

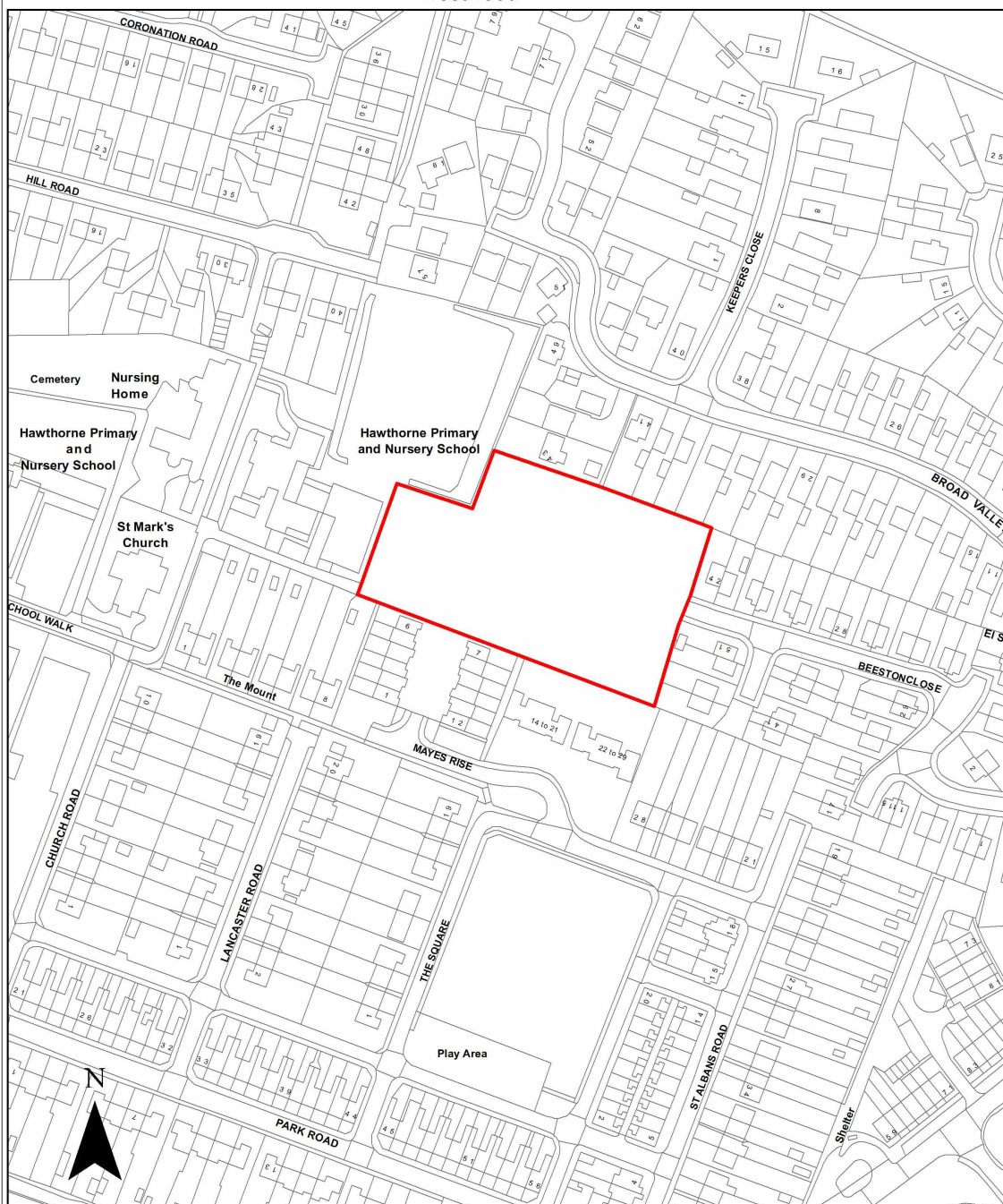


Planning Report for 2017/0194

1:1,882

Planning Reference:
Location

2017/0194
Land West of Beeston Close
Bestwood



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Report to Planning Committee

Application Number: 2017/0194

Location: Land West Of Beeston Close Bestwood Nottinghamshire

Proposal: Erection of 7 No. detached, split level dwellings.

