

Report of the Chief Executive

APPLICATION NUMBER:	20/00081/FUL
LOCATION:	LAND OFF WEST SIDE NEWMANLEYS ROAD, EASTWOOD , NOTTINGHAMSHIRE
PROPOSAL:	CONSTRUCT 10 DWELLINGS, TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND PUBLIC OPEN SPACE

This item needs to be determined by committee due to the request for an Education Contribution from the County Council.

1 Executive Summary

- 1.1 The application seeks permission for the erection of 10 dwellings and the formation of an area of open space. These 10 dwellings are proposed immediately to the north of a scheme for 40 dwellings, which was already approved under planning reference 18/00358/REM.
- 1.2 Planning permission, in outline, was granted for 190 dwellings across both sides of Newmanleys Road in Eastwood, in 2015. Since that date there have been several detailed applications which have been approved for housing schemes across both sides of the site. This application is the final detailed scheme for housing on the western side of Newmanleys Road.
- 1.3 The principle of developing this site has already been established and therefore the main issues relate to layout and design of the scheme, neighbour amenity and the small uplift in housing numbers from the outline planning permission.
- 1.4 It is considered that the application is acceptable in all these regards and the Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

2 Details of the Application

- 2.1 Following the approval of a reserved matters application for 40 dwellings, and a previous outline planning approval on this wider site, a segment of land to the north was left undeveloped. This application seeks full planning permission to erect 10 dwellings on this area. The main access road into the site from Newmanleys Road has already been approved, and the 10 units proposed as part of this application will front the northern edge of this access. Four three bed houses are proposed, with 6 maisonettes of which four are two bed and two are one bed. The houses are interrupted by a play area that would be created, again north of the main access road.
- 2.2 All the houses will be provided with two back to back off street car parking bays, that are accessed directly from the access road. The houses are designed in a way that blends in with the existing approved development for 40 houses.

3 Site and surroundings

3.1 The majority of the site is undeveloped paddock land with previous industrial uses (now demolished) covering a small part of the site, to the east. The paddock land to the south and west of this site now forms part of the approved housing scheme for 40 dwellings, under planning reference 18/00358/REM. A substantial food processing factory formerly occupied by Belwood Foods forms part of the northern boundary, though this use has now ceased and schemes for redeveloping this site are currently being discussed with outline planning approval already obtained.

3.2 This site would be accessed off a road taken from a roundabout which has already been constructed on Newnmanleys Road, which ensures traffic arriving off the A610 trunk road, to the south of the wider site, reduces speed.

4 Relevant Planning History

4.1 Outline planning permission for 40 dwellings, access and associated works was approved under planning reference 14/00334/OUT. Subsequently a reserved matters application to construct 40 dwellings, the formation of a primary access to the site, infrastructure, open space provision and surface water attenuation (approval of reserved matters relating to planning reference 14/00334/OUT), was approved under reference 18/00358/REM.

5 Relevant Policies and Guidance

5.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

5.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 7: Regeneration
- Policy 8: Housing Size , Mix and Choice.
- Policy 10: Design and Enhancing Local Identity

5.2 **Part 2 Local Plan**

5.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

5.3 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 - Delivering a Sufficient Supply of Homes.
- Section 11 – Making Effective Use of Land

- Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

6 Consultations

6.1 **Council's Councillors & Parish/Town Councils:**

Councillor D Bagshaw – no comments received
Councillor M Hannah - no comments received
Eastwood Town Council – no comments received.

6.2 **Coal Authority:**

Raise no objection to the scheme and suggest standing advice.

6.3 **Nottinghamshire County Council:**

Flooding – as Lead Local Flood Authority they have requested a surface water drainage strategy be submitted to them prior to any development commencing on site. They have specified the usual raft of criteria to be included within the survey.

- 6.3.1. Made reference to the need to consult the Coal Authority (see above) and that other than the possibility of education no further S106 contributions were being sought.

6.4 **Education**

No primary school places sought though they have requested £47 750 as part of the secondary school provision.

6.5 **Highways**

Initially raised several minor concerns about the layout and a few minor issues within it, which the applicant resolved by updating plans throughout. Following the submission of updated plans, the highways authority raises no objections and recommends standard conditions.

6.6 **Broxtowe Borough Council:**

Environmental Health:

- 6.7 Noise – Raises no objections to the proposal and makes reference to the loss of the Bellwood Foods factory air conditioning units, which was one of the main noise sources.

