



COMMITTEE DATE 18/10/2018 **WARD** Hucknall West

APP REF V/2016/0619

APPLICANT Bolsover Properties Ltd

PROPOSAL Outline Application With Some Matters Reserved for Mixed Use Development Comprising of Residential Development and Business Use (B1)

LOCATION Hucknall Town Football Club Watnall Road, Hucknall

WEB-LINK <https://www.google.co.uk/maps/@53.0282674,-1.2185602,17z>

RECOMMENDATION Grant conditional outline consent subject to s106 agreement

BACKGROUND PAPERS A, B, D, F

App Registered 28/09/2016 Expiry Date 22/12/2016

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee as it is contrary to the adopted Ashfield Local Plan Review (2002).

Site Description

The application site is 3.3ha presently used for sport and recreation by Hucknall Town Football Club (HTFC). The proposed development involves the demolition of the existing Hucknall Town Football Club ground, a replacement of which has been approved and partially implemented on Aerial Way through planning permission V/2016/0515. A further application for a revised scheme has been submitted and is presented for consideration by the Committee, the report follows this report on the agenda.

The Application

This is an outline planning application with all matters reserved for future consideration, except the proposed vehicular access for which full details are provided. The application proposes a new vehicular access off Watnall Road to serve the development. Outline consent is sought for the erection of up to 108 dwellings and B1 business use on the land and an indicative layout has been provided.

Planning History for site

V/1998/0636 - Outline planning application for residential development and restaurant/pub/diner. **Refused 28 October 1999.**

V/2006/0517 – Full application for residential development and relocation of Hucknall Town Football Club. **Refused 12 October 2006.**

V/2009/0452 – Outline application for mixed use development comprising 108 dwellings with (B1) business units. **Approved on 12 January, 2012.** Subject to a S106 Legal Agreement which required the following:

1. The existing football stadium not to be demolished or rendered unfit for continued use until the new stadium is ready for use.
2. Open space contribution £270,000 (Triggers £135k - 1 dwell, £135k - 55 dwellings)
3. Public transport infrastructure £132,250 (Triggers £41,125 – 1 dwell, £41,125 – 55 Dwellings, £50k - 1 Office building)
4. 20 affordable housing units (18 rented, 2 Shared ownership)

V/2017/0014 - A Reserved Matters Application for 108 Dwellings (outline V/2009/0452 refers) **NO DECISION** because there are issues outstanding and discussions have been taking place regarding viability which is linked to the following Section 106A application.

V/2017/0239 - Section 106A Application Relating to Planning Permission V/2009/0452 to (1) Modify the Agreement in Relation to the Payment of Off Site Contributions As Set Out in the First Schedule and (2) Discharge the Requirements in Relation to Affordable Housing As Set Out in the Second Schedule **NO DECISION** because there has been discussions regarding the viability of the scheme.

Planning History on new football ground site

V/2009/0453 – Full application for construction of replacement football ground with training pitch, ancillary club area, changing facilities and car and coach park. New employment units for b1, b2 and b8 uses and engineering works. Approved on 12 January, 2012. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings and £8,000 per each 1,000sqm of B2 and B8 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

This planning permission lapsed and was replaced by V/2016/0515.

V/2016/0515 – Full application for construction of football ground with clubhouse and spectator facilities. Including spectator stands, 3no. portable wc buildings, hospitality box, turnstiles and associated facilities incorporating training pitch, car and coach parking and servicing areas, groundsman's store proposed communal building for use with b1 or as a trade sale counter and showroom; engineering works to reprofile existing ground contours and formatting access road to remove turning head. (which has been partially implemented) Approved on 7 April 2017. Subject to a S106 Legal Agreement which required the following:

1. Transport infrastructure (£20,000 per each 1,000sqm of B1 buildings)
2. Footpath upgrade £11,400
3. Community use of facilities management committee and (20 hours per week for 80 years)

V/2018/0586 - Construction of West Stand, Clubhouse and 2 Community Changing Rooms **NO DECISION** (see next report on agenda)