APPLICANT: Omnivale Limited

AGENT: Aspbury Planning Ltd

1.0 Site Description

- 1.1 The application site, land west of Beeston Close, measures approximately 0.75 hectares and is currently vacant of development and is overgrown predominately with dense bramble scrub and self-seeded woodland.
- 1.2 There is a single access point to the application site from Beeston Close.
- 1.3 The site is in an elevated position on 'The Mount' which is within the Bestwood Village Conservation Area.
- 1.4 The application site borders the rear gardens of properties on Broad Valley Drive to the north, the side and rear boundaries of properties on Beeston Close to the east, Hawthorn Primary and Nursery School to the west, and flats and dwellings on Mayes Rise to the south which are in a lower position to the application site.
- 1.5 Whilst the site has been identified as a Protected Public Open Space in the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) it has remained in private ownership with no public access across it.

2.0 Proposed Development

- 2.1 Full planning permission was originally sought for 4 dwellings and an area of protected public open space. Following consultation with the Parish Council and the Council's Parks and Street Care service the proposal was amended.

Full Planning Permission is now sought for the erection of seven detached, split level properties with integral garages.

2.2 Design

The dwellings would be 3 – 4 bedroom detached residential properties. The proposed dwellings would be laid out over three levels with the lower ground floors being cut into the sloping contour of the site and the first floor being set into the roof space to condense the height of the overall structure in the elevated position.

The design of the dwellings contain traditional features, would be red brick, with blue/black slate facing materials.

2.3 Access

Vehicle Access to the site would be from Beeston Close where the current cul-de-sac terminates. The proposed access road would provide a turning head at the head of Beeston Close and then a private drive which curves around the contours of the site.

2.4 Landscaping

The site benefits from substantial tree cover and a number of mature trees are proposed to be retained within the private garden areas of the proposed dwellings.

2.6 Car Parking

3 car parking spaces are proposed to serve the dwellings, and the garages provided would have minimum dimensions of 6m x 3m.

2.7 Ecology

An on-site ecological investigation has been carried out as part of the proposal which included a Preliminary Ecological Appraisal (PEA). The only notable habitats recorded on the site are two mature oak trees in the south-west corner of the site. These provide both ecological and aesthetic value. No bats were recorded on the site but the two large trees have roosting potential. The trees are proposed to be within the undeveloped amenity area of the site.

A large mammal burrow was recorded. A monitoring exercise was carried out and no badgers were recorded using the hole. EMEC Ecology confirmed that at the time of survey there is no badger presence on site.

The proposed development would result in the loss of bird nesting habitats, notably dense scrub and scattered broad leaved trees. The removal would be timed to avoid the bird nesting season and compensation measures are proposed by way of bird boxes on remaining trees.

3.0 Consultations

3.1 Bestwood Parish Council – No objections.

3.2 Nottinghamshire County Council (Highway Authority) –

The site is steep; therefore conditions will need to be imposed regarding the suitable gradients for the site. The development is also to remain private as the access is not to adoptable standards, therefore the Highway Authority would not adopt any part of the development including the turning head at the entrance point.

In view of the above there are no concerns in principle subject to conditions relating to dropped vehicle crossings, access gradients, surfacing of parking areas and turning areas, and the prevention of unregulated discharge of surface water.

3.3 Nottinghamshire County Council (Rights of Way Officer) –

No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered. The paths leading into the site from the southern side are adopted highways so comments should be sought from the Highways Authority.

3.4 Nottinghamshire County Council (Forestry Officer) –

Satisfied with the content of the Arboricultural survey; the applicant wishes to retain as much of the trees as possible however it is likely that some of the retained trees may be affected both directly and indirectly if not fully considered or defended by the relevant protection.

It is therefore requested that the applicant supplies a Tree Protection Plan, Arboricultural Method Statement, and any details of special engineering works, to the minimum standards in accordance with BS5837:2012.

