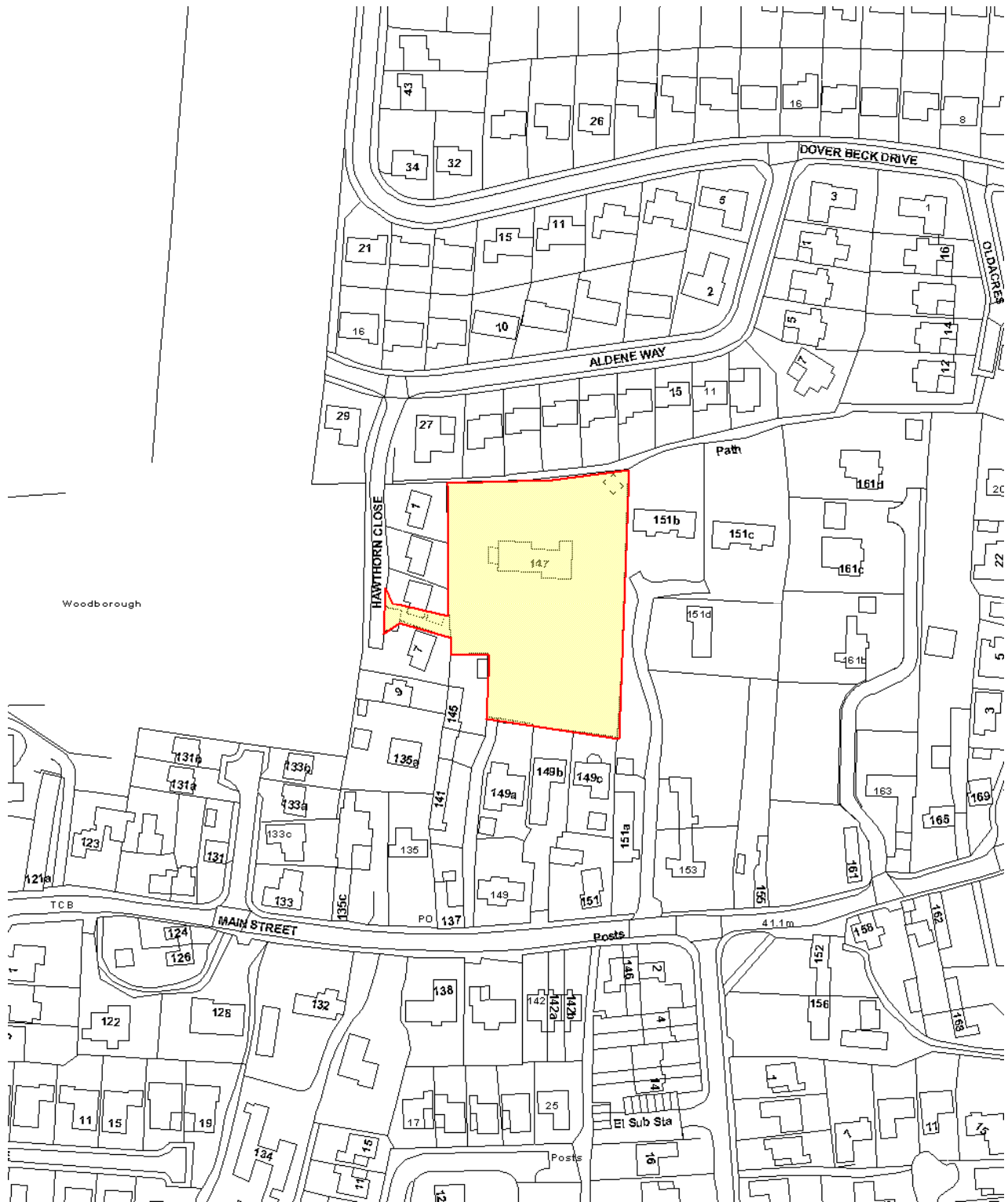


# Planning Report for 2013/0252

Location :

