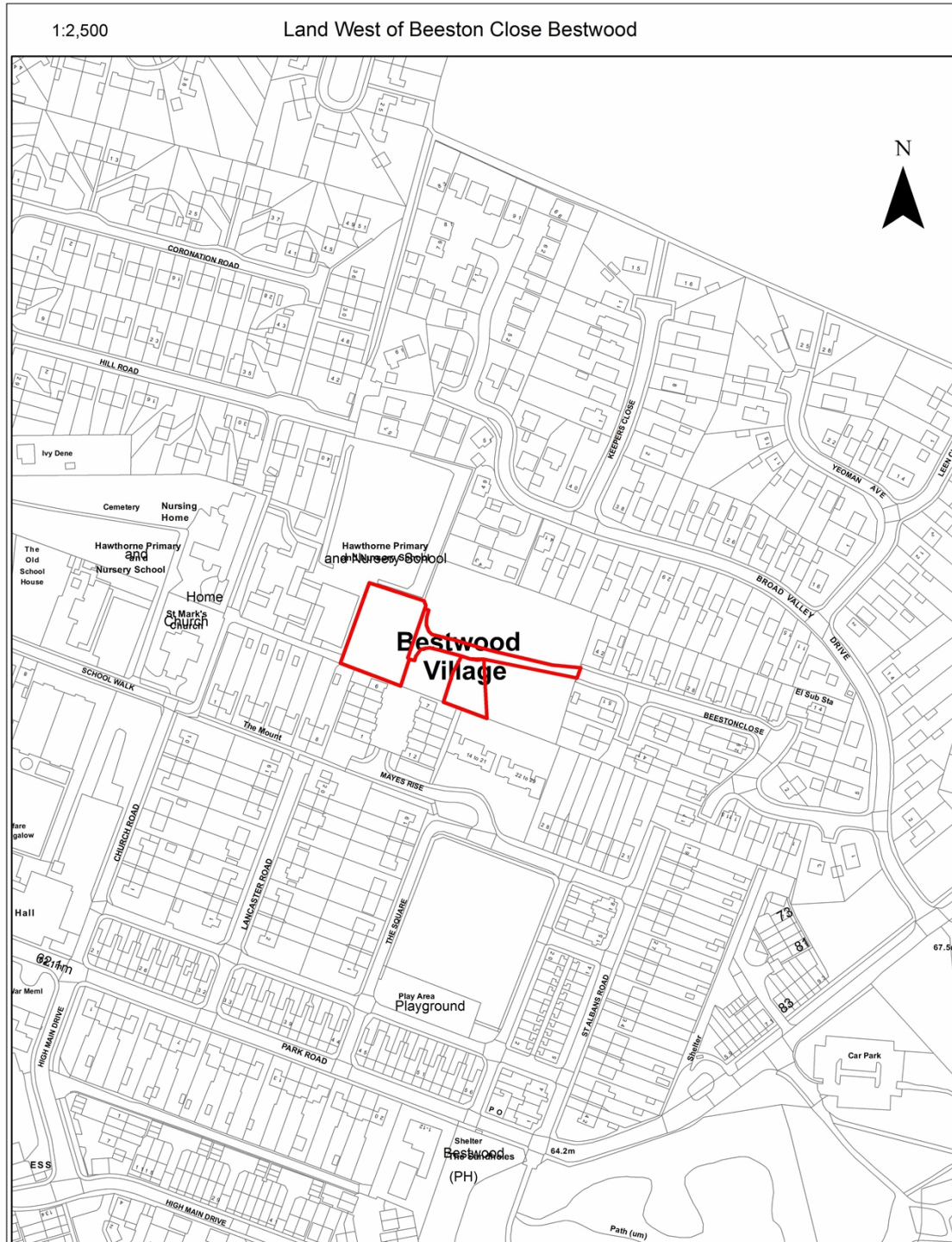


Planning Report for 2019/0401



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2019/0401
Location:	Land West Of Beeston Close Bestwood
Proposal:	Re-orientation of dwellings on Plots 4 & 5 and additional dwelling to Plot 8 (between plots 2 and 3).
Applicant:	Mr John Webster
Agent:	Carlton Design Architecture
Case Officer:	Cristina Dinescu

This application has been referred to Planning Committee to accord with the Constitution as a deed of variation amending the existing Section 106 Agreement is required.

1.0 Site Description

- 1.1 The application site is located within the residential area of Bestwood Village and within Bestwood Village Conservation Area. Planning permission has previously been granted for 7 detached dwellings (ref: 2017/0194) and development has commenced on site.
- 1.2 The site is adjoined to the north and west by the Hawthorne Primary School. Existing dwellings/flats on Mayes Rise adjoin the site to the south and Beeston Close adjoins the site to the east.