As seen from the above there are a number of outstanding applications, these have been submitted to protect the applicant's position because the outline planning permission would have expired if the reserved matters had not been lodged and there were considered to be significant issues regarding the viability of the housing development and the replacement football ground. If a new outline planning permission for the residential and business units is granted the other applications for reserved matters and S106A will be withdrawn. There has been extensive negotiations in respect of all these applications and the viability of the proposals assessed.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2018

- Part 2** – Achieving sustainable development
- Part 4** – Decision-making
- Part 5** – Delivering a sufficient supply of homes
- Part 6** – Building a strong, competitive economy
- Part 8** – Promoting healthy and safe communities
- Part 9** – Promoting sustainable transport
- Part 11** – Making effective use of land
- Part 12** – Achieving well designed places
- Part 14** - Meeting the challenge of climate change, flooding and coastal change

Ashfield Local Plan Review 2002 (ALPR)

- ST1** – Development
- ST2** – Main urban areas
- EM1** – Employment land allocations
- HG3** – Housing density
- HG4** – Affordable housing
- HG5** – New residential development
- HG6** – Open space in new residential developments
- RC3** – Protection of formal open space
- TR6** – Developer contributions for transport schemes

Affordable Housing Supplementary Planning Document 2009
Residential Design Guide Supplementary Planning Document 2014

Consultations

Site Notices have been posted together with individual notification of neighbours. The proposal has also been advertised in the local press. No comments have been received from local residents

The following representations have been received:

Nottinghamshire County Council Lead Local Flood Authority (LLFA)

No objection subject to conditions to manage surface water drainage.

ADC Environmental Protection

Recommends application of contamination condition to any favourable consent.

Environment Agency

NCC as Lead Local Flood Authority (LLFA) should be consulted.

NCC - Education

In terms of education; a proposed development of 108 dwellings would yield an additional 23 primary and 17 secondary places. The County Council would therefore wish to seek an education contribution of £263,465 (23 x £11,455) to provide primary provision and £293,420 (17 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

NCC – Libraries

In respect of libraries, a developer contribution for the additional stock that would be required to meet the needs of the 259 is requested for the residents that would be occupying the new dwellings. This is costed at 259 (population) x 1.532 (items) x £12.50 (cost per item) = £4,960.

Nottingham North and East Clinical Commissioning Group

A development of this nature would result in increased service demand, which would not be easily accommodated within existing primary care resources. The proposal would trigger the need to provide health related section 106 funding amounting to £58,247 which is proportionate to the housing development size.

The health contribution would be invested in enhancing capacity/infrastructure with existing local practices by reconfiguring existing space, extending existing premises or an appropriate new build.

In order to ensure that work can be commenced in advance of the population growth and ensure that the health infrastructure is in place to meet the increased demand on health services it is requested that the funding be payable on commencement of building.

Nottinghamshire Wildlife Trust

No comment.

Natural England

Encourages the incorporation of Green Infrastructure into this development. Opportunities to incorporate features into the proposal that are beneficial for wildlife should be taken.

NCC - Highways

Site access & Existing Highway

The proposed site access junction will provide a 5.5m wide access road with 10m radii and 2m wide footways on both sides of the access. The proposed junction will also incorporate a right-turn ghost-island, and two pedestrian refuges, as shown on the applicant's submitted plan (0914/GA/01 Rev A)

The applicant has carried out updated capacity assessments at the A611/Watnall Road. The assessment results indicate there were no capacity issues and the introduction of the proposed development would have a minimal impact.

The proposal includes a widening scheme along the site frontage on Watnall Road's approach to the roundabout with the A611. The widening scheme will significantly increase the length of flare (approximately 78m) on the approach to the roundabout. This will provide increased capacity and improve the operation of the A611/Watnall Road roundabout.

The applicant will need to provide and demonstrate the following:

- A right-turn ghost-island.
- Increase the width of the residential access road from 5.5m to 6.0m.
- Ensure that all ground levels are graded so as not affect visibility splays.
- The existing bus shelter near the roundabout will need to be repositioned and set back behind the existing cycleway/footway.