147 Main Street Woodborough Nottinghamshire



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site  
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**APPLICATION NO:** 2013/0252

**LOCATION:** 147 Main Street Woodborough Nottinghamshire NG14 6DD

**PROPOSAL:** Demolition of bungalow and residential re-development of 6 houses, garages, parking, landscaping and access

**APPLICANT:** Mr N Skill

**AGENT:** Martin Hubbard And Associates Ltd

### **Site Description**

The application site relates to a detached bungalow situated within a large plot, accessed via a private drive off Main Street. The application site is located within the Infill Boundary and Conservation Area of the Green Belt washed village of Woodborough. The level of the site rises fairly steeply towards the rear boundary of the site with the properties along Aldene Way. The site contains a number of established and mature trees with an Orchard area located close to the southern boundary of the site and a large cedar tree located centrally within the site. There are also a number of mature trees located on all of the shared boundaries of the site as well as ornamental plants and shrubs within the site. The application site is bordered by residential properties on all sides.

### **Background**

The opportunity to use the existing access to the site off of Main Street as a vehicle and pedestrian access to serve the proposed development has previously been investigated by the applicant. However, due to legal restrictions, the use of the existing access drive for the proposed development has proved unviable for the applicant.

### **Relevant Planning History**

This application is accompanied by an application for Conservation Area Consent, as the proposal involves the demolition of the existing bungalow at the site (application Ref. 2013/0251).

A previous application for the demolition of the existing bungalow and erection of 7 dwellings was refused planning permission in January 2013 (Application Ref. 2012/1172). The application was refused on the grounds of increasing the likelihood of flooding along Main Street, impact on highway and pedestrian safety and lack of convenient access for pedestrians.

The accompanying Conservation Area Consent for the demolition of the bungalow at the site (Application Ref. 2012/1173) was approved in January 2013.

Prior to this a planning application for the demolition of the existing bungalow and erection 7 dwellings was withdrawn on 22<sup>nd</sup> December 2011. Application Ref. 2011/1404.

### **Proposed Development**

The proposal seeks full planning permission for the demolition of the existing bungalow and the erection of 6 detached dwellings. A private drive is proposed to be created from Hawthorn Close in order to serve the proposed dwellings, which would involve the partial demolition of 5 Hawthorn Close.

Each of the proposed dwellings would have an associated individual driveway leading to either an attached or detached garage.

The proposed residential development would consist of 5 different house types labelled as A, B, B1, C and D on the submitted plans;

Plot 1 situated to the rear of 149a to 149c Main Street would accommodate a 4 bedroom single detached property. The proposed dwelling would have a steep sloping dual pitch roof design, with a contemporary gable feature frontage and a single side facing dormer window on the north facing roof pitch. The external finish would be facing brickwork on the elevations, apart from the gable frontage feature which would have stone clad finish. The roof external finish would be slate tiles. The property would be served by a single driveway off of the main private driveway which would lead to a detached double garage and parking forecourt to the front of the dwelling. The garage would be dual pitched with a maximum ridge height of 4.6m. The external finish of the garage would be facing brickwork on the elevations and slate tiles on the roof.

Plot 2 (located north of plot 1) would accommodate a 5 bedroom single detached dwelling and a detached double garage. The dwelling would have an L-shape layout and a contemporary dual pitch roof design. There would be a double storey glazed feature on the front elevation which would serve the stairwell. The external finish would be a mix of cedar boarding and render on the elevations and slate tiles on the roof.

Plot 3 (located centrally with the site) would accommodate a 5 bedroom single detached dwelling. The dwelling would have an L shape layout with a contemporary dual pitched roof design, front facing dormer windows and double bay feature on the front elevation. The external finish would consist predominately of render and cedar cladding on the elevations and concrete tiles with PV slate panels on the roof. There would be a parking and turning area at the front of the property leading to 2 No. single integrated garages.

Plot 4 (located within the north-eastern corner of the site) would accommodate a 4 bedroom detached property with a single storey front projection including 2 No. single integrated garages. The dwelling would have a front facing two storey gable feature with a cedar boarding external finish and the remainder of the dwelling would have a render external finish.