3.5 Nottinghamshire County Council (Ecology) –

A preliminary Ecological Appraisal of the application should be carried out, prior to the determination of the application, given that the scrub and grassland have the potential to host protected species. On completion GBC should be satisfied that any ecological impacts are avoided, mitigated against or compensated for.

3.6 Gedling Borough Council (Waste Services) –

The layout is acceptable from Waste Services perspective and can be incorporated on an existing bin collection route.

3.7 Gedling Borough Council (Parks and Street Care) –

The proposed development falls under the requirements of the New Housing Development, Supplementary Planning Guidance for Open Space Provision and will require a section 106 agreement. As the proposed plans do not indicate any Public Open Space or play provision on site this obligation would be sought by an offsite contribution.

An offsite contribution would be more acceptable than the future protection of this allocation and the provision of open space on site. The site is in private

ownership and therefore the effectiveness (and quality) is limited. The Public Open Space is surplus to requirements and adoption by the Borough Council would not be supported.

Open space contributions are used by the Council towards the improvement of provision of open spaces/ recreational facilities within a radius of 2km from the centre of the development together with maintenance monies of those open spaces for a period of 10 years.

The development would create a new provision offsite commuted sum of £45,921.50.

3.8 Natural England – no comments to make.

3.9 Conservation Officer –

Provided roof and wall materials are natural and complement the existing area I have no objection from a conservation point of view. Although the new build would stand on the mound above the existing settlement there is an opportunity to enhance the area with this good quality development so that the setting of the Conservation Area is not harmed.

3.10 Public Protection (Scientific Officer) –

It is recommended that an informative is attached to any approval requiring consideration of Electric Charging Infrastructure.

It is also recommended that a Dust Management Plan is attached to any approval given the locality of the development adjacent to residential properties.

3.11.0 Neighbouring Residential Properties were notified by letter, Site Notices and Press Notices were posted advertising the development as affecting a Conservation Area and as a Departure from the Development Plan for the Area. 11 letters of representation were received as a result. The comments can be outlined as follows:-

3.11.1 Highways

- The original plans showed an opening up for a footpath linking the development to the present school. The linked footpath is a private footpath for sole use of residents on The Mount.

3.11.2 Ecology

- Concerns raised in relation to the developments impact on wildlife, mature trees and vegetation;
- The site attracts a wide variety of wildlife;
- Concerns raised over the future safeguarding of the trees that have been indicated to be retained as future owners of the properties may wish to remove them;
- It is recommended that an assessment is carried out to determine whether any of the retained trees would be worthy of a Tree Preservation Order.

3.11.3 Neighbouring Amenity

- Concerns are raised over adjoining residential amenity and it is requested that neighbouring residents privacy is taken into account with regards to positioning of windows and fences etc.;

3.11.4 Public Open Space

- The application site has been allocated as a protected public open space and therefore should not be built upon;

3.11.5 Conservation Area

- It is important to retain as many natural features as possible within the Conservation Area to preserve the village's character;

4.0 **Relevant Planning Policies / Planning Considerations**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

4.2 National Planning Policy Framework 2012 (NPPF)

- Part 6 – Delivering a wide choice of high quality homes
- Part 11 – Conserving and enhancing the natural environment

4.3 Replacement Local Plan 2005 (RLP)

- Policy ENV1 – Development Criteria
- Policy ENV15 – New Development in a Conservation Area
- Policy R1 – Protection of Open Space

4.4 Aligned Core Strategy 2014 (ACS)

- Policy A – Presumption in Favour of Sustainable Development
- Policy 2 – The Spatial Strategy
- Policy 10 – Design and Enhancing Local Identity
- Policy 16 - Green Infrastructure, Parks and Open Space

4.5 Emerging Local Planning Document 2017 (LPD)

Paragraph 216 of the NPPF outlines that weight can be given to emerging policies, relative to their advancement in preparation; the extent of unresolved objections; and consistency with the NPPF. The LPD is currently being examined in accordance with paragraph 182 of the NPPF. Until the Inspector's report is published, LPD policies cannot be significant weight.

