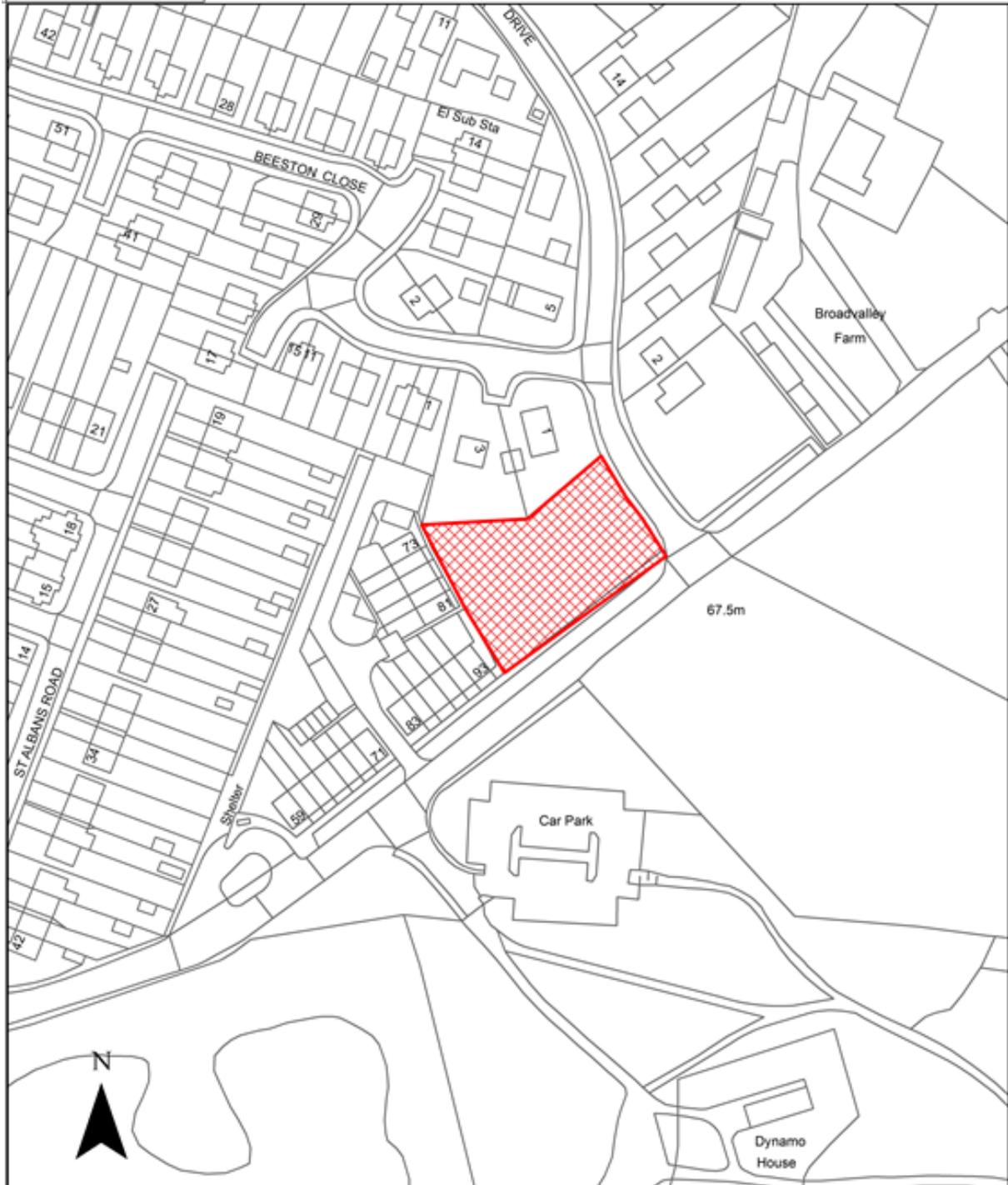




**Application Number:** 2016/0253  
**Location:** Land (2) At Park Road/ Broad Valley Drive, Bestwood, Nottinghamshire.



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2016/0253
<b>Location:</b>	Land (2) At Park Road/ Broad Valley Drive, Bestwood, Nottinghamshire.
<b>Proposal:</b>	Residential development for 2 dwellings
<b>Applicant:</b>	Gedling Borough Council
<b>Agent:</b>	Mr George Machin
<b>Case Officer:</b>	Cristina Dinescu

### **Background**

This application is referred to the Planning Committee because the land is owned by Gedling Borough Council.