Plots 5 and 6 would accommodate 4 bedroom detached dwellings and associated detached single garages. These dwellings would have steeply sloping dual pitched roof design, incorporating front and rear facing dormer windows and a front facing gable feature. The external finish would be predominately render on the elevations and slate tiles on the roof.

The proposed scheme would result in the existing driveway and garage serving 5 Hawthorn Close being demolished to make way for the access point and private driveway into the scheme. However, 2 No. parking spaces would be created to serve 5 Hawthorn Close at the rear of the property (within the development site) and would be accessed via the private driveway serving the proposed development.

The surfacing of the non- built on portions of the site would consist of a permeable block paving system. The permeable block paving would be used for the main access driveway. Granite mineral chippings are proposed for use within the individual driveways and forecourts and paving slabs for the pathways within the private amenity areas. The remainder of the site would be laid to lawn and soft landscaped.

A drainage statement has been submitted in support of this application, which outlines the measures that would be put in place in order to deal with surface water drainage during

periods of heavy rainfall. The report concludes that the drainage solution put forward will ensure that there is no increase in flood risk to the site or neighbouring properties.

A highway statement has also been submitted in support of this application. The statement sets out the relevant highway design guidance and concludes that the proposal would accord with the technical specification contained within the 6 C's design guidance and that the number and location of proposed dwellings will not have a detrimental impact to the existing highway network.

The reduction in the number of dwellings to 6 dwellings within this application results in a density level of 13.1 dwellings per hectare. The previous scheme which was for 7 dwellings would have achieved a density level of 15.2 dwellings per hectare.

### **Consultations**

Parish Council – The Parish Council has no objection to the demolition of the bungalow and recognises that development of the site is appropriate. The Parish Council welcomes the larger area of permeable surface and the reduction of the number dwellings with the revised proposal however raises objections on the following grounds;

- 5 dwellings should be the maximum.
- Hawthorn Close is too narrow to sustain a larger development.
- The withdrawal of the bus service from this part of the village will compound the issue of extra car journeys.
- A wall should form the boundary along plot 1.
- The reports of the EA and Severn Trent should be critically analysed.
- A fence around the construction site should be made a condition of any permission granted.

Nottinghamshire County Council Highway Authority – No objection to the proposed development, however because more than 5 dwellings are proposed off a private drive the Highway Authority have advised that any permission should be granted subject to the applicant entering into a section 106 agreement with the County Council requiring a Maintenance Company to be set up in order to secure the future maintenance of the private drive.

The Highway Authority will also require the applicant to undertake the following;

- The applicant to deposit a map under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private (and any to be adopted too as appropriate);
- To erect road signs indicating that the roads are unadopted and to maintain the signs for as long as the roads remain unadopted, at the applicants expense;
- The applicant to provide evidence that they have made clear to potential purchasers of the dwellings on unadopted roads what the status of the road will mean to them in practice.
- Where the road joins together two adopted highways that the applicant indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, (the indemnity should normally be a legal covenant placed on the properties to prevent future petitioning) ; and
- The boundary between the private road and the publicly-maintained highway to be clearly marked by concrete edging, boundary posts or similar.

However, these points will not be subject to the S106 agreement and will be a matter for the Highway Authority to arrange through their legislation.

The Highway Authority have also requested that conditions be attached to any grant of planning permission that relate to the means of access being constructed and that the access of the site is surfaced in a hard bound material prior to the commencement of development as well as provisions to prevent unregulated discharge of surface water onto the public highway.

Wildlife Trust – No objection, supports the recommendations mentioned within section 5 of the report and recommends conditions relating to mitigation measures mentioned within section 5 of the report.

Natural England – No objection, the proposal is unlikely to affect any statutorily protected site or landscape. The proposal is also unlikely to affect bats.

Planning Policy - No objection, taking into account the applicants argument in relation to the impact on the openness of the Green Belt and the stated fallback position relating to the outbuilding which could be built under permitted development rights.

