

REPORT OF CHIEF PLANNER

Bestwood Centre, Bestwood Road

1 SUMMARY

Application No: 17/00241/PFUL3 for planning permission

Application by: RDA Consultant Architects LLP on behalf of Peter James Homes Ltd

Proposal: 48 dwellings and associated infrastructure.

The application is brought to Committee because it has generated significant public interest that is contrary to the officer recommendation.

To meet the Council's Performance Targets this application should be determined by 13th September 2017

2 RECOMMENDATIONS

2.1 **GRANT PLANNING PERMISSION** subject to:

- a) Prior completion of an agreement under section 111 of the Local Government Act 1972 requiring the applicant to enter into a section 106 planning obligation on transfer of the site to it which shall include:
 - (i) A financial contribution towards off site public open space improvements at Bulwell Hall Park
 - (ii) A financial contribution towards the provision of school places (details to be confirmed as an update)
 - (iii) A financial contribution in lieu of on-site provision of affordable housing.
- b) The indicative conditions substantially in the form of those listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions, agreement and planning obligation to be delegated to the Chief Planner.

- 2.2 Subject to final confirmation of the amount of the education contribution, and where it is to be spent, that Councillors 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.
- 2.3 Subject to final confirmation of where the education contribution is to be spent, that Councillors are satisfied that the section 106 obligation(s) sought that relate to

infrastructure would not exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

3 BACKGROUND

- 3.1 The application site was formerly occupied by the Bestwood Day Centre, which has been demolished and the site cleared since 2012. It is a linear site situated to the west of Bestwood Road, and to the south of Bestwood Village, which is in Ashfield District Council's administrative area.
- 3.2 To the east of the site, on the opposite side of Bestwood Road, there is an area of mature woodland which forms the boundary to Bestwood Country Park. There is a cycle and pedestrian route in a north-south direction which runs through this wooded area. To the north-west of the site there is an access road running from Bestwood Road leading to a supported residential facility to the west. There are mature trees on the boundary between this and the application site. Beyond this access and also to the north-west there is a modern residential development. This is accessed from Bestwood Road. To the south and south west of the site are industrial and commercial uses, including a cement works. The cement works are separated from the site by the River Leen, which runs along the south west of the site.
- 3.3 The site is adjacent to the River Leen, and partially within a flood zone. There are severe ground level differences throughout the site, which see the land drop significantly from east to west, and there is a heavily landscaped area and two ponds along the bank to the west of the site. There are several trees throughout the site aside from those along the boundaries and the banked area. There is a sewer which crosses the site from the south west to the north and which is protected by an easement.
- 3.4 Bestwood Road is subject to a 40mph speed limit along the site frontage, and is used, amongst other traffic, by heavy vehicles leaving and returning to the cement works to the south of the site.

4 DETAILS OF THE PROPOSAL

- 4.1 48 dwellings and associated infrastructure. The drawings as originally submitted with this application sought planning permission for 49 two storey dwellings of two and three bedrooms and would have seen most of the dwellings being accessed from an internal road leading off Bestwood Road, with a second smaller cul-de-sac to the south part of the site which would serve the remaining 9 dwellings. An acoustic fence was to have been proposed along Bestwood Road and to the south west boundary.
- 4.2 Following concerns raised by the case officer that the original layout was inward looking with no active frontage, an amended layout has been submitted. The new layout, with 48 x 2, 3 and 4 bed dwellings, now see the majority of dwellings with off street parking directly facing on to the road. There is proposed to be a cul-de-sac to serve eight of the dwellings, and a further loop road to serve 10 dwellings. The loop road also maintains access to the sewer running through the site.

- 4.3 The development will see a mix of two and three bed properties, with one four bed property, and a mix of detached, semi-detached and terraces. Due to the differences in ground levels some engineering works to level out the site will be necessary and this will necessitate a slight diversion of the sewer.
- 4.4 Trees within the site and to the eastern boundary (along the road frontage) will need to be removed; however the majority of those to the west, along the bank and boundary, will be retained wherever possible (subject to the health of those trees).
- 4.5 In order to address highway safety, measures which include the reduction of the speed limit along this part of Bestwood Road from 40mph to 30mph are proposed
- 4.6 A small part of the development site falls within Ashfield District Council. The areas to be developed which fall outside of the City Council boundary would be landscaped areas, gardens or parking spaces and it is understood that the applicant will be applying separately to Ashfield DC for planning permission for the development of these areas.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

35, 37, 39, 41 and 53 Millbank Place
6 to 10 inclusive Old Mill Close
Unit 1 Moorbridge Works
Bernard Holt Moorbridge Works
Plot 3 and Plot 4 Old Moorbridge Wharf
Gee Tee Signs Bestwood Road

Further consultations following the receipt of amended plans also went to contributors who commented on the original, as follows:

28 and 69 Broad Valley Drive
612 and 702 Moor Road
The Old Schoolhouse, Moor Road
25 The Square
32 Coronation Road
18 Lancaster Road
1 Bowden Avenue
5 The Mount

The contributors above have addresses which fall within the Ashfield District Council area.