- 6.8 Contamination - raised a few minor issues about the reports submitted with particular regard to the clean cover needed on the area of open space. However once these issues had been overcome, then raised no objections but suggested standard conditions.

6.9 Parks and Recreation:

Happy with the landscaping plans proposed and was encouraged that comments previously taken on board and incorporated within the latest scheme.

6.10 Housing:

Raises no objections to the development and outlines the housing need within the local area.

6.11 Waste Management

Raise no objection to the development but outline the procedure with regards to the provision of bins and that the roads must be adopted to a size suitable for a refuse vehicle.

6.12 Neighbours

3 neighbours were consulted on the application but no comments have been received.

7 Assessment**7.1 Principle**

This wider site was subject to an outline planning application in 2015 which granted approval for housing development across this area and the area to the south. This application essentially established the principle of developing this site for housing, albeit for 40 homes to the north west of Newmanleys Road. Due to a variety of different reasons and the site ownership changing hands, the wider outline planning permission for 40 was never developed in exactly this way. Instead, and following discussions with the planning department, a more intensive development of the wider site was suggested. Consequently, a reserved matters application for 40 dwellings covering the majority of the wider site was submitted, and subsequently approved, leaving only an area to the north, without any detailed permission. This planning application seeks full planning permission for the construction of 10 dwellings on this area of the site.

7.2 Design

Seven of the units are proposed to be located at the western end of the site, with three units close to the main roundabout, and the area of open space in the middle. There is slight variation between dwelling sizes with a 3 bed property and two 1 bed dwellings on the eastern side and four 2 bed dwellings and the remaining three 3 bed dwellings on the west. The houses and layout are deliberately designed, and work well, with the approved scheme for 40 houses, and as such this development is complimentary to the detailed scheme already permitted and now under construction.

7.3 The houses are simple in their design, but with small variations throughout which differentiate the house types proposed. Most of the properties have small storm porches, and there are slight variations in the brick detailing between the different houses and the centrally located four house 2 bed block has two varieties of timber cladding. When these features are combined it creates some variety to the properties throughout and adds visual interest to the street scene. The centrally located four house block is designed to have some design stimulation on all sides, which ensures no blank frontages visible from the street scene. These houses are appropriately designed for the locality and similar to those proposed as part of the earlier approval for 40 dwellings to the south of the site, which ensures a consistent character throughout.

7.4 The landscaping proposed as part of the development is considered acceptable, and contains a suitable mix of trees and shrubs, to complement the areas of hard standing. The Parks and Environment Manager has raised no objection to the

landscaping and was pleased to note that improvements suggested from the previous landscaping scheme have been incorporated.

7.5 Amenity

The layout proposed does not impact on the amenity of the dwellings within the scheme already approved for 40 dwellings, under planning reference 18/00358/REM.

7.6 On the north western corner of the site, the rear gardens of plots 41-43 back onto the rear gardens of dwellings serving Sycamore Gardens. The separation distances, and the orientation of the new plots, ensure that there are no amenity issues here. The same is true with regard to plot 50, where the orientation of the existing and proposed plots ensure no detrimental amenity issues are created. Plots 44-47 and 48/49 will have rear elevations and gardens abutting the former Belwood Food Factory to the north, which had approval for outline planning for housing. Nevertheless, the proposed layout for this development does not create any significant overlooking impact that would be detrimental to that adjacent development, and vice versa. Furthermore, the applicants developing the layout for the site above are aware of this development and have been asked to design their scheme accordingly.

7.7 The amenity provision for the dwellings themselves is considered acceptable for the size of the dwellings proposed with adequate outdoor amenity area and the relationships between the properties themselves is also considered acceptable.

7.8 Access

The main access road these dwellings are served off has already been approved as part of the 18/00358/REM application, and the roundabout this is served off has already been constructed. There are no objections from the highway authority regarding an additional ten dwellings and therefore the main highway safety issues relate to access arrangements to the individual plots and parking provision.

7.9 All of the dwellings are served directly from the road and there is suitable visibility both ways to ensure these turning manoeuvres can take place safely. All of the plots have adequate parking provision either to the side or rear of their properties with two spaces each regardless of bedroom number. There has been no objection from highways and a standard condition requested relating to parking and driveway surfacing only.

7.10 Environmental Matters:
Contamination:

7.10.1 No significant issues or likely sources outlined on the site, but due to the proximity to the former Belwood Foods factory to the north and the possibility of ground contaminants arising therefrom, suitable additional 'clean cover' soil is required. Therefore, the housing plots, and more importantly the area of open space proposed immediately to the south of the site, have suitable conditions proposed to mitigate this issue.