Nottinghamshire County Council (Archaeology) – No objection subject to the attachment of a condition requiring a scheme of treatment to be submitted and approved by the Borough Council.

Forestry officer – No objection, the protection measures mentioned within the tree report should be included into a condition as well as the replacement planting shown on the submitted plans.

Severn Trent – No objection subject to the inclusion of a condition requiring further foul and surface water drainage plans.

Environment Agency – A consultation request has been sent. However the Environment Agency have verbally advised that due to the sites location outside of the high risk flood zone, it is unlikely that the EA will pass formal comments on the proposed development.

Car Parks and Engineering Officer - No Objection. The drainage statement contains all the details required for the size of site. Surface flow from site is being retained at current levels by on site drainage and Sustainable Urban Drainage system (SUDs). Severn Trent Water have confirmed sewers have capacity for the number of properties. The site is at low risk of flooding and dry access would be available from Shelt Hill.

Conservation Consultant - No objection. Comments that there is no objection to the demolition of the bungalow, as this does not make a contribution to the Conservation Area. No issue, as before, with the new development. Plots 5 and 6 being detached help introduce open space between built forms on the site. The designs of the houses are different but suitable for the site. If the site had a stronger link with the older streets/historic lanes in the village then I would have preferred the architectural styles to reflect that. However, in this instance because the site is contained I do not have issue with the house type or layout.

Leisure (Gedling Borough Council) – No comments received within the 21 day consultation period.

Neighbours - Neighbouring properties have been consulted via letter. The application has also been advertised on site and within the local press. There have been 22 written representations received as a result which object to the proposal on the following grounds.

- Concerns over the use of the access point during construction.
- Parking facilities for construction vehicles during construction phase.
- Requests a wheel washing facility due the a lack of pedestrian footpath along Hawthorn Close.
- Request limitations be put on working hours for construction staff.
- The previous application was refused and there is little difference between the scheme from 7 houses and the now proposed scheme for 6 houses.
- The development will add to the flooding problem in Woodborough.
- Concerns over highway safety issues along Hawthorn Close which is a narrow road.
- The development is not in keeping with the Conservation Area.
- Objects to the loss of mature trees at the site.
- There is no need for this type of housing within Woodborough.
- The applicant has not demonstrated the very special circumstances for development in a Green Belt washed village of Woodborough.
- Objects to the scale and density of the development.
- The dwellings within plots 3 and 4 have an overbearing impact on my property.
- Objects to the position of the garage serving plot 1 as this will have a negative impact on the outlook from my property.

### **Planning Considerations**

The following national policies set out in the National Planning Policy Framework (NPPF) are relevant to this planning application:-

- NPPF – paragraphs 79 – 92 (Protecting Green Belt land)
- NPPF – paragraph 56, 60 and 61 (Requiring Good design)

The following saved policies of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008) are relevant to this planning application:-

- ENV1 (Development Criteria)
- ENV13 (Demolition in Conservation Areas);
- ENV15 (New Development in a Conservation Area);
- ENV26 (Control over Development within the Green Belt);
- ENV30 (Development within defined infill boundaries of Green Belt wash over villages); and
- H16 (Design of residential development).
- R3 (Provision of open space with new residential development).

The emerging Publication Version Aligned Core Strategy for Gedling Borough includes is also a material consideration and includes Policies 8 (Housing Size, Mix and Choice) and 10 (Design and Enhancing Local Identity) which are of relevance to the proposal. Policy 3 (Green Belts) is also of particular relevance and confirms the principle of the Nottingham Green Belt but provides for future reviews of Green Belt boundaries in order to meet future development need. Paragraph 3.3.5 is of relevance in that it refers to infilling and states;

*“The Green belt washes over many villages within the Aligned Core Strategies area. Whilst, new building is inappropriate in the Green Belt where settlements are “washed” over infilling can be accommodated within a defined infill boundary of the village. These “infill” boundaries identify the area within which there is an opportunity for such development without detrimental impact upon the openness of the Green Belt and are therefore tightly drawn around the villages where small gaps for infill may be found”.*

Significantly this paragraph, unlike Policy ENV30, does not include any qualification that infill development should be limited to the infilling of small gaps in a built up frontage.

