirms that the majority of trees on the site are of moderate quality and value with some high and low value trees.

1.29 The majority of trees are confined to the boundaries and many grow within the existing hedgerow. Therefore, trees would not represent a material constraint to development.

Transport and Access

1.30 Curtins has undertaken a Transport Assessment of the site is accessible by a range of sustainable modes of transport and development of the site would not have a material effect on highway safety.

1.31 Curtins consider that a single priority T-junction could be achieved via Burton Road and this access could replace an existing layby access approximately 110m west of the Burton Road/Linden Grove priority junction. This has been discussed with officers at NCC and it is understood that the proposed point of access is considered acceptable, in principle.

- 1.32 The Assessment undertaken by Curtins demonstrates that the site could be developed prior to the completion of the GAR without having a 'severe impact'. [Note: Please see the answer to **Matter 7: Issue 7c: Question 27** for further detail.]

Contamination

- 1.33 A Preliminary Environmental Risk Assessment was undertaken by Waterman in June 2014. This considered current and historical land uses to assess the likely presence of contamination. Although the site is undeveloped agricultural land, treated sewage sludge has been applied to the soil from the nearby STW treatment works, consequently Waterman highlight the potential for the near surface soils to contain metals and organic pollutants.
- 1.34 Further advice has since been received from Wardell Armstrong, who have been involved in the nearby Teal Close site, which has a similar history of sludge deposits. Wardell Armstrong has advised that, although, If present, these contaminants would need to be considered during the detailed design stage, they are highly unlikely to preclude residential development of the site and the risks are typically managed through ground investigation, risk assessment and the incorporation of common mitigation measures such as cover systems, in gardens, and gas protection systems, in buildings. [Note: Please see the answer to **Matter 7: Issue 7c: Question 19** for further detail.]

Odour

- 1.35 In 2014 WSP was appointed to undertake an odour assessment of the site for odour from three sources: the Severn Trent Sewage Treatment Works (STW); the Severn Trent Anaerobic Digestion facility and a nearby pet food manufacturing facility.
- 1.36 This confirmed that whilst odour complaints had been received by GBC in relation to activities from both the STW and pet food factory, the number of complaints had reduced.
- 1.37 WSP also confirmed that the site is no closer to the potential odour sources than existing nearby residential properties.
- 1.38 WSP has concluded that future residents of the site would be at risk of experiencing odours from time to time but the majority of the time the site is upwind of the odour sources and so odour impacts are unlikely to be significant.
- 1.39 We are not, therefore, aware of any physical constraints that would prevent development of the site for housing.

Potential for Impact

Heritage

- 1.40 The Council appointed a heritage consultant, in 2015, to undertake a high level assessment of the 'Impact of Possible Development Sites on Heritage Assets'. This Assessment concludes that the development of the Linden Grove site would have "*an impact*" on the "*wider setting*" of the Grade II Listed Gedling House (to the north) but "*not directly on its immediate setting*".
- 1.41 The Assessment suggests that the impact of the development of the site would be "less" if it was "*low density, well planted and low in scale (single storey)*" than for a denser urban form comprising 2/3 storey buildings.
- 1.42 The Council's Site Selection Document (2016) recognises the conclusions of this Assessment and confirms that the impact on the Listed Building can be mitigated through planting and ensuring the homes are no more than two storeys in height.
- 1.43 Moreover, we note that Historic England⁴ has raised no concerns regarding the site allocations proposed and we agree with their view that details of mitigation can be addressed through the development management process.

Landscape

- 1.44 The Council's Sustainability Appraisal (2016) states that the development of the site would have a 'neutral' impact on the landscape.
- 1.45 The Council's Landscape and Visual Analysis of Potential Development Sites (2014) indicates that the site has low landscape value and susceptibility and overall low landscape sensitivity. It also concludes that the site has low visual value and medium visual susceptibility and overall low visual sensitivity.
- 1.46 Landscape and Visual Analysis of Potential Development Sites (2014) indicates that appropriate mitigation would be to 'Retain & Enhance Existing Planting', infilling any gaps on the north side of the site to create unbroken screening from Burton Road and Gedling House, and the provision of a landscape buffer along the eastern part of the site.
- 1.47 Therefore, the site is suitable for development, in landscape terms, subject to appropriate mitigation.
- 1.48 The information set out above clearly demonstrates that the site is suitable for residential development.