Where the LPD policies meet the requirements set out in Paragraph 216 (i.e. they have no substantive objections) they are afforded "moderate" weight. Where the LPD policies have outstanding objections, they are afforded "limited" weight.

The following LPD policies are relevant to this application (and weight given):

- LPD 18 – Protecting and Enhancing Biodiversity (Limited)

- LPD 20 – Protection of Open Space (Moderate)
- LPD 28 – Conservation Areas (Moderate)
- LPD 32 – Amenity (Moderate)
- LPD 35 – Safe, Accessible and Inclusive Development (Limited)

5.0 Principle of development / Loss of Public Open Space

- 5.1 The NPPF attaches great importance to sustainable development. It states: *“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”* (NPPF – ministerial forward). This is further confirmed in paragraph 14 which states that – *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking”*. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.
- 5.2 The ACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes located within and adjoining the Nottingham built up area. In order to meet this target the ACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:
- Within or on the edge of the built up area of Nottingham
 - Adjacent to the sub regional centre of Hucknall
 - Key Villages (Bestwood, Calverton and Ravenshead)
 - Other villages
- 5.3 The proposal is located within the defined Key Village of Bestwood and, as such, accords with the strategy of urban concentration set out in ACS Policy 2.
- 5.4 Whilst I accept the principle of residential development within the Key Village Settlement of Bestwood would be supported I would also note that the application site is currently designated as Protected Public Open Space in the RLP.
- 5.5 Policy R1 states inter-alia that ‘Planning permission will not be granted for development on land that is used, or was last used, as open space’ this includes Protected Open Space within villages. The policy goes on to list a number of the exceptions to this policy where development could be allowed in certain circumstances, which includes: -
- ☐ The land is in an area of surplus and can no longer contribute as an open space (in present or an alternative open space use) to meeting a local or wider need.
- 5.6 ACS Policy 16 and Policy LPD20 protects Green Infrastructure including open space but both policies echo the above policy in that an exception would permit development if open space is shown to be underused or undervalued.
- 5.7 I note the comments received from Parks and Street Care with regards to the quality and effectiveness of the public open space in this location. I would also

note that despite the allocation as Protected Open Space the application site is within private ownership and there is currently no public access into the site or registered rights of way through the site. The site effectively has been left to establish a self-seeded area with mature vegetation. I also note that the advice from the Council's Parks and Street Care service is that the Borough Council should not adopt and maintain the current allocation and that an off-site contribution to improve existing open space within the surrounding area would be more acceptable. I would also note that Bestwood Village is served by an exceptional amount of public open space given the proximity to Bestwood Country Park and the central open space in the village core which meets the local and wider need for open space. I am therefore of the opinion that the proposal is in full accordance with Policy R1 of the GBRLP.

Therefore, in line with the Public Open Space SPD, an off-site contribution would be sought via a planning obligation to secure funding to improve and enhance, and thereafter maintain, existing facilities within surrounding area would be acceptable in this instance.

- 5.8 Given the above considerations and the observations from the Council's Park and Street Care Service I consider that the exceptions within Policy R1, ACS Policy 16 and Policy LPD20 are met and the principle of the residential redevelopment of the Public Open Space would be acceptable. Whilst I consider the principle in this location is acceptable this needs to be balanced against other material planning considerations. The material planning considerations that need addressing relate to the following: -

- Trees
- Ecology
- Layout and Design
- Transport and Connectivity
- The Impact on Neighbouring Amenity
- Impact on Conservation Area
- Water resources, flood risk and drainage
- Other Material Considerations

6.0 Trees

- 6.1 I note the representation received requesting that the trees are assessed to see whether they are worthy of a Tree Preservation Order. I note that an expansive Tree Survey has been submitted with the application indicating that many of the mature trees on the site would be retained to help to assimilate the development in its raised position with the Conservation Area of Bestwood. It is noted that the largest trees are located towards the north boundary. The Arboricultural survey submitted with the application records 47 trees of which 3 are considered category A (Highest Value). The site layout has been designed to accommodate the retention of all the category A trees. With exception of the trees identified for removal the trees are all protected on site by way of the Conservation Area designation. Therefore, the developer or future occupiers of properties would need to serve notice on the Local Planning Authority under Section 211 of the Town and Country Planning Act 1990 (as amended) which would afford the Local Planning Authority opportunity to assess whether a Tree Preservation Order is required for individual or groups of trees.