Taking into account the above Planning Policy documents and policies I consider that the main considerations in relation to the determination of this application relate to whether:-

- The development is acceptable in principle;
- There would be any adverse impact on highway safety and whether the amount of car parking proposed is acceptable;
- The proposal would have any adverse impact on the Conservation Area and the character and appearance of the area by reason of its design;
- There would be any adverse impact on neighbouring properties;
- There would be any unacceptable impact on trees and wildlife;
- If the development is considered acceptable then due to the size of the application site, over 0.4 ha, a contribution to public open space may be required in accordance with Policy R3.

Given the comments raised by local residents and the Parish Council in relation to Flooding, consideration does need to be given to any potential increase in surface water runoff and the likelihood of the development contributing to flooding in the area.

#### Principle of development , density and layout.

Due to the application site's location within the Infill Boundary of Woodborough, Policy ENV30 of the Replacement Local Plan is relevant in determining whether the principle of the residential development of the site is acceptable. The overarching aim of Policy ENV30 echoes that of paragraphs 79 – 92 of the NPPF and Policy 3 of the Publication Version Aligned Core Strategy in that only appropriate development within the Green Belt will be considered acceptable and that the protection of the openness of the Green Belt is of paramount importance. As with the NPPF and the Aligned Core Strategy, Policy ENV30 of the Replacement Local Plan qualifies infill development within Infill Boundaries of Green Belt washed villages as appropriate development within the Green Belt, albeit with tighter criteria, in that residential development should be within the existing built up frontages and consist of 1 or 2 dwellings. However the overarching aim is that development that should not prejudice the openness of the Green Belt.

In considering the impact on the openness of the Green Belt I have considered:

- the location of the application site in a central location within the village boundary,
- that views of the proposed development from most positions along Main Street would be limited, as the existing properties would screen the majority of the development; and
- that although the site can be viewed from higher ground to the south of Woodborough the site would appear to be fully enclosed with modern properties along Aldene Way forming a back drop to the site.

Given the above, I am of the opinion that the development would not result in any detrimental impact on the openness of the Green Belt at this location given that the site is surrounded by existing residential development. As such I consider that whilst the development would not strictly comply with the criteria within Policy ENV30, the proposal would accord with the overarching aims of Policy ENV30 as well as paragraphs 79 – 92 of the NPPF and Policy 3 of the Publication Version Aligned Core Strategy.

Policy H8 of the Replacement Local Plan states that on all sites of 0.4ha and above, planning permission will not be granted for residential development with a net density of less than 30 dwellings per hectare, unless physical constraints are demonstrated.

The proposed development would result in a net density of 13.1 dwellings per hectare, which is a reduction over the previously proposed scheme which had a density level of 15.2 dwellings per hectare. In taking into account the Conservation Area location of the site, I am of the opinion that this level of density is appropriate within this locality and a much more intensive development would be out of keeping with the surrounding area.

I am of the opinion that the reduction in density level over the previous scheme together with the revised layout which allows greater space between the built forms of the development, would adequately overcome the previous reason for refusal on grounds of the development being over-intensive and out of character with the Conservation Area.

#### Highway safety and residential parking issues

I am mindful of the concerns raised by both the Parish Council and neighbouring properties on highway safety matters, and in particular the number of vehicles that would use Hawthorn Close as a result of the development. However, I note the Highway statement submitted by the applicant and I am mindful that the Highway Authority have no objection to the proposal subject to the applicant entering into a Section 106 agreement to ensure that a maintenance company is set up to secure the future maintenance of the drive.