⁴ See page 55 of the Local Planning Document Publication Draft Report of Responses (October 2016).

Achievability

- 1.49 Footnote 11, Paragraph 47 of the NPPF states that in order for sites to be considered deliverable they must be “achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable”. The PPG confirms that this requires a “...judgement about the economic viability of a site”⁵.
- 1.50 The response to **Matter 5: Issue 5b: Question 26**, below, confirms that there is a realistic prospect of housing being delivered on the site within five years in accordance with the Housing Trajectory.
- 1.51 The Council’s Housing Implementation Strategy (2016), based on the Plan Wide Viability Assessment, undertaken by Nationwide CIL Service (March 2016) confirms that the site is considered “broadly viable” having made allowance for all reasonable development impacts, a standard developers profit and return to the landowner.
- 1.52 The Infrastructure Delivery Plan (2016) confirms that the development of the site would result in no requirements for contributions to utilities, emergency services, community facilities or other site specific infrastructure requirements. It indicates that financial contributions may be required towards education and health, subject to input and discussions with the LEA and CCG, and 10% of the site area should be put to open space. The IDP also confirms that the site would also be expected to contribute 20% affordable housing.
- 1.53 We can confirm that the development of the site is viable and that it can deliver housing within the next 5 years.

Summary

- 1.54 For the reasons set out above, it is considered that the Linden Grove site (H4) is available, suitable, and achievable and is, therefore, deliverable.

Question 26 - In assessing the speed at which development will come forward on certain sites, has full regard been had to the proposed Gedling Access Road?

- 1.55 The Council’s Housing Trajectory anticipates that the Linden Grove site (H4) will start to deliver homes in 2020/2021 and thereafter as follows:

Completions per year	2020/2021	2021/2022	2022/2023	Total
Linden Grove Ref. H4	40	40	35	115

⁵ PPG Paragraph 021, 3-021-20140306

- 1.56 The Housing Trajectory, is a fair reflection of the likely rate of delivery assuming:
- 1) the wording of Policy LPD 64 remains unchanged (which means that the site would not be permitted to deliver housing prior to the completion of the GAR); and
 - 2) the GAR is delivered in the timescales anticipated by the Council⁶.
- 1.57 If the GAR is delayed or is not delivered draft Policy LPD 64 would, as currently worded prevent the delivery of housing on this otherwise 'deliverable' site (see representations submitted to the Publication Draft LPD Ref. 9151009 in respect of Policy LPD 64 and Site H4).
- 1.58 It is considered that the wording of Policy LPD 64 is unsound, for the reasons set out in previous representations (Ref. 9151009), and should be amended to reflect the wording⁷ set out in the representations made to the Publication Draft LPD (Ref. 9151009). Please see the answer to **Matter 7: Issue 7c: Question 17** for further detail in this regard.
- 1.59 If the proposed wording of Policy LPD 64 is amended to reflect the wording proposed by Northern Trust, the Trajectory could be bettered and housing delivered earlier than currently anticipated.
- 1.60 Assuming that the LPD proceeds through examination to adoption in the spring/ summer 2017, and the wording of Policy LPD 64 is modified as requested, the site could start to deliver housing in 2019.
- 1.61 Please see the answer to **Matter 7: Issue 7c: Question 26** for further detail regarding the housing trajectory for the Linden Grove site (H4) and whether this accurately reflects the delivery of homes on this site, given that it is currently dependent on the completion of the Gedling Access Road.

GVA on behalf of Northern Trust

⁶ According to the Council's evidence base the GAR is in the detailed design phase, with work scheduled to commence in 2017. It also suggests that the new road is scheduled to be completed and opened by spring 2019.

⁷ Northern Trust's proposed alternative wording for Policy LPD 64 is as follows: "Sites marked with a * will not be permitted to deliver homes prior to the completion of the Gedling Access Road, unless it can be demonstrated that the Sites could deliver housing in advance of the completion of the Gedling Access Road without severe highways impact on congestion or safety on the local highways network, accounting for any mitigation proposed."