A site notice has been posted and a press notice published. The expiry date for comments (following re-consultations) was 13th July. As this post-dated the writing of this report any responses received in the intervening period will be addressed in the Committee update sheet.

11 letters received on the original layout commented as follows:

- The density of development is too high for the busy road conditions as this is a fast road and would need considerable traffic calming measures and

visibility splays.

- The development is not compatible with the commercial premises to the rear and adjacent due to noise and an element of dust being produced.
- Tree life will be decimated.
- Access to river is necessary for maintenance.
- Wildlife will be disturbed.
- Storm water runoff from paved areas and dwellings would over burden the river.
- Foul sewer already at full capacity.
- Already have flooding issues and believe the development could make it worse.
- Additional traffic could make turning in/out of the industrial area very difficult.
- As this is an industrial area assume that it would cause environmental issues for the future occupiers.
- Bestwood Road is too dangerous, being a dark and thin road, so would expect increased incidents along this dangerous area.
- Has an impact assessment on traffic down to Moorbridge junction been made in conjunction with the 500 additional houses in Bestwood Village?
- Lack of local amenities to support the development as it is isolated. What would be the perceived centre for the residents? Bestwood Village? As the village already suffers from a lack of amenities such as GP access, bus service, evening facilities (eg pub) etc. Does the development include local facilities to support the proposed development?
- Additionally, are there enough spaces at local schools and how the children will access it as noted earlier, Bestwood Road is dangerous.
- Where will Section 106 monies be allocated, as should the Village be considered the local centre then I would expect at least part of it to go to Bestwood Village even though it is in a different authority.
- Density. 49 houses is a lot for the area, are there any social housing or bungalows.
- The development would result in increased risk of accidents due to the high volume and speed of traffic in the area.
- The proposed housing looks to be poor quality due to density.
- Already concerned regarding the amount of development in and around the village. Frequent dips in power, water pressure sometimes low.

7 letters received following re-consultation on the revised layout:

- The revised layout now shows more accesses onto the main road (three roads, and parking spaces within curtilage). This is much more dangerous than the previous layout. The road is dark (unlit), thin and on a bend.
- Not enough local resources in the Village such as shops, public transport, school places and doctors' places to be able to accommodate more housing.
- Should be building more council housing.
- The village is fast losing its community feel with all the new developments around it, it is fast being swallowed up.
- The village road is already congested.
- Comment as to whether the thin strip of land can accommodate this amount of housing.
- Previous development in the area caused drainage problems and flooding.

In summary, most of the concerns raised relate to either highway safety or lack of facilities to serve the development. Highway safety concerns are considered in

paragraph 7.6. A financial contribution towards the provision of additional school places will be secured as part of the planning obligation.

Additional consultation letters sent to:

Pollution Control: Recommend a pre-occupation condition to ensure that the agreed sound insulation scheme has been installed, and a pre-commencement condition in regard to a remediation strategy.

Highways: No objections subject to conditions relating to construction management plan, traffic regulation orders and installation and retention of visibility splays.

Environment Agency: No objection subject to the development being carried out in accordance with the approved Flood Risk Assessment.

Drainage: No objections to either the original layout or the layout as amended.

Tree Officer: Replacement trees where appropriate would be required as part of a landscaping condition.

Biodiversity Officer: Recommend a landscaping scheme which preserves and enhances biodiversity, a Habitat Management Plan, hedgehog friendly fencing and details of the location of bat and bird boxes. A lighting plan is also required to secure the avoidance of light spill to the retained river corridor.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework:

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan, which are set out in the report, the NPPF is a material consideration in the assessment of this application.
- 6.2 The NPPF advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision taken on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and to contribute to conserving and enhancing the natural environment and support the transition to a low carbon future.
- 6.3 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Aligned Core Strategy:

Policy A: Presumption in Favour of Sustainable Development - working proactively with applicants to find solutions which mean that proposals can be approved

wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 8: Housing Size, Mix and Choice - Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Within Nottingham City there should be an emphasis on providing family housing, including larger family housing.