2.0 Relevant Planning History

- 2.1 2017/0194 – Planning permission was granted for 7 detached, split level dwellings subject to a Section 106 Agreement seeking contributions for off-site open space and private management and maintenance of the access road.
- 2.2 2018/1187DOC – Details reserved by conditions 2, 3, 4, 5, 6, 7 and 8 of planning consent no. 2017/0194 were considered acceptable by the Borough Council.
- 2.3 2019/0385DOC – Roof tiles details relating to condition 5 of planning consent no. 2017/0194 were considered acceptable by the Borough Council.
- 2.4 2019/0499NMA – Non-material amendments made to approved details under ref. no. 2017/0194. The amendments consist of design changes to plots 1, 2, 3, 6 and 7.

3.0 Proposed Development

- 3.1 Planning permission is sought to re-orientate and amend the dwellings on Plots 4 and 5, create an additional dwelling (Plot 8) and form a hammer head at the western end of the previously approved access.
- 3.2 The design of the dwellings on Plots 4 and 5 would be similar to the plans approved under ref. no. 2017/0194, with the exception of a dormer window unit, which is now proposed to the rear elevation.
- 3.3 The dwelling proposed on Plot 8 would be identical to the approved dwelling on Plot 3.

4.0 Consultations

- 4.1 Bestwood Village Parish Council – No comments received.
- 4.2 Highways Authority (NCC) – It is recommended that the carriageway should comply with Building Regulations for a turning head for an 8.5m fire engine to be able to turn and exit the site in a forward gear or a sprinkler system would be required to be installed. Recommended conditions regarding a dropped vehicular footway crossing, access gradient, hard surfacing, discharge of surface water, bin collection point and the management and maintenance of the private road.
- 4.3 Arboricultural Officer – Satisfied the retained trees would not be affected. A condition is recommended that all tree protection methods described within the tree survey/arboricultural method statement submitted are adhered to prior to any construction activities. Further information is required regarding infill works to the boundary hedge.
- 4.4 Neighbouring properties have been notified and a Site Notice posted. Two letters of representation were received as a result. The concerns raised are as follows:
 - concerns over remaining trees on site and impact on wildlife;
 - the tree survey should be reviewed by an independent specialist.
- 4.5 Following submission of a revised house type (a 'handed' layout) on plot 8, neighbouring properties have been re-consulted. No further letters of representation were received as a result.

5.0 Relevant Planning Policies

- 5.1 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 other material considerations indicate otherwise'.
- 5.2 The following policies/documents are relevant to this proposal:

- National Planning Policy Framework (2019): 5. Delivering a sufficient supply of homes; 12. Achieving well-designed places;
- Gedling Borough Aligned Core Strategy: Policy 8 – Housing Size, Mix and Choice; Policy 10 – Design and Enhancing Local Identity; Policy 11 – The Historic Environment;
- The Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

5.3 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

- LPD 28 – Conservation Areas;
- LPD 32 – Amenity;
- LPD 35 – Safe, Accessible and Inclusive Development;
- LPD 40 – Housing Development on Unallocated Sites;
- LPD 57 – Parking Standards;
- LPD 61 – Highway Safety.

6.0 Planning Considerations

6.1 The principle of residential development has already been established through planning application reference 2017/0194. The Council granted full planning permission for the erection of 7 dwellings and associated access road. This new application proposes to re-orientate and amend the dwellings on plots 4 and 5, one additional dwelling (Plot 8) and the creation of a new hammer head to the west of the approved access road.

6.2 The main considerations therefore in the determination of this application are the impact of these amendments upon adjoining properties, the character of the area, existing trees and highway safety.

Amendments to Plots 4 & 5 and the proposed access road turning head

6.3 The re-orientation of the dwelling on Plot 4 parallel with the adjoining property at 6 Mayes Rise and would form a better relationship with this property which would ensure there would be no undue impact on the residential amenity.

6.4 The re-orientation of Plots 4 & 5 and changes to layout of the turning head of the access road would take the built form further away from the large mature Oak tree (T35) that has been assessed as having high amenity value. This increase in separation would further safeguard this tree.

6.5 The comments received from the Arboricultural Officer are noted in relation to hedge infilling; however, the hedge falls outside the application site and therefore works to this hedge as part of the proposed development are not considered to be reasonable.

6.5 The proposed changes to Plot 4 & 5 would not affect off-street parking provision and would retain the previously approved four off street car parking spaces at each property, which exceeds the requirements of the Council's Car Parking SPD, which requires the provision of 3 spaces in a rural location.

- 6.6 The relationship between the rear elevations of the proposed dwellings to Hawthorn Primary school is considered to be acceptable and would not result in any additional undue overlooking.
- 6.7 The comments received from the Highways Officer are noted and as such it is considered the conditions recommended are reasonable. Fire safety matters would be controlled through the Building Regulations and the installation of a sprinkler system is an option, should the access not meet fire tender requirements. The only amendment to the access is the addition of a turning head. The gradient of the approved access road would not be affected as it would need to be implemented in accordance with the details approved under the extant planning permission (2017/0194).