### **Site Description**

The application site lies within the established residential area of Bestwood Village, on the left hand side of the junction between Park Road and Broad Valley Drive.

The site is adjoined by two bungalows at no's 1 and 3 Broad Valley Drive and a row of terraced town houses at no's 93, 81, 79, 77, 75 and 73 Park Road.

The site covers an area of approximately 971sqm, is open and free of built form and has 4 mature trees that are located towards Park Road and the row of town houses to the west.

The site has been used by local residents for informal leisure purposes but it is not a Protected Open Space when referring to the Proposals Map of the Gedling Borough Replacement Local Plan.

### **Proposed Development**

Outline Planning Permission is sought for the residential development of two bungalows with all matters reserved except access.

An indicative layout plan and elevations have been submitted with the application showing two semi-detached dormer bungalows with two bedrooms.

Access is proposed off Broad Valley Drive.

The submitted plans show one off street parking space to serve each dwelling.

A Design and Access Statement and an Arboricultural Report have also been submitted with the application.

## **Consultations**

NCC (Highway Authority) – No concerns in principle subject to conditions regarding parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. It should be noted that the waste bin and bench will require relocation to facilitate the vehicular accesses to the proposed dwellings.

Bestwood Parish Council – No comments received.

NCC (Forestry Manager) – Happy with the arboricultural report supplied but would require additional information regarding an arboricultural method statement which includes details of tree protection fencing and a tree protection plan.

Severn Trent – No comments received.

Public Protection – The site has had a history of ‘industrial’ land use (agriculture) this is a potentially contaminative use. Additionally, we are aware that assessments carried out during the re-development of the neighbouring site revealed made ground to depth. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent. The assessment should be carried out in line with current guidance CLR11 and the appropriate British Standards (i.e. BS10175).

Local residents have been notified and a Site Notice posted – 2 letters of representation were received as a result of which one contains neutral comments stating facts regarding the existing situation on site.

The following concerns were raised through the letter of representation objecting to the proposed development:

- Local Green space that must be protected;
- Highway safety;
- Impact on parking;
- Flooding and drainage;
- Impact on school places;
- Fair and transparent process since Gedling Borough Council is the applicant;
- Guarantees for the plans to not be altered once Gedling Borough council sells the land;
- No detailed impact assessment on neighbouring properties has been undertaken;
- Have the neighbours been actively consulted?

The following facts were presented in the neutral letter of representation:

- Part of the gardens of the proposed houses look as to belong to the open piece of land;
- The fence adjoining no.3 Broad Valley Drive has been moved by the owner to give the owner better access to the open land, therefore the fence line does not run straight anymore.

### **Planning Considerations**

The main considerations in the determination of this planning application are whether the proposal accords with relevant policies within the local plan, the impact of the proposal on neighbouring residential properties and on the street scene and whether there are any highway safety implications.

The most relevant planning policy guidance at the national level comes from the National Planning Policy Framework (March 2012). In particular the following chapters are relevant in considering this application: -

- 6. Delivering a wide choice of high quality homes (paragraphs 47 – 55); and
- 7. Requiring good design (paragraphs 56 – 68).

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The following policies are relevant: -

- Policy 10 - Design and Enhancing Local Identity.
- Policy 8 – Housing Size, Mix and Choice.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- ENV1 (Development Criteria);
- H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes); and
- T10 (Highway Design and Parking Guides).