7.10.2 With regard to flooding the site lies in Flood Zone 1, which is the area least likely to flood and there are no significant sources of flooding in close proximity to the

site. Sustainable Urban Drainage Systems (SUDS) have been suggested on site the Environment Agency has no objection to the drainage approach proposed.

7.10.3 The Lead Local Flood Authority has raised no objection to the scheme but requests a condition relating to incorporating sustainable drainage measures on site. The same condition is attached to the scheme for 40 dwellings, to which this scheme will immediately abut, and therefore this should ensure flooding is not an issue across the site. It is not considered therefore that flooding is an issue that would prevent development on this site.

7.11 **S106:**

The outline planning applications submitted in 2014, on the west and east of Newmanleys Road, were accompanied by a viability assessment. It was outlined that because the larger site to the east, bordered a former landfill site, significant remediation issues would need to be incorporated into any development to deal with any potential gassing or leaching issues from the former tip. The abnormal costs of dealing with the gassing issue of the larger site made developing both sites challenging, to the point where it would be unviable, without a reduction in the usual level of obligations. The viability assessment submitted was considered by the Councils main decision making body at the time, Cabinet.

7.12 The Councils' Cabinet determined that a reduced fee of £910k in S106 payments was acceptable, and that this should all be spent on affordable housing provision. The affordable housing fee of £910k, equated to the provision of 7 dwellings. Following this meeting a S106 legal agreement was drawn up, with 'triggers' in place that essentially prevented more than 50% of the development on the eastern side taking place until the affordable housing had been provided. This £910k can be in housing units, monetary provision or land. The S106 agreement relating to the outline development still 'bites' and is still relevant for this wider development overall. Whilst this application relates to a small uplift in the housing numbers overall, the site specific viability appraisal already undertaken demonstrated the borderline viability of the site. More recent viability evidence to support the Part 2 Local Plan is that viability remains fragile in Eastwood. These viability issues are exacerbated by the remediation issues referred to above. It is therefore considered that the evidence in place is sufficient to demonstrate that there is no realistic prospect of securing the education contribution requested by the County Council, whilst maintaining the overall viability of the scheme.

8 Planning Balance

8.1 This scheme would enable 10 houses to be constructed on a currently vacant site, which would both enhance the environmental quality of the area, and reduce pressure for housing development elsewhere. The scheme complements the existing built form of the area, and the development proposed to the north and south, without impinging on amenity of those residents currently bordering the site. There are no significant constraints to developing this site that cannot be addressed by conditions, and on balance therefore, it is considered the scheme is acceptable.