Policy 10: Design and Enhancing Local Identity - new development should be designed to create an attractive, safe, inclusive and healthy environment.

Policy 16: Green Infrastructure, Parks and Open Spaces.

Policy 17: Biodiversity.

Policy 19: Developer Contributions.

Nottingham Local Plan (November 2005):

H2 - Density.

H5 – Affordable Housing.

NE5 - Trees.

NE9 - Pollution.

R2 - Open Space in New Development.

ST1 - Sustainable Communities.

Other Planning Guidance

Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

Affordable Housing and Developer Contributions Supplementary Planning
Guidance

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- (i) Principle of Development
- (ii) Building Design, Layout and Parking
- (iii) Impact on Neighbours
- (iv) Planning Obligations

Issue (i) Principle of Development (ACS Policy 8 and LP Policies ST1 and H2)

- 7.1 The site has no specific allocation in the Local Plan and has been left cleared and vacant since the day centre was demolished in 2012. In the emerging Local Plan part 2, the site is proposed to be allocated for residential development.
- 7.2 Given the previous use as residential day care, and the proposed allocation for residential development, the principle of development for residential is acceptable.
- 7.3 The density of development has been dictated in part by the constraints of the site, including levels, flood risk and the linear character of the site. The proposed density of 48 dwellings is comparable to the density of other developments in the area and in the neighbouring village. The proposals are therefore felt to comply with Policies ACS Policy 8 and LP Policies ST1 and H2.

Issue (ii) Building Design, Layout and Parking (ACS Policies 8 and 10, and LP Policy H2)

- 7.4 The dwellings are to be built mainly of brick and tile, with feature timber cladding to some properties. The dwellings are to be two storey and of a scale and massing which reflects the character of the area.
- 7.5 The layout and density of development has taken into account the many constraints of the site, these being, the busy main road, the River Leen, differences in site levels and the presence of industrial uses, which are to the south of the site. The layout as originally submitted saw most of the dwellings to be inward looking, with high fencing along the back edge of pavement on Bestwood Road, which would have resulted in a harsh environment along the road frontage, with little natural surveillance of the street. The revised layout, which sees the majority of housing fronting Bestwood Road, now addresses the street scene which in turn has resulted in an attractive development which in part reflects its location close to a village.
- 7.6 The revised layout has enabled most dwellings on the road frontage to be able to have in curtilage parking accessed directly off the road. All dwellings within the proposal would have sufficient parking. Measures to reduce the speed of traffic travelling along this section of Bestwood Road, which include traffic calming and a reduction in the speed limit, have been submitted as part of the proposal. It is considered that the proposal, along with traffic calming measures, would not have a detrimental impact on highway safety.

Issue (iii) Impact on Neighbours (ACS Policy 10)

- 7.7 The closest residential use is to the north-west, with commercial properties to the south-west. The proposal would not have a significant impact on the amenities of any nearby occupiers in terms of outlook, light and privacy, due to the relationship between these properties and the application site.

Issue (iv) Planning Obligations (LP Policy R2 and Aligned Core Strategy Policies 10, 16 and 19)

- 7.8 The application site is currently owned by the Council with the sale to the applicant being conditional upon the grant of planning permission. The applicant is therefore required to enter into an agreement under section 111 of the Local Government Act 1972 confirming that once the sale has taken place that they will enter into a

Section 106 planning obligation to secure financial contributions towards the following:

- Affordable Housing
- Public Open Space
- Education

- 7.9 A financial contribution in lieu of affordable housing would be secured. The amount would be £385,000, which is based on 20% of the dwellings (10 x £35,800).
- 7.10 It is proposed that an off-site public open space contribution of £63,288.48 would be secured and used towards improvements at Bulwell Hall Park, being the nearest and largest area of public open space that would be readily accessible to the residents of this development.
- 7.11 Financial contributions for education will also be sought. The details of the amount and where it is to be spent shall be provided as an update.
- 7.12 None of the Section 106 obligations sought would exceed the permissible number of obligations according to the Regulation 123 (3) Community Infrastructure Levy Regulations 2010.