I note the Highway Statement submitted in support of this application and in particular paragraph 4.2 which states 'the design and geometry of Hawthorn Close prevents high vehicle speeds such that pedestrian and vehicle will not conflict, thus the lack segregated footway within the scheme is considered to not result in any material highway safety issue.' I also note that the Highway Authority have not raised an objection to the lack of a separate pedestrian footway and I am satisfied that the additional information justifying this approach is adequate to address the previous reason for refusal.

I am of the opinion that whilst Hawthorn Close is narrow in nature, I consider this section of highway to be capable of accommodating the increase in vehicular movement, without having a significantly detrimental impact on highway safety within the locality. I also consider the vehicular access into the site is of sufficient width to allow the safe entry and egress. I note that the Highway Authority is also satisfied with this element of the proposal.

The proposed dwellings would be served by either a detached or integrated garage and associated driveway or forecourt areas. The 4 bedroom properties would have a minimum of 3 off street parking spaces and the 5 bedroom properties would have a minimum of 4 off street parking spaces.

The adopted Parking Provision for Residential Development Supplementary Parking Document (SPD) May 2012 indicates that where properties of four or more bedrooms are proposed in rural locations which would have 3 or more allocated spaces, there is no requirement for any unallocated spaces to be provided.

Given the number of allocated car parking spaces proposed to serve the dwellings, I am satisfied that the proposed scheme would include an adequate level of off street parking to serve the proposed dwellings. As such, I am satisfied that the proposal accords with the aims of the adopted Parking Provision for Residential Development SPD.

The previous application was also refused on the grounds that the proposed development would fail to provide convenient access for pedestrians to local facilities. I note that the



applicant within Part 3 'Context and Consultation' of the submitted Design and Access Statement has at paragraph 3 looked at travel distances to local facilities. The travel distance from the application site to the local shop is stated to be 0.5 miles which has been assessed to be the same or less than a number of other residential locations such as the Corner of Sunnigdale at 0.5 miles, the end of Park Avenue at 0.6 mile, Westfield Lane at a distance of 0.7 miles.

I also note that there would be very similar distances from the application site to other facilities within the village such as the school on Lingwood Lane and Nags Head Pub on Main Street as there would be from properties along Sunningdale.

Whilst I am of the opinion that the use of the existing access drive for either vehicle or pedestrian access would have benefited the proposed scheme, I am sympathetic to the reasons why this has become unviable for the applicant to deliver. I also consider the lack of such an access point to be insufficient to warrant the refusal of this application on these grounds alone.

In taking account of the assessment of travel distances to village facilities in comparison to other positions within the village, I consider the applicant has been successful in providing information which overcomes the previous reason for refusal relating to the convenient access for pedestrians to local facilities.

### Conservation and Design Issues

I am mindful of the comments made by the Conservation Consultant in that there is no objection to the removal of the existing bungalow at the site, as the dwelling is of no great architectural merit and that there is no objection raised to the erection of the proposed dwellings in regard to the layout, scale, bulk or aesthetic appearance of the proposed scheme. I also note within the comments that there is no objection raised on the contemporary nature of the design due site being enclosed by residential dwellings and the site not having a strong link with the historic street pattern of the wider Conservation Area.

I concur with the conclusion drawn by the Conservation Consultant and I also consider that the design of the proposed dwellings with the inclusion of the steep pitch angles and mix of modern and traditional external finishes, whilst resulting in a contemporary appearance, also pays respect to the traditional vernacular of the neighbouring properties on Main Street and the wider Conservation Area. I also consider that the design would result in a development which has its own identity, which, given its enclosed nature, I consider to be a positive characteristic that adds to the quality of the overall design standard.

Although the proposed development would result in a change in character of the site, from an open landscaped residential garden with a single bungalow to a more intensive residential development I consider that its design would be acceptable. It should be noted that the NPPF at paragraph 61 does state that planning decisions should not attempt to impose architectural styles or particular tastes and that they should not stifle innovation.

In my view the proposed development would respect the character and appearance of the Conservation Area. The scale, design and proportions of the proposal would be sympathetic to the character of the area and would not cause loss of historic or features of characteristic value to this part of the Conservation Area. As such, I am of the opinion that the proposal would accord with the aims of Policy ENV15 of the Replacement Local Plan.