Internal Layout

The internal layout plan submitted is limited in detail and is only suitable for indicative purposes. It does not contain any technical details, as such the layout cannot be agreed.

Travel Plan

A development of this nature and scale will require a Travel Plan.

Planning Obligation

This proposal does not fully meet the core planning principle of promoting opportunities for sustainable travel. There are no proposals to improve surrounding facilities to achieve this. The scale of the development will trigger a requirement to provide for the extra demand on highway assets and infrastructure that would equate to a contribution of £120,533.

To assist with reducing car trips associated with this site, it is important that improvements are made to links between the site and local transport facilities.

Enhancements to the nearest four bus stops in the vicinity of the site located on Watnall Road (two stops outside the proposed site), Nabbs Lane, and south west along Watnall road (outside the Co-op supermarket) should be provided. Implementation of the above would be satisfactory to meet the contribution towards transport infrastructure.

In conclusion it would be unreasonable for the highway authority (HA) to offer any objections to this proposal. Therefore, should the local Planning authority make the decision to approve the HA would seek appropriate conditions.

NCC Planning

Health

It is recommended to consult with Nottingham North and East Clinical Commissioning Group. The development needs to ensure that it is age friendly providing good access to health and social care facilities as per good practice outlined in the

Waste

As set out in Policy WCS2 of the Nottinghamshire and Nottingham Waste Core Strategy, the development should be 'designed, constructed and implemented to

minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development. The proposal is likely to generate significant volumes of waste through its construction and operational phases, it would be useful for the application to be supported by a waste audit.

Ecology

This application is supported by a Preliminary Ecological Appraisal (PEA) that confirms that the application site is of low ecological value. Nevertheless, recommendations are made that should be secured through conditions. A further condition requiring that integrated boxes for bats and birds are incorporated into the fabric of a proportion of the new dwellings would be welcome.

Contamination

Archive maps indicate that a quarry and lime kilns were located in the south western corner of the subject site. The application form states that the site is not known to be contaminated. This is optimistic as the maps indicate to the contrary. A site investigation, informed by a phase one desk study is recommended.

Flood Risk

The Flood Risk Assessment indicates that Sustainable Urban Drainage (SUDs) is proposed to discharge the surface water drainage to ground, whilst it acknowledges that infiltration / soakaway testing should be included in the site investigation.

ADC Landscape

S106 Contributions: Public Green Space -£108,000. Towards landscape improvements at Nabbs Lane Recreation Ground.

Public Realm - £216,000 towards the town centre improvements along the eastern part of the High Street and along Station Road/Portland Road.

It is suggested 1/3 is paid prior to commencement and the remaining 2/3 is paid on occupation of the 55th dwelling as per the previous agreement.

Layout, Design and Landscape

The general layout and approach to the landscape design appears to be satisfactory in principle. Exact details should be secured by condition.

Boundaries

A scheme showing all the boundary treatments and pedestrian linkages is required. This should be secured by condition.

Invasive Species

A large stand of mature Japanese Knotweed (*Falliopa Japonica*) is known to exist on the site at the south western boundary adjoining Nabbs Lane Park. It is recommended a scheme of eradication and management (including the eradication and reinstatement of the area beyond the site boundary within the neighbouring footpath and park) for up to 5 years is secured by condition.

Nabbs Lane

Consideration should be given to the enhancement of the highway at the lower part of Nabbs Lane adjacent to the open space by a contribution towards traffic claiming.

ADC Planning Policy

The principle of developing this site has been established through the previous planning approvals. However, there have been several changes since that time, notably the NPPF and a revised affordable housing policy.

Recreation and Open Space

The requirements of the earlier S106 agreement needs to be maintained in order to comply with policy RC3 and the NPPF. This requires a replacement football stadium is available for use before the demolition of the existing stadium and the provision of community use of these facilities through a management committee for at least 20 hours per week for 80 years.