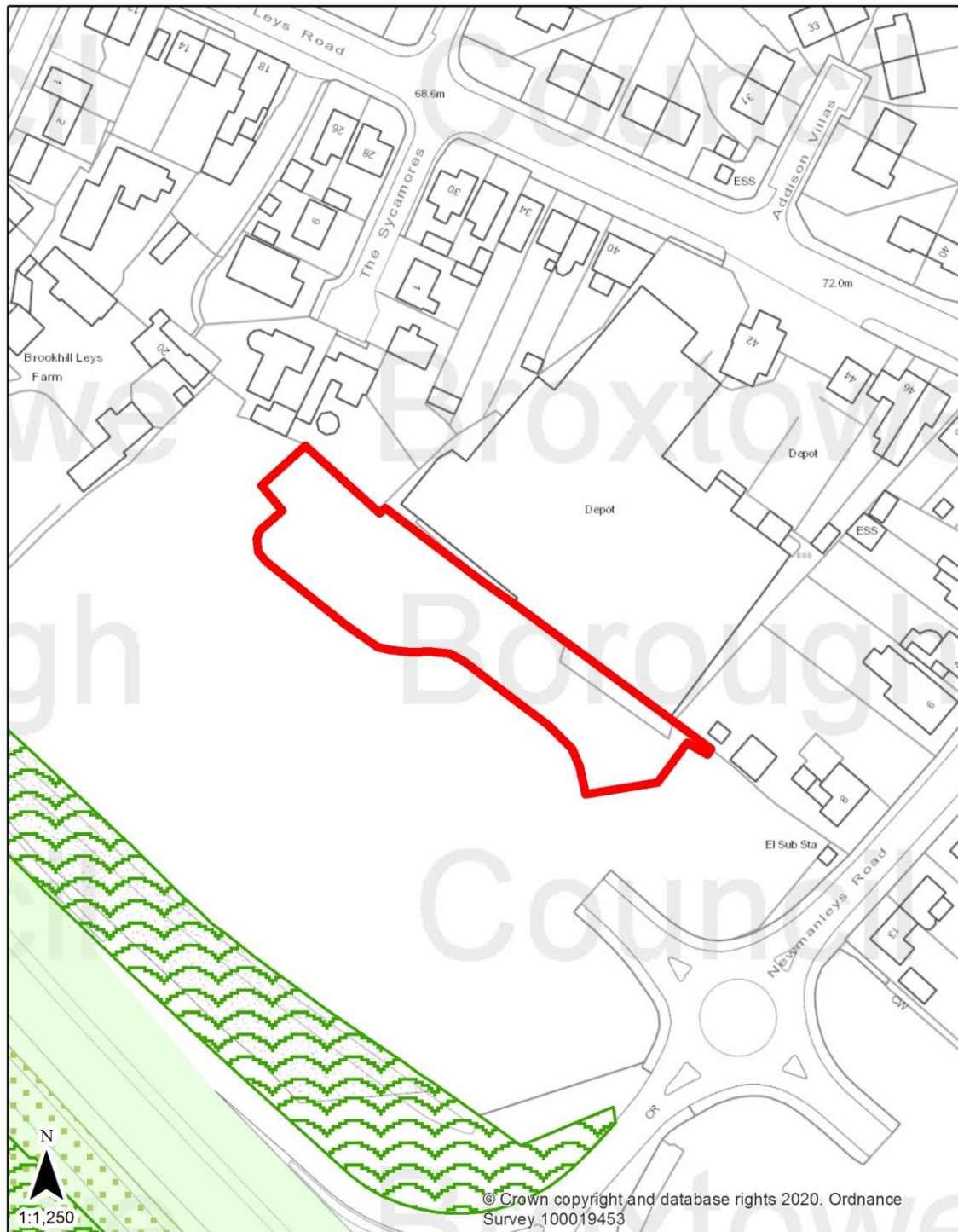
9 Conclusion

- 9.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following plans: Site Location Plan – R9089-RLA-20-XX-DR-A-2101 Existing Site Layout Plan – R9089-RLA-20-XX-DR-A-2102 Proposed Site Layout Plan – R9089-RLA-20-XX-DR-A-2103 B Proposed Boundaries Plan – R9089-RLA-20-XX-DR-A-2104 Proposed Material Plan – R9089-RLA-20-XX-DR-A-2105 Proposed Building Heights Plan – R9089-RLA-20-XX-DR-A-2107 Proposed Site Sections – R9089-RLA-20-XX-DR-A-2121 Proposed Street Elevation – R9089-RLA-19-XX-DR-A-2123 House Type 18A-S-471/599 – R9089-RLA-18-ZZ-DR-A-2130 House Type 18A-NS-670/758 – R9089-RLA-19-ZZ-DR-A-2131 A House Type 18A-S-838 – R9089-RLA-18-ZZ-DR-A-2132 House Type 18A-S-838 V1 – R9089-RLA-18-ZZ-DR-A-2133 Levels and Drainage Appraisal – 12734-HYD-XX-XX-DR-C-2001 P01 Tree Protection Plan – 19-79-04 Detailed Soft Landscape Proposals - 19-079-075</p> <p>Received by the LPA on the 3rd and 6th February 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The dwellings hereby approved shall not be first occupied until their driveways and parking areas are surfaced in a hard, bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary and constructed so as to prevent the unregulated discharge of surface water onto the highway. The surfaced drive shall then be maintained in such hard bound material for the life of the development.</p> <p><i>Reasons: In the interests of highway safety and in accordance with Policy 17 of the Part 2 Local Plan (2019).</i></p>

<p>4</p>	<p>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><i>Reason: In the interest of public health and safety.</i></p>
<p>5.</p>	<p>Prior to being first brought into use the Public Open Space hereby permitted shall have a minimum of 600mm clean cover (nominally 150mm topsoil and 450mm subsoil) over a basal anti-dig membrane. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of public health and safety.</i></p>
<p>6.</p>	<p>The open space shall be managed by a private management company and a detailed landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority, prior to the occupation of any development. This arrangement shall be in place for the lifetime of the development.</p> <p><i>Reason: To ensure the site is suitably landscaped and this is maintained for the life of the development.</i></p>
<p>7.</p>	<p>This development shall not begin until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before that phase of development is completed. The scheme to be submitted shall demonstrate:</p> <p>(a) The utilization of holding sustainable drainage techniques;</p> <p>(b) Any outflow from the site must be limited to the maximum allowable rate with a minimum 30% reduction on existing.</p> <p>(c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100-year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and</p> <p>(d) Responsibility for the future maintenance of drainage features.</p>