- 6.2 I note the comments received from the Arboricultural Officer which support the findings of the Arboricultural Survey and the retention of the proposed trees within the scheme. Should planning permission be granted a condition would be attached to any approval requiring an Arboricultural Method Statement to be submitted and approved, to ensure the retained trees are protected during the construction of the development.

7.0 Ecology

- 7.1 I note that the application site has no statutory designation as a Local Wildlife Site or as a Site of Importance for Nature Conservation; however, I would also note the site is located within established woodland with the potential for an adverse impact on biodiversity and ecology.
- 7.2 The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy 17 of the ACS and Section 11 of the NPPF.
- 7.3 Policy 17 of the ACS states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.
- 7.4 Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 7.5 I note the comments from NCC ecology and the requirement for the loss of habitat to be mitigated and compensated and a Preliminary Ecology Assessment (PEA) to be carried out, however, the PEA survey has been carried out. I note that the design of the scheme plans to retain the best value Category A trees which are of the highest ecological value. I also note that there were no recorded bats on the site when the PEA was carried out. I also note that the landscape / layout plan indicates that a considerable amount of mature vegetation is proposed to be retained in the rear amenity areas of the proposed dwellings.
- 7.6 Notwithstanding the details that have been submitted with the application which highlights the trees for protection, should planning permission be forthcoming, a condition would be attached to any approval requiring a detailed landscape scheme to be submitted to incorporate measures of mitigation to include bird nesting boxes and bat boxes. I consider that a detailed landscape and planting scheme would secure satisfactory mitigation to biodiversity and ecology as a result of the development and would help retain the woodland character of the area.

8.0 Layout / Design and Impact on Conservation Area

- 8.1 Policies ENV1, H7, H8 and H16 of the Replacement Local Plan require development to be of a high standard of design. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance and defensible space and well considered layouts and landscaping.
- 8.2 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset; may affect the ability to appreciate that significance; or, may be neutral.
- 8.3 I note that the immediate adjoining area, from Beeston Close, is defined by contemporary two storey semi-detached dwellings on the approach to the application site from Beeston Close. To the south of the application site it drops in level with town houses and flats on Mayes Rise and The Mount.
- 8.4 The proposal is to provide 7 homes on a site of 0.75 hectares, equating to a residential density of approximately 10 dwellings per hectare. Policy H8 of the RLP states: 'on site of 0.4 ha and above, planning permission will not be granted for residential development with a net density of less than 30 dwellings per hectare unless physical constraints are demonstrated'. Whilst I note that the residential density is significantly below the requirements of Policy H8, I consider that the lower density proposed allows for the retention of significant mature vegetation within amenity areas. I would also note that the application site is in a prominent location on a ridge line above the Conservation Area and is currently designated as a protected open space characterised by dense vegetation. Given the constraints of the application site, in which the levels drop significantly to the south and the requirement for split level properties I consider that large detached traditionally designed dwellings with large amenity areas and landscaping would be more appropriate in this prominent location within the Conservation Area of Bestwood Village.
- 8.5 I note the proposal incorporates detached, split-level 2/3 storey properties incorporating traditional features within the elevations. It is my opinion that the traditional design of the proposed dwellings would be in keeping with the area and would not detract from the visual appearance of the Conservation Area. I also consider that the retention of mature vegetation along with landscaped frontages which set the properties back from the highway would help establish the development.
- 8.6 I am satisfied that an imaginative layout has been achieved. Despite the allocation as an open space, the significant tree cover on the site and the number of properties being proposed, the layout retains the characteristic tree cover and the proposed dwellings include architectural features of merit. I consider that this would ensure a positive contribution to the streetscene and the wider Conservation Area.