New Housing Development

If it is proposed to approve the proposal, the application would need to be seen against: Affordable housing required under ALPR policy HG4, as updated by the Affordable Housing SPD, 2009. For Hucknall the affordable housing requirement would be 25%. This would amount to 27 units under current policy.

Infrastructure

Transport - ALPR Policy TR6, Developer Contributions to Transport Improvements may be applicable.

Education

It is recommended that the Education Department is approached in order to ensure that educational needs are being met.

Assessment

In consideration of this application there are five main issues of:

1. Principle of development
2. Loss of Existing Ground/Formal Open Space
3. The Layout of the Site
4. Appearance, Scale and Impact on the Street Scene
5. Highways
6. S106 contributions and affordable housing

These are discussed below.

The Principle of Development

The proposal site is located within the main urban area of Hucknall where the principle of new development is considered to be acceptable under the provision of policy ST2 of the Ashfield Local Plan Review 2002 (ALPR) subject to there being no conflict with other policies. The site is however allocated partly for recreational use and partly for employment development this is discussed further below.

The District does not have a 5 year housing land supply; the 2018 Housing Land Monitoring Report provides full details and indicates a supply of 3.92 years. As such, under NPPF paragraph 11 the local plan policies for the supply of housing are considered to be out of date therefore there is a presumption to granting planning permission unless;

- i. The application of policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed, or

- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

This factor is a significant issue and materially affects any weight that can be attached in the judgement of the planning balance.

An overarching principle in the NPPF is sustainability. The application site is considered to be in a sustainable location in the urban area. It was considered sustainable when the previous planning application was considered. The proposed development site is therefore considered sustainable for these reasons.

Loss of Existing Ground/Formal Open Space

The development of the site for housing/business units would result in the demolition of the existing HTFC ground. However, planning application V/2016/0515 approved on 7th April 2017 (that relates to land off Aerial Way which is nearby) proposes the construction of a new football ground which has been partially developed with the laying of the football pitch and erection of floodlights and a revised application V/2018/0586 for the Construction of West Stand, Clubhouse and 2 Community Changing Rooms is under consideration and subject to the next report on the agenda. Policy RC3 of the ALPR states that development that leads to the loss of formal open space (the existing ground is identified as formal open space HI) will only be permitted subject to certain criteria. Criterion C allows the loss of open space subject to adequate replacement provision of new formal open space being provided in the locality. Due to the close proximity of the new football ground to the existing site, on the opposite side of Watnall Road, the policy is considered to be met and this has been accepted in previous planning permissions and the development of the football ground has commenced.

The Layout of the Site

The application has been submitted on the basis that the layout is indicative and is a reserved matter. The principles of the layout are such that the business units have been located close to the entrance to the site off Watnall Road to avoid non-residential traffic having to travel through the residential area. The indicative layout suggests the development proposed can be achieved on the site.

The existing access to the Hucknall Town football ground would be closed off and the development would be served by a new vehicular access point off Watnall Road. The application site of 3.3ha is considered to be of an acceptable size to accommodate 108 dwellings (at a density of 40 dwellings per hectare on the residential portion) and 2,500 square metres of B1a office floorspace .

The provision of the employment development is in accordance with Policy EM1Hd of the ALPR except for the fact that the employment land designation of 0.6ha has been slightly repositioned to minimise vehicle movements through the residential part of the site.

Appearance, Scale and Impact on the Street Scene

There are no specific details of the design of the buildings. These would be subject to reserved matters consideration. The application site is located at the junction of the Hucknall By-pass and Watnall Road with existing residential properties to the north, open space to the west and commercial operations to the south east across the Hucknall By-pass. There are also residential properties to the north east beyond the Hucknall By-pass. The site is relatively level in nature and defined along its eastern and south eastern boundaries by a hawthorn hedge. At the present time the site contains

the floodlight pylons and a number of temporary buildings which are used in association with the football club. These are of no architectural merit and would be demolished to facilitate the proposed development. Apart from the main pitch and stands the remainder of the application site is mainly comprised of a training pitch and car parking area. A small number of trees would be lost within the site to accommodate the development but new planting is proposed. A landscape scheme will be secured as a condition.