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 – 1 of the ACS states inter-alia that development should be designed to:

- a) make a positive contribution to the public realm and the sense of place;
- b) create attractive, safe, inclusive and healthy environment;
- c) reinforce valued local characteristics;
- d) be adaptable to meet changing needs of occupiers and the effects of climate change; and

e) reflect the need to reduce the dominance of motor vehicles.

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion. Criterion f) of the ACS refers to the impact on the amenity of nearby residents.

Criterion a., c. and d. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

In respect to car parking, regards should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

#### Visual Impact

The site is located within the established residential area of Bestwood Village where, in principle, there are no objections to its redevelopment for residential purposes.

I consider that the site is of adequate size to accommodate the proposed dwellings. I am mindful that there are a variety of styles of dwellings within the Bestwood Village area and I consider that suitably designed dwellings could be achieved that reflect the local characteristics.

I note the proposal is for two bungalows and that the neighbouring properties are also bungalows, as such I am satisfied the proposed development would reflect the character and scale of neighbouring properties.

Subject to precise design details to be dealt with under reserved matters I am of the opinion that the dwellings would be visually acceptable.

I therefore consider the proposed dwellings would accord with Policy 10 of the ACS and Saved Policies H7 and ENV1.

#### Impact on Residential Amenity

Policy 10 of the ACS requires consideration to be given to the impact on the amenity of neighbouring properties and occupiers of development.

I note that the application is in outline with all other matters reserved for subsequent approval except access and as such I am satisfied that subject to precise details, the proposed dwellings will have an acceptable relationship with existing neighbouring properties.

### Car parking and Highway Safety

A two bedroom dwelling in a rural area requires the provision of at least one off-street car parking space in order to accord with the Council's Residential Car Parking Supplementary Planning Guidance. The development as now proposed does make provision for sufficient parking to serve the dwellings. I am mindful that the County Highways Officer has raised no objections subject to a condition regarding details of parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage, to be submitted and approved by the Borough council before development is commenced, as such; should planning permission be forthcoming I would suggest the highway condition to be attached in the interest of highway safety.

Subject to the condition recommended by the Highways Officer I consider that there would be no adverse impact on highway safety in allowing this application.

### Trees and Vegetation

The redevelopment of the site for residential purposes will result in the reduction of the open land that has been used by local residents for informal leisure purposes, however, the proposed drawings show a comprehensive development that has regard to the open nature of the site and existing trees on site, leaving the rest of the site open.

Negotiations have taken place before the application was submitted and officer advice was given to reduce the number of proposed dwellings and to have regards to the open nature of the land in order to result in a more comprehensive development in keeping with the character of the area.

It is noted that the application site is not a Protected Open Space when referring to the Proposals Map of the Gedling Borough Replacement Local Plan.

I am mindful that the Arboricultural Officer has request additional information regarding an arboricultural method statement with details of tree protection fencing and a tree protection plan, however I am of the opinion that, given the significant distance from the existing trees to the proposed boundary line of the two bungalows, the requested additional information could be dealt with under a condition attached to any planning permission.

### Contamination

I note the comments from the Scientific Officer regarding contamination of land, as such I would recommend all conditions recommended to be attached to any planning permission.

### Other issues

I note the concerns raised by the objecting neighbour with regards to flooding and drainage, impact on school places, plans to be approved and the fairness and transparency of the planning process when Gedling Borough Council is the applicant.

The number of dwellings proposed does not meet the requirement for developer contributions for education therefore I consider the scale of the development would not have an adverse impact on education provision.

With regards to flooding and drainage, I note that no comments have been received from Severn Trent, I therefore recommend a condition be attached to any planning permission regarding details of surface water and foul drainage to be submitted before development is commenced.

With regards to the fairness and transparency of the planning process when Gedling Borough Council is the applicant, The Gedling Borough Council Constitution requires any planning application for land that is owned by Gedling Borough Council or when Gedling Borough Council is the applicant, to be automatically considered at Planning Committee. It is also noted that all adjoining neighbours have been consulted and a Site Notice has been posted.

