

Report of the Chief Executive

APPLICATION NUMBER:	18/00210/OUT
LOCATION:	PARK HOUSE, 15 NOTTINGHAM ROAD, KIMBERLEY, NOTTINGHAM, NG16 2NB
PROPOSAL:	OUTLINE APPLICATION TO CONSTRUCT A MAXIMUM OF 14 DWELLINGS WITH ALL MATTERS RESERVED.

Councillor S Easom has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This major application was first brought before Planning Committee on 24 July 2019 (original report attached as an appendix). The Committee deferred the application following receipt of new plans which were considered to contain errors and no further consultation having been carried out.
- 1.2 Since the previous Committee meeting the applicant has made amendments to the scheme by reducing the overall maximum number of dwellings from 18 to 14. Whilst only indicative, the previous layout plan indicated the provision of 18 dwellings in the form of four detached dwellings and 14 semi-detached dwellings set in a row backing onto the rear school playing field. The amended indicative layout plan indicates the provision of 14 dwellings staggered within the site in blocks of two and three, with rear garden spaces delineated and two car parking spaces to the front per plot. Taking into account the reduction in the overall maximum number of dwellings and the amended indicative layout plan, it is considered that as previously reported, the proposed development would not result in an unacceptable impact upon the character or visual amenity of the area, residential amenity for existing neighbouring properties and future occupiers of the dwellings would be acceptable, there are no highway safety issues and the highways parking provision is also considered to be adequate.
- 1.3 Following on from the original comments received from The Highway Authority on the application for which no objections were raised, a further consultation has been undertaken in respect of the revised indicative layout plan. It is advised that whilst concerns have been raised by residents regarding the incidence of on-street parking on Noel Street and the potential for the development to create additional residential traffic compromising safety by the virtue of its narrow nature of Noel Street, The National Planning Policy Framework (NPPF 2019) only permits planning applications to be refused on highway grounds when there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. When considering the extant use of the site, The Highway Authority does not envisage the proposed development will materially change traffic flows along Noel Street. It is further advised that here have been no recorded collisions along its length for over 5 years. In view of this, The Highway Authority is therefore unable to conclude there is an existing safety issue that will be exacerbated by the development.

- 1.4 Prior to the previous Committee meeting, 15 additional letters of objection from local residents were received. Following receipt of the amended plan, a further re-consultation was carried out with neighbouring properties, along with the posting of four site notices, with 8 additional letters of objection having been received stating:
- Existing parking problems along the road would be worsened by the development and would result in increased risk of traffic collisions;
 - The site is not an appropriate location for residential development due to the surrounding uses;
 - There would be increased dust and noise from the development;
 - Drainage issues.
- 1.5 Given the reduction in the overall maximum number of dwellings from 18 to 14, a revised open space contribution of £20,413.40 has been requested for the provision of capital and maintenance contributions at the nearby Stag Recreation Ground. In respect of the previously requested education contributions, Nottinghamshire County Council had requested £54,624 towards the reconfiguration of classrooms to allow the provision of 4 additional key stage 1 places at Larkfields Infant School and £53,259 towards secondary school provision at Kimberley School to allow the delivery of 3 additional places. In light of the reduction in proposed dwellings, contributions have been requested £47,418 towards 3 primary school places and £43,310 towards secondary school places.
- 1.6 The Committee is asked to resolve that outline planning permission be granted subject to conditions and the completion of a Section 106 agreement to secure education contributions and monies towards improving existing public open space.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:	
(i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and;	
(ii) the following conditions:	
1.	Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission <i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be commenced before the

	<p>expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>3.</p>	<p>The outline permission relates to the 1: 1250 Site Location Plan received by the Local Planning Authority on 16 April 2018.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>4</p>	<p>No development shall commence until detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) Access; (b) Appearance; (c) Landscaping; (d) Layout; (e) Scale <p><i>Reason: The application was submitted in outline only and development cannot proceed without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.</i></p>
<p>5</p>	<p>No development shall commence until details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, bollards and visibility splays have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety.</i></p>
<p>6.</p>	<p>No above ground works shall be carried out until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme submitted shall include:</p> <ul style="list-style-type: none"> a) The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to approval of Severn Trent Water; b) Justification should be provided for the use or not of infiltration, including results of soakaway testing, in accordance with BRE 365; c) For greenfield areas, the maximum discharge should be the greenfield run-off rate per hectare (Qbar);

	<p>d) For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change;</p> <p>e) The site drainage system should cater for all rainfall events up to a 100 year +30% climate change allowance level of severity;</p> <p>f) The underground drainage system should be designed to not surcharge in a 1 year storm, not to flood in a 30 year storm;</p> <p>g) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+30% storm;</p> <p>h) Any attenuation storage to be adequate for the surface water produced by the site, up to 100year+30% event;</p> <p>i) use of SUDS;</p> <p>j) Details of who will maintain or adopt all drainage features.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7</p>	<p>No development shall commence until a Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles during construction works and access arrangements for prospective residents, has been submitted to and approved in writing with the Local Planning Authority. All traffic associated with the development shall comply with the Traffic Management Plan unless otherwise approved in writing with the Local Planning Authority.</p> <p><i>Reason: In the interests of neighbour amenity and highway safety.</i></p>
<p>8.</p>	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p>

	<p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p>Reason: In the interest of public health and safety.</p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course of the application.</p>
<p>2.</p>	<p>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 0345 762 6848 Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority</p>
<p>3.</p>	<p>Notice will be served on the developer to purchase the first time provision of bins. The residents will need to place bins at the curtilage of the property for collection. For more information please contact Paul Wolverson on 0115 9173189 or email recycling@broxtowe.gov.uk</p>
<p>4.</p>	<p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.</p> <p>The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any works commence on site. Correspondence with the Highway Authority</p>

	<p>should be addressed to hdc.south@nottscc.gov.uk</p> <p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway.</p>
5	The applicant/developer is advised that no vehicular access via Nottingham Road will be allowed.
6	The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the right of way or materials unloaded or stored on the right of way so as to obstruct the path.
7.	Due to the presence of Cadent and/or National Grid apparatus in proximity to the site, the developers should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. plantprotection@cadentgas.com Telephone: 0800 688588
8	There is an associated S106 legal agreement with this development, and this decision should be read contemporaneously with such.



Legend



Site



Existing open spaces

Public Rights of Way



Byway open to all traffic



Bridleway



Footpath

View of Park House



View of existing employment building



Existing footpath entrance/exit from Noel Street



Existing footpath entrance/exit from outside Park House.



View looking up North East Noel Street



View looking down South West Noel



Rear boundary with adjacent Kimberley School