The development of the site for housing and business units would provide an acceptable appearance to the street scene. The development will remove the temporary buildings. The existing hedge along the eastern and south eastern boundaries will be retained to provide a visual break between the Hucknall By-pass/Watnall Road, and the development site. The buildings proposed will not be dominant in visual terms when viewed from outside the site. The development will be subject to the formal approval of a landscaping scheme along with the scale and design of the buildings at the reserved matters stage.

Highways

The HA considers the highway network is sufficient to accommodate this development and the proposals submitted which include the widening of Watnall Road will significantly increase capacity and improve the operation of the A611/Watnall Road roundabout. Further improvements will be achieved with the implementation of the scheme and a Travel Plan is required to ensure the development is sustainable as well as an internal layout which meets the HA and parking standards.

S106 contributions and affordable housing

The planning permission granted in January 2012 was subject to a Section 106 Legal Agreement which required the existing football stadium not to be demolished or rendered unfit for continued use until a new stadium is ready for use and the following contributions were agreed:

Open space because none on site	£270,000
Public transport infrastructure based on residential and office development	£132,250
affordable housing units (18 rent, 2 shared ownership)	20

The total contributions were £402,250 and 20 affordable houses.

This amounts to approximately £500,000 with a Retail Price Index uplift as included in the agreement. There were no education, health or library contributions required at this time.

A reserved matters application has been submitted and is still outstanding therefore the original outline planning permission is considered to be a fall back position and if the reserved matters were to be subsequently agreed could be implemented. Following consultations on this new outline planning application the requests to ensure the development is considered sustainable include the following:

1. Education 23 Primary school places (23 x £11,455) £263,465
2. Education 17 Secondary school places (17 x £17,260) £293,420
3. Libraries £4,960
4. Health – Primary care infrastructure £58,247
5. Transport infrastructure £120,533 (or enhance 4 nearest bus stops)
6. Public Green space improvements £108,000
7. Public Realm Improvements £216,000

8. 27 affordable units (25%)

Total £1,064,625 and 25 % affordable housing

This amounts to over a 50% increase over what has previously been agreed. The figures have been the subject to viability assessments taking into account the cost of relocating and rebuilding the football stadium. The planning permission for the stadium is also subject to a legal agreement requiring a contribution towards a footpath improvement and the facilities being available for Community Organisations to use for up to 20 hours per week for 80 years.

The recent planning application for the West Stand, Clubhouse and 2 Community Changing Rooms (V/2018/0586) is a significantly reduced scheme, now proposing a single storey club house and reduced stands because of the costs and viability of developing the football ground site as well as with the current requirements of the football club.

The viability assessment has been checked independently and whilst there was a finding that the scheme is unable to meet the full policy requirements it was considered that the scheme could viably support £1,064,625 in S106 contributions, plus an on site affordable housing provision of 9 Units, or all 27 on site affordable units (25%) plus a contribution totalling £204,500.

The applicant has accepted these findings and agreed to the contributions as outlined above but wishes to have the amounts relative to the total number of units achievable on the site which could therefore increase or decrease depending on the reserved matters scheme.

This is a significant increase in contributions since the original planning permission and is recommended to be accepted.

On balance, taking into account that the fact that the policies of the ALPR in respect of housing proposals are out of date, the NPPF advocates granting permission where there are no significant adverse impacts that can be demonstrated to outweigh the benefits, the proposal is considered acceptable.

Other Issues

Drainage

There are no concerns subject to conditions for a surface water drainage scheme, based on Sustainable Urban Drainage principles, and for details of foul sewage to be agreed.

Biodiversity

The siting and design of bird and bat boxes should be considered further within the reserved matters application.

Contamination

A four Phase Contamination Study is required because of possible historic mineral workings and Japanese Knotweed.