Proposed Plot 8 and its impact on character of the site, the wider area, residential amenity and off-street parking provision

- 6.8 It is noted the proposed design of the dwelling on Plot 8 is identical to the design of the dwelling on Plot 3 which was approved under ref. no's 2017/0194 and 2019/0499NMA. The additional plot would reduce the width of Plots 2 & 3 whilst retaining separation distances similar to those between Plots 1 & 2 and reconfigured Plots 4 & 5. It is therefore considered the proposed Plot 8 would be acceptable within the overall design of the wider site and the Bestwood Village Conservation Area.
- 6.9 The proposed dwelling on Plot 8 would have a patio area to the rear. The patio area would face the garden area serving the block of flats on Mayes Rise. Given the separation distance, the topography of the site and that this area was approved as the residential gardens of Plots 2 & 3 under planning reference 2017/0194, it is considered the additional plot would result in no further undue impact on neighbouring residential amenity.
- 6.10 With regards to off-street parking provision, I am satisfied the proposed Plot 8 would have acceptable car parking provision. Four off-street parking spaces in the form of a double garage and a driveway at the front of the garages are proposed, which exceeds the requirements of 3 spaces required by the Council's Car Parking SPD for a dwelling with 4 or more bedrooms in a rural area.

Planning Obligations

- 6.11 The application site falls within the wider land to the West of Beeston Close development which is subject to a Section 106 agreement. The proposed development would not alter the off-site open space contribution requirement (£46,924.50), however, the original Section 106 agreement would need to be amended as the grant of this application would result in a new planning permission being issued for the proposed amendments and additional dwelling.

Conclusion

- 6.12 In conclusion, the proposal would be acceptable in terms of the wider site layout approved under planning reference 2017/0194, relationship with neighbouring properties and impact on the character of the Bestwood Village Conservation

Area. The proposal is therefore in accordance with the advice contained within the NPPF, Policies 8, 10 and 11 of the Aligned Core Strategy and policies LPD 28, LDP 32, LPD 35, LPD 40, LPD 57 and LPD 61 of the Local Planning Document.

7.0 Recommendation: GRANT FULL PLANNING PERMISSION subject to the applicant entering into a deed of variation amending original Section 106 Agreement to planning approval: 2017/0194 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 This permission shall be read in accordance with the application form, site location plan, Section 6.0 of Arboricultural Report, Tree Protection Method Statement and deposited plans, drawing no's JWS/BCBR/PP5 rev A and JWS/BCBR/PP4 rev A, received on 16th April 2019 and deposited plans, drawing no's JWS/BCBR/PP8 rev B, JWS/BCB/SECT/1 rev D and JWS/BCBR/EW/1 rev C, received on 21st June 2019. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to drawing no. JWS/BCBR/EW/1 rev C received on 21st June 2019, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
- 4 Hours of construction including deliveries to the site shall be limited to: 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturday. No works or deliveries of materials shall be undertaken on Sundays or Public Holidays.
- 5 The development hereby approved shall be implemented in accordance with the approved Dust Management Plan as per planning reference 2018/1187DOC.
- 6 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.
- 7 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 never exceeds 1:12

thereafter, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

- 8 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.
- 9 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.
- 10 No part of the development hereby permitted shall be brought into use until a bin collection point is provided within 15.0m of the public highway in accordance with details first submitted to, and approved in writing by the Local Planning Authority. The development shall only be undertaken in accordance with the details so approved and shall be retained as such thereafter.

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 in accordance with the aims of policy LPD 10 of the Aligned Core Strategy.
- 4 In the interest of residential amenity, in accordance with the aims of policy LPD 32 of the Local Planning Document.
- 5 In the interest of residential amenity, in accordance with the aims of policy LPD 32 of the Local Planning Document.
- 6 In the interests of Highway safety.
- 7 In the interests of Highway safety.
- 8 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
- 9 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 10 To allow the refuse team to pull the bins within pulling distance to the public highway, as the refuse lorry will not enter a private development.

Reasons for Decision

The proposed development, by virtue of the design, scale and relationship with adjoining properties, would be visually acceptable in the streetscene and would result in no significant undue impact on the amenity of neighbouring residential properties and amenities and would have no undue impact on highway safety. The proposal is in accordance with the NPPF, Policies 8, 10 and 11 of the Aligned Core Strategy and policies LDP 28, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61.

Notes to Applicant

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 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.

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.

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, on telephone 0300 500 80 80, to arrange for these works be carried out.

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 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.

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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).

Date Recommended: 19th August 2019