8. SUSTAINABILITY / BIODIVERSITY

- 8.1 The site has mature trees both within the site and to all boundaries. The River Leen also runs alongside the site, and, due to levels differences part of the site falls within a flood zone. There are areas of dense vegetation at the lowest part of the site. Some trees would need to be removed as part of the development, and these would mainly be along the road edge and within the centre of the site.
- 8.2 In terms of the flood risk, a Flood Risk Assessment has been submitted and found to be acceptable. Most of the development falls outside of the flood zone, with only the rear gardens of plots 35 to 40 falling in the flood zone. These gardens are terraced such that the dwellings are at a higher ground level than the lowest part of the rear gardens. Sustainable drainage systems would be incorporated into the layout, which would further minimise the risk of flooding.
- 8.3 Ecological features such as appropriate landscaping, bird and bat boxes, hedgehog friendly fencing and considerate lighting will be secured by condition. These measures would assist in preserving and enhancing biodiversity both within the site and in the wider area. The proposal is therefore felt to comply with policies 16 and 17 of the Aligned Core Strategy and Policies NE5 and NE9 of the Nottingham Local Plan.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Redevelopment of a long term vacant site with a high quality, sustainable development.

Working Nottingham: Opportunity to secure training and employment for local citizens through the construction of the development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

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: 17/00241/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OKU8T9LYMUN00>

2. Letters from neighbours dated 13.03.17, 15.03.17, 19.03.17, 20.03.17, 21.03.17, 22.03.17 and 31.03.17. Additional responses on the re-consultation received 20.06.17, 21.06.17, 22.06.17 and 23.06.17.

3. Email from Biodiversity Officer dated 21.03.17 and 03.07.17

4. Email from Tree Officer dated 16.03.17 and 15.06.17

5. Email from Environment Agency dated 21.03.17

6. Email from Drainage dated 29.03.17 and 21.06.17

7. Email from Environmental Health and Safer Places dated 22.05.17 and 03.07.17

8. Highway memo dated 24.03.17 and 29.06.17

17 Published documents referred to in compiling this report

1. Nottingham Local Plan (November 2005)

2. Aligned Core Strategy

3. National Planning Policy Framework

4. Planning Guidance for the Provision of Open Space Within Developments
Supplementary Planning Guidance

Contact Officer:

Mrs Sue Heron, Case Officer, Development Management.

Email: sue.heron@nottinghamcity.gov.uk. Telephone: 0115 8764046



Bestwood Centre



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Key

-  City Boundary
-  Planning Application Polygons

Description

17/00241/PFUL3



Nottingham
City Council

My Ref: 17/00241/PFUL3 (PP-05801631)
Your Ref:
Contact: Mrs Sue Heron
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
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Mr Matthew Vicary
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United Kingdom

Date of decision:

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

Application No: 17/00241/PFUL3 (PP-05801631)
Application by: Mr Simon Gardiner
Location: Bestwood Centre, Bestwood Road, Nottingham
Proposal: 48 dwellings and associated infrastructure.

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

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 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)

2. The development shall not be commenced until details of all external materials including cladding, bricks and tiles have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

3. The development shall not be commenced until details of all doors and windows including a large scale sectional drawing of 1:20 have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.



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Not for issue

Continued...

4. The development shall not be commenced until details of a landscaping scheme, including the type, height, species and location of the proposed trees and shrubs, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the appearance of the development be satisfactory to comply with Policy 10 of the Aligned Core Strategy.

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2012 [Trees in relation to design, demolition and construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

6. The development hereby permitted shall not be begun until details of a management and maintenance plan for the landscaped areas not designated to be within specific plots have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

7. The development shall not be commenced until details of a definitive, stand-alone Remedial Method statement (RMS) based on the Phase II Exploratory Investigation by Geodyn (referenced: 34227 dated 25.02.2015) and the remedial recommendations/verification therein have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

8. The development shall not be commenced until a construction management plan detailing how the development works are to be carried out, including details of the type, size and frequency of vehicles arriving at and leaving the site, site access details, contractor staff parking provision, traffic management, haul routes and a phasing programme, has been submitted to and approved in writing by the Local Planning Authority. This shall also include details of wheel washing facilities and measures to prevent the deposit of debris onto the highway.

Construction of the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

9. The development shall not be commenced until details of lighting spill to the retained river corridor, the types and locations of bat and bird boxes, rubble hibernacular and log piles as well as measures to provide free movement of wildlife such as hedgehogs and common toads to be shown on a plan have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of safeguarding the health and habitat of the existing wildlife and the encouragement of future wildlife to comply with Policy NE3 of the Nottingham Local Plan.

Pre-occupation conditions

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

10. No dwelling shall be occupied until the car parking and access to serve that plot have been completed.

Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

11. No dwelling shall be occupied until the boundary enclosures to serve that plot have been completed.

Reason: In the interests of highway safety to comply with Policy 10 of the Aligned Core Strategy.

12. No part of the development shall be occupied until the following has been submitted to and 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.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

13. No plot shall be occupied until the sound insulation scheme relevant to that plot including glazing and any complementary acoustical ventilation has been fully installed in accordance with the details approved.