Conclusion

The proposal with the replacement football ground and community facility being agreed through a Legal agreement is considered to comply with policy RC3 of the Ashfield

Local Plan Review 2002. It is also considered to accord with the National Planning Policy Framework in the delivery of a new and sustainable housing development.

The proposal will not result in any negative highway concerns and addresses sustainability issues with the delivery of contributions towards education and health requirements as well as public open space and regeneration. It will thus deliver housing in the future and will contribute to the need for housing although because of financial constraints, as explain above, affordable housing cannot be fully provided in accordance with policy requirements. With the increase in requested contribution requirements since the previous outline planning permission was granted and the provision of the community use of the new football ground it is considered reasonable to relax the requirement for affordable housing and this has been confirmed by an independent financial adviser.

Through appropriate conditions and the submission of reserved matters details residential amenity can be assured and appropriate ecological and drainage issues can be responded to.

The application for up to 108 dwellings is consistent with the approach of the National Planning Policy Framework, and taking into account all other material considerations, it is considered that, on balance, the proposal is acceptable.

If the S106 is not completed within 3 months the proposal will be returned to Committee for further consideration.

Recommendation: That conditional outline consent is granted, subject to a satisfactory s106 agreement that secures the benefits pro-rata to the number of dwellings agreed in the reserved matters and as identified in the report.

CONDITIONS –

1. The formal approval of the Local Planning Authority shall be obtained prior to the commencement of any development with regard to the following Reserved Matters:
 - a) Layout
 - b) Scale
 - c) Appearance
 - d) Landscaping
2. The reserved matters should indicate the proposed floor levels of all buildings, and the relationship of such to the existing dwellings to be approved. In writing, by the Local Planning Authority.
3. The reserved matters for each phase of the development hereby permitted shall include detailed plans and particulars relating to the following items appropriate for that phase, and shall be implemented in accordance with an approved phasing plan:
 - i. A detailed layout plan of the phase in context with the whole site which shall be accompanied by a swept path analyses of a 10m refuse vehicle throughout for the development;
 - ii. Details of highways and private street works;
 - iii. Details of access from the approved access road.
 - iv. The layout and marking of car parking, servicing and manoeuvring areas;

- v. Details of the means of foul and surface water drainage together with a programme of implementation;
 - vi. Cycle and bin storage facilities;
 - vii. The means of access and highway route for construction traffic.
 - viii. Full details of the treatment of boundaries and when they are to be carried out.
 - ix. A demolition method statement.
4. The development shall only be carried out in accordance with the agreed phasing plan unless otherwise agreed in writing by the Local Planning Authority.
5. 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.
6. The development to which this approval relates shall be begun not later than whichever is the later of the following dates :
 - a) The expiration of 5 years from the date of the outline planning permission;
 - b) The expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
7. This permission shall be read in accordance with the following plans: site location plan (085048/PO3revA); Watnall Road access plan (0914/GA/01revA). The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
8. The landscaping reserved matters shall include a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscape scheme shall be carried out in the first planting and seeding season following the occupation of the building or completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless any variation is agreed in writing by the Local Planning Authority.
9. The reserved matters shall include details of the new internal roads/footways and associated infrastructure. Which shall include longitudinal and cross sectional gradients, parking provision, turning facilities, access widths, visibility splays (including pedestrian, junction and forward splays), street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utility services, and any proposed structural works. All details shall comply with the current Highway Design and Parking Guidance and shall be implemented as approved. Any visibility splays shall be kept clear of any obstruction to visibility over 0.6m high for the life of the development.
10. Prior to the commencement of any works pursuant to this permission the applicant shall submit the following to the Local Planning Authority:
 - a. A desktop study/Phase I report documenting the previous history of

the site and its immediate environs.