Given the limited residential curtilage resulting to serve each dwelling I would recommend, should planning permission be forthcoming, that permitted development rights for extensions under classes A, B, C and D are removed in order to protect the amenity of adjoining residential properties and the street scene.

### Conclusion

Having regard to all the above I consider that the proposal is in accordance with Policies 8 and 10 of the Aligned Core Strategy, Saved Policies H7 and ENV1 of the Gedling Borough Replacement Local Plan and advice contained within the NPPF, and would recommend that Planning Permission be granted.

### **Recommendation:**

To **GRANT PLANNING PERMISSION** subject to the following conditions:-

### **Conditions**

1. An application for approval of all the reserved matters (appearance, landscaping, layout and scale) shall be made to the local planning authority before the expiration of three years from the date of this permission.
2. The development hereby approved shall be begun within two years from the date of the approval of the last reserved matter to be approved.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council detailed plans, sections and elevations of all buildings.
4. The proposed dwellings shall not be brought into use until the details

approved as part of the plans and particulars to be submitted for the application for the approval of reserved matters referred to in condition 1, 2 and 3 above have been implemented, unless other timescales are prior agreed in writing by the Borough Council.

5. Before development (including site preparation) is commenced an Arboricultural Method Statement, including details of tree protection fencing and a tree protection plan, to protect the existing trees, shall be submitted to and approved in writing by the Borough Council as Local Planning Authority. Once these details are approved the development shall be carried out in accordance with the approved details and the trees shall be protected at all times during site preparation and development.
6. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing any proposed planting as well as details of the existing planting to be removed or retained. The approved details shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
7. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used in the external elevations of the development. Once approved the development shall be carried out in accordance with these details.
8. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected before the dwellings are first occupied and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. The approved means of surfacing shall be erected before the dwellings are first occupied.
10. The formal written approval of Gedling Borough Council is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage (Hereinafter referred to as reserved matters). All details submitted to Gedling Borough Council for approval shall comply with the County Council's current 6'cs Highway Design and shall be implemented as approved.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of surface water and foul drainage. Once approved the development shall be carried out in accordance with these details.

12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of any proposed alterations to the existing ground levels of the site and details of the height of proposed floor levels of the proposed dwellings relative to the existing levels. Once approved the development shall be carried out in accordance with these details.
13. No works permitted under Class A, B, C, D or E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.
14. Unless otherwise agreed by the Local Planning Authority, development must not commence until the following has been complied with:  
Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments. Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The assessment should be carried out in line with current guidance CLR11 and the appropriate British Standards (i.e. BS10175).
15. In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority. The assessment should be carried out in line with current guidance CLR11 and

the appropriate British Standards (i.e. BS10175).

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
4. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
5. In the interests of good arboricultural practice and to ensure that the details of the development are acceptable, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
6. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
7. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
8. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
9. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
10. In the interest of highway safety.
11. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
12. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
13. To ensure the details of the development are satisfactory, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies) 2014.
14. Because the site has had a history of 'industrial' land use (agriculture) that is a potentially contaminative use. Additionally, the Borough Council is aware that assessments carried out during the re-development of the neighbouring site revealed made ground to depth.
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16. Because the site has had a history of 'industrial' land use (agriculture) that is a potentially contaminative use. Additionally, the Borough Council is aware that assessments carried out during the re-development of the neighbouring site revealed made ground to depth.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development will result in no undue impact on the amenities of neighbours, the character and appearance of the area or on highway safety. The application is therefore in accordance with Policies 8 and 10 of the Aligned Core Strategy (September 2014), Policies ENV1, H7 and T10 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies) 2014 and advice contained within the NPPF (2012).

### **Notes to Applicant**

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

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](http://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](http://www.groundstability.com).

The proposal makes it necessary to relocate the Parish Council sign in order to facilitate accesses to the proposed dwellings.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

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.