Reason: To safeguard the health and residential amenity of the occupants of the proposed development to comply with Policy NE9 of the Nottingham Local Plan.

Regulatory/ongoing conditions

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

14. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within 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. The management and maintenance of the landscaped areas not within the curtilage of any specific dwelling plot shall be carried out in accordance with the approved management and maintenance plan.

Reason: To ensure that the appearance of the development is satisfactory to comply with Policy 10 of the Aligned Core Strategy.

15. The development shall be constructed in accordance with the approved visibility splay details



and the visibility splays shall thereafter be maintained as approved and kept clear of all vegetation.

Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy.

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 following drawings/documents:
Planning Layout reference 002 revision E, received 14 June 2017
General reference 003, received 14 June 2017
General reference 026 revision A, received 14 June 2017
General reference 027 revision B, received 14 June 2017
General reference 029 revision B, received 14 June 2017
Plan reference 030 revision C, received 14 June 2017
Plan reference 032 revision A, received 14 June 2017
General reference 034 revision A, received 14 June 2017
General reference 042 revision B, received 14 June 2017
General reference 044 revision B, received 14 June 2017
General reference 045 revision B, received 14 June 2017
General reference 046, received 14 June 2017
General reference 048 revision A, received 14 June 2017
General reference 049 revision A, received 14 June 2017
Planning Layout reference 200-2 revision B, received 14 June 2017
Planning Layout reference 201 revision A, received 14 June 2017
Plan reference 600-1 revision B, received 14 June 2017
Plan reference 600-2 revision B, received 14 June 2017
General reference 601 revision B, received 14 June 2017

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. Environmental Health and Safer Places advise:

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' 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 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.

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 and 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.

Environmental Noise Assessment

The environmental noise assessment shall be suitable and sufficient, and shall be undertaken by a competent person having regard to BS 7445: 2003 Description and Measurement of Environmental Noise. The internal noise levels referred to are derived from BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings.

The approved sound insulation scheme must be maintained &, in the case of mechanical ventilation, must be maintained, serviced and operated in accordance with manufacturer's recommendations.

4. Highway advice:

Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk to ensure all necessary licences and permissions are in place.

Section 278 Agreement (Section 278 of the Highways Act of 1980)

Planning consent is not consent to work on the highway. To carry out the off-site works (traffic

calming features on Bestwood Road, pedestrian build outs, new vehicular accesses and making good of old vehicular accesses) 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 at: highway.agreements@nottinghamcity.gov.uk 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.

Section 38 Agreement (Section 38 of the Highways Act of 1980)

Developers wishing to have the completed roads on their development maintained by Nottingham City Council as Local Highway Authority may, prior to the start of the development; enter into a legal Agreement with the Authority under Section 38 of the Highways Act of 1980. Completion of a Section 38 Agreement is not mandatory but Nottingham City Council does operate the Advanced Payments Code (Sections 219 to 225 of the Private Street Works Code (Part XI Highways Act 1980)) whereby, following the approval of Building Regulations, and prior to the construction of any new dwelling which has a frontage onto a new road, developers are obliged to deposit with the Authority a cash payment, equivalent to the full cost of constructing the new road at the frontage of that dwelling. The process (which is mandatory) can tie-up a considerable amount of developers' capital and accordingly, the completion of a Section 38 Agreement is the approach preferred by the majority of developers.

The existence of a Section 38 Agreement and Bond is revealed on Local Land Charges Searches and prospective purchasers should be aware that in the absence of a Section 38 Agreement and Bond, they may be at risk of payment of Road Charges in the event that the road abutting the property is not completed. A Section 38 agreement can take some time to complete therefore it is recommended that the developer make contact with the Highway Authority as early as possible. At this stage developers will be asked to provide the Local Highway Authority with full technical details for the construction of the highway and the appropriate fees. At the time approval is given to the technical details, the developers are invited to enter into a Section 38 Agreement. Please contact Highways Network Management at highway.agreements@nottinghamcity.gov.uk in the first instance.

The applicant is to pursue Traffic Regulation Orders to reduce the 40mph speed limit on Bestwood Road to 30mph, to implement a 20mph speed limit on the development site and to introduce yellow lining at the vehicular access points from Bestwood Road into the development. The applicant is to pursue all Traffic Regulation Orders and must go through the due process with the highway authority and all costs to be borne by the applicant. Please contact Traffic Management in the first instance at scott.harrison@nottinghamcity.gov.uk

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.

RIGHTS OF APPEAL

Application No: 17/00241/PFUL3 (PP-05801631)

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/pcs.

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.