- b. A site investigation/Phase 11 report where any previous use of the site indicates a potential contaminative use. The applicant/developer shall submit a Site Investigation/Phase II Report documenting the characteristics of the ground at the site. The Site investigation should establish the full extent, depth and cross section, nature and composition of the contamination. Ground gas monitoring and chemical analysis, identified as being appropriate by the Desktop Study, should be carried out in accordance with current guidance using UKAS/MCERTS accredited methods. All technical data must be submitted to the Local Planning Authority.
- c. A scheme of Remedial Works where the Site Investigation has identified the presence of significant levels of harmful ground gas and/or significant levels of chemical contamination. The scheme should include a Remediation Statement and Risk Assessment Strategy to prevent any significant risk arising when the site is being developed or subsequently occupied.

Any variation to the Remediation Scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

All remediation should be carried out safely, ensuring that no significant risk(s) remain. The applicant will need to have a contingency plan should the primary remediation or subsequent construction phase reveal any additional contamination. Where additional contamination is found the applicant must submit in writing, details of the contingency plan for the written approval by the Local Planning Authority:

- d. A Validation Report with confirmation that all remedial works have been completed and validated, in accordance with the agreed details. The Validation Report must be submitted for the written approval of the Local Planning Authority prior to the development being put to its intended use.

Reasons

- 1) To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
- 2) To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.
- 3) To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
- 4) To clarify the extent of the permission.
- 5) To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended.
- 6) To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
- 7) To clarify the extent of the permission.
- 8) In the interests of ensuring the amenities of the area are enhanced.

- 9) To ensure the development is constructed to a satisfactory/adoptable standard for use by the public and in the interest of safety for all highway users.
- 10) To ensure that the site, when developed, is free from contamination, in the interests of safety.

Information for applicant /developer

The applicant is reminded of the developer obligations agreed under the Section 106 Agreement attached to planning application.

Please ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).

Land required for visibility splays. All required access and forward visibility splays must be adopted and constructed using low maintenance engineered specification. The HA will not accept free hold title deeds' incorporating positive/restrictive maintenance covenants, as this invariably generates difficulties for successive owners.

Section 278 Agreement (Highways Act 1980). In order to carry out the off-site works required the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works the applicant will need to enter into an agreement under Section 278 of the Act.

Section 38 Agreement (Highways Act 1980). The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA, 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 road works.

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 HA 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 HA as early as possible.

It is strongly recommended that the developer contact the HA at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance. It is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council in writing before any work commences on site.

Correspondence with the HA should be addressed to:-

Highways Development Control (North) Nottinghamshire County Council, Highways North,

Welbeck House, Darwin Drive,
Sherwood Energy Village, Ollerton,
Nottinghamshire,
NG22 9FF
hdc.north@nottscc.gov.uk

Building Works shall not project over the highway. No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

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

Network Co-Ordination. The applicant must contact Mr Heath Phillips, Principal Co-Ordination Officer (North), 01159 932547 for road space approval prior to any works commencing.

Commuted Sums. The applicant should note that any areas over the normal minimum, intended for adoption will require the payment of a commuted sum for future maintenance. (i.e. additional areas exceeding usual highway design requirements, additional street furniture, landscaping, Sustainable Drainage Systems, retaining walls, bollards and materials outside usual specification). The applicant is strongly advised to hold discussions with the relevant parties as soon as possible to agree sums, ownership and responsibility for perpetuity.

Further details can be found at the link below: http://www.leics.gov.uk/index/6csdg/highway_reg_development_part4.htm#sectionmc18

Bus stop improvements. Any works affecting the public transport infrastructure will have to be agreed/commissioned with the HA & Public Transport provider. The applicant will need to contact Pete Mathieson 0115-9774760 to discuss and agree any works affecting these facilities. All works will be carried at the expense of the applicant/developer.

Part of the site is known to have been infested with a substantial amount of Japanese Knotweed. It is located along the south west boundary adjoining Nabbs lane Park. The stand is mature and encroaches onto the public open space and footpath. It is recommended a scheme of eradication and management for up to 5 years is undertaken. The management proposals should be in accordance with EA best practice guidelines and include the eradication and reinstatement of an area beyond the site boundary within the neighbouring footpath and park.

Proactive working.

The processing of this application has been undertaken in accordance with the requirements of the National Planning Policy Framework.