- 8.7 I note the comments from the Conservation Officer. It is my opinion the development would not adversely affect the Conservation Area due the sensitive design of the proposal and the tree retention that is proposed to assimilate the development in its higher location. The impact on the Conservation Area would be limited to views from the centre of the village and these vistas are already dominated by contemporary apartments situated on The Mount and Mayes Rise.
- 8.8 Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I consider that attaching a condition to any approval requiring samples of materials to be submitted and approved by the Borough Council would assist in securing appropriate external facing materials for the development. The maintenance of the landscaped areas would be sought via a management company through a legal agreement (*see paragraph 12.3 Obligations*).

9.0 The Impact on Neighbouring Amenity

- 9.1 Individual houses have been arranged within the site so as to minimise the opportunity for direct overlooking, particularly from upper floor windows. The layout of the site as a whole has orientated properties to minimise the potential for overlooking and overshadowing. I do note that the proposed dwellings incorporate raised terrace areas, however, the orientation of the properties and the rear gable projection protect neighbouring amenity from overlooking.
- 9.2 Given the distances and relationship with adjoining neighbouring dwellings, the scale of the dwellings, and the retention of substantial vegetation on proposed boundaries I am satisfied that the proposed development would not result in any undue overbearing, overlooking or overshadowing impact on neighbouring residential amenity. It is therefore considered that the details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS.

10.0 Transport and Connectivity

- 10.1 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 7 residential units within a 'built-up area' with allocated car parking provision in excess of 3 spaces per dwelling when including the garages. When referring to the Parking Provision for Residential Development Supplementary Planning Document (SPD) the developments allocated provision would result in no additional demand for unallocated spaces (on-street car parking) given that the development provides at least 3 off street car parking spaces for each dwelling. The development therefore accords with the SPD.

- 10.2 I note the comments received with regard to the public footpath linkage from Beeston Close to the existing footpath adjacent to Hawthorn Primary School, Mayes Rise and The Mount. However, during the processing of this application the original public open space has been removed and the pedestrian access through the application site does not connect to existing footpaths. I am therefore satisfied that the concerns have been satisfactorily addressed in this instance.
- 10.3 During the processing of the application it was discussed with the agent the potential to design the access roads and turning areas capable for adoption by the Highway Authority, however, it was requested by the agent that the access remains a private drive. Given that the Highway Authority have not objected to the proposal on highway safety grounds, I am satisfied, the development can be achieved without any significant adverse impact on Highway Safety.

11.0 Water resources, flood risk and drainage

- 11.1 I note that the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 11.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 11.4 Paragraph 103 states: ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’
- 11.5 I note that the Lead Local Flood Authority were consulted and responded with no comments. Given that the development is a complete redevelopment of woodland and the potential for increased surface water run-off as a result of the proposed development, I consider it would be appropriate, in line with the requirements of LPD 4, to secure details of appropriate surface water drainage by way of condition.
- 11.6 In terms of foul drainage, Severn Trent Water have not made any comments, therefore there are assumed to be no issues with connecting to foul drainage systems. The connection to foul drainage systems would however be a Building Regulations matter.

- 11.7 In my opinion, given the site is low risk of flooding and subject to acceptable surface water drainage plans being approved the development is acceptable in terms of water resources, flood risk and drainage.

12.0 Planning Obligations

- 12.1 I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required in accordance with the Open Space SPD. I also note the comments from Parks and Street Care. In my opinion the necessary improvements to open space can be secured by financial contribution by way of a S106 planning obligation.
- 12.2 The contribution of £45,921.50 would be used towards the improvement, and on-going maintenance, of the existing provision of open space / recreational facilities within a radius of 2km from the centre of the development.
- 12.3 Given that the development would result in an access road and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the access drive and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.

13.0 Other Considerations

- 13.1 I note the comments regarding the footpath adjacent to 'The Mount' being a private footpath for these residents. Whilst this remains a private legal matter I do note that the footpath that was originally proposed, linking to this path, has now been removed from the scheme.