	<i>Reason: To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy.</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information, please see: https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas .
3.	The Council will not adopt or be responsible for the ongoing maintenance of the open space on site.
4.	<p>The applicant should note that notwithstanding any planning permission, 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 work commences on site.</p>



Legend

-  Site
-  Local Wildlife Site
-  Mature Landscape Area
-  Green Belt

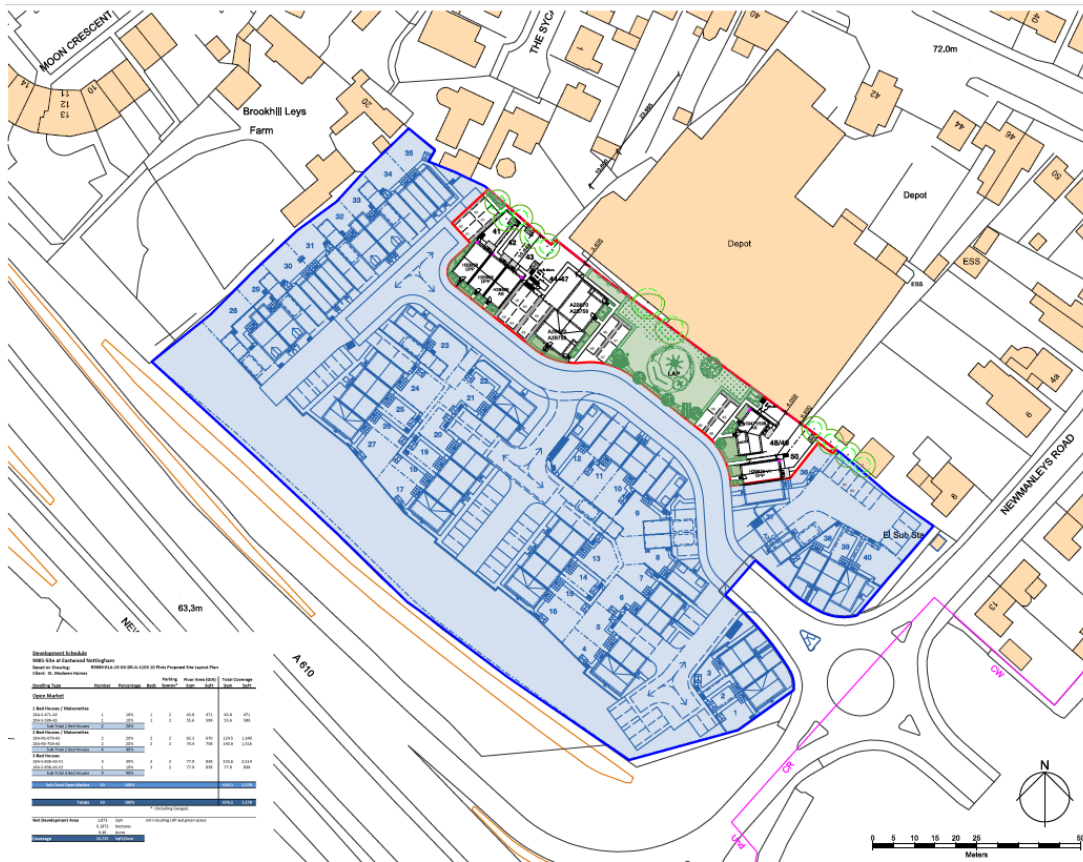
Photographs



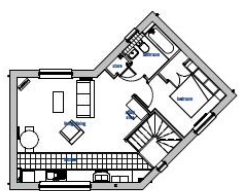
Views of the northern edge of the site and the former Bellwood Foods factory

Plans (not to scale)

Site Plan



House Type A



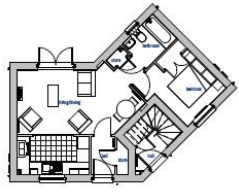
First Floor Plan



Front Elevation



Side Elevation 1



Ground Floor Plan



Rear Elevation



Side Elevation 2



Iso View



Street Scene (illustrative)



STREET ELEVATION 00