14.0 Conclusions

- 14.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a sustainable form of development. In reaching this conclusion I have had regard to paragraph 98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made, acceptable. Given the considerations set out above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

- 15.0 Recommendation: GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority for the provision of a financial contribution to be expended on offsite Public Open Space, and the provision of a Management Company for the maintenance of the access road and areas of open space not within residential curtilages; and subject to the conditions listed for the reasons set out in the report.**

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be constructed strictly in accordance with the Application Form dated 8 February 2017 and the following approved plans / details: AA/16/BCBV/01 (Arboricultural Survey); Design and Access Statement; AAA.01 (Site Location Plan); Arboricultural Survey (18th February 2016); Preliminary Ecological Appraisal (PEA); 1604 D.1-A1 (Site Location Plan + Site Plan); D.2-A1 (Block Plan); D.3-A1 (Site Sections / Street Elevations); D.4-A1 (Houses 1 + 6); D.5-A1 (House 2); D.6-A1 (House 3); D.7-A1 (Houses 4 + 5); D.8-A1 (House 7). The development shall thereafter be undertaken in accordance with these approved plans / details unless otherwise agreed in writing by the Local Planning Authority.
- 3 Before development hereby approved is first commenced full details of both soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways, and the frontages of properties such as driveways and footpaths to front doors (d) details and location of bird nesting boxes and bat boxes, and (e) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
- 4 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) Arboricultural Method Statement: to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated; and (iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012. The development shall thereafter be undertaken in accordance with the approved details unless otherwise prior agreed in writing by the Borough Council.
- 5 No above ground construction works shall commence until samples of the proposed external facing and roofing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 6 Notwithstanding the details submitted prior to the commencement of development details of the existing and proposed ground levels and sections of the site in relation to each dwelling (and the site boundaries) shall be submitted to and approved in writing by the Local Planning Authority. The

development shall thereafter be undertaken in accordance with the approved details.

- 7 Development shall not commence until a scheme for the satisfactory disposal of surface water from the site has been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall then be occupied or brought into use until the approved surface water drainage works are completed in accordance with the approved scheme.
- 8 Unless otherwise agreed by the Local Planning Authority, development shall not commence until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan should be produced and carried out in accordance with The Control of Dust and Emissions from Construction and Demolition (Best Practise Guidance). Once approved the development shall be carried out strictly in accordance with the approved plan.
- 9 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 10 No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and not exceeding 1:12 thereafter, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 11 No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
- 12 No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 13 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 3, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

- 14 Hours of construction including deliveries to the site shall be limited to: 7:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday. No work shall be undertaken on Sundays or Public Holidays.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
- 4 To ensure satisfactory development, in accordance with the aims of Policy 17 of the Gedling Borough Council Aligned Core Strategy.
- 5 To ensure a satisfactory standard of external appearance.
- 6 This pre-commencement condition is necessary to ensure that the development does not have a detrimental impact upon visual amenity or upon the occupiers of adjacent dwellings.
- 7 This pre-commencement condition is necessary to ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.
- 8 In order to protect the amenity of the adjoining dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2016)
- 9 In the interests of Highway safety.
- 10 In the interests of Highway safety.
- 11 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
- 12 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 13 To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
- 14 In the interests of residential amenity

Reasons for Decision

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impacts that can be mitigated through further details and particulars secured by condition.

Notes to Applicant

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

Your attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how to decrease levels by incorporating mitigation measures into scheme design as standard. (see:

<http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. Reference can be made to guidance produced by IET 'Code of Practice for EV Charging Equipment Installation' for details of charging points and plugs specifications.

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

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework (March 2012).

Your attention is brought to the implications of the private drive for future occupiers if the roads are not adopted. (i) Future maintenance liabilities; (ii) Public liabilities; (iii) Street cleansing; (iv) Lack of pedestrian facilities; (v) Lack of / or poor standard of lighting and drainage; (vi) Nottinghamshire County Council have no powers under the Highways Act; (vii) The police have no powers to remove obstructions.

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

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Date Recommended: 24th January 2018