I am also mindful of paragraph 134 of the NPPF which states;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

I am of the opinion that the public benefits of the proposed re-development of the scheme would include the provision of well designed family housing within a rural village setting which would not have any detrimental impact on the openness of the Green Belt, as well as the development resulting in an efficient and appropriate use of land within the village location.

I note the recommended condition from the Nottinghamshire County Council Archaeology department in the relation to a scheme of treatment and I consider it appropriate to attach such a condition to any grant of consent taking account of the historical context the application site's location.

#### Impact on neighbouring properties

In considering the impact on neighbouring properties, I am mindful that the proposed dwelling within plot 1 has the closest relationship to any existing properties in the area. However, I am satisfied that due to the orientation of the proposed dwelling to 149a, 149b, 149c Main Street and as a consequence of the proposed new dwellings' roof design including a relatively low eaves height the proposed dwelling would not result in any material overbearing or overshadowing on the neighbouring properties.

I am mindful that the property within Plot 4 would be located closer to the neighbouring property, 151B Main Street, however in taking account of the design including a single storey projection and relationship with the neighbouring property, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact on residential amenity.

I am also satisfied that there is sufficient distance between the other proposed dwellings and the existing properties surrounding the site for the proposal to not result in any material overbearing or overshadowing impact on neighbouring residential amenity.

I am mindful that the proposed scheme would involve the creation of a private drive close to the existing properties 5 and 7 Hawthorn Close. However, I am satisfied that with the inclusion of an appropriate boundary treatment along the boundaries with these properties, as indicated on the deposited layout plan, any potential impact on these properties can be mitigated.

In relation to the landing window serving plot 1, I consider a condition requiring this window to be obscure glazed to be appropriate in this instance in order to minimise any potential over looking impact. With the inclusion of such a condition and in taking account of the position of first floor windows serving the proposed dwellings, indicative landscaping plan and the relationship with existing neighbouring properties, I am satisfied that the proposal would not lead to any material overlooking issues.

I also note the comments from the Parish Council relating to the boundary treatment of the site and I consider with the inclusion of a suitable condition, a replacement boundary treatment could be achieved as part of a discharge of condition application.

Whilst being mindful of the concerns raised on the impact to neighbouring properties during construction, I am of the opinion that there is other legislation in place to protect neighbouring properties against excessive noise from construction work as well as construction work being carried outside or normal working hours. In regard to the

comments relating to a wheel washing facility, I am of the opinion that given the scale of the development, and the resultant likely impact a condition requiring this facility would be unreasonable to attach to any grant of planning permission.

### Flooding

I note the concerns raised by both the neighbouring properties and the Parish Council in relation to the flooding that Woodborough currently experiences and the potential increase in flood risk as a result on the proposed development. However, I am also mindful that the site is located outside of the high flood risk area and I note the applicant's intention to incorporate sustainable urban drainage (SUDs) within the scheme, as well as porous surfacing for the main private drive, driveways and parking forecourts.

I note the Drainage Statement submitted in support of this application, which outlines the measures that would be put in place to deal with storm drainage and I am mindful that the Car Parks and Engineering Officer has raised no objection to the statement and comments that the drainage measures would be suitable for the site. I also note that Severn Trent have not raised any objection to the proposed scheme.

Despite not having had comments from the EA, given the technical advice from Severn Trent and the Council's Engineering Officer, I am of the opinion that the proposed development would not result in any material increase in the risk of flooding to site or wider locality over the existing situation.

### Trees and Wildlife

I note the concerns in relation to the loss of mature trees and wildlife habitat at the site. However, I am mindful that the Senior Forestry Officer does not raise an objection to the submitted landscape plan and tree survey subject to conditions, as well as the comments from the Wildlife Trust and Natural England who also do not object to the scheme from a wildlife viewpoint, subject to recommended conditions being included.

I am of the opinion that whilst the proposed scheme would see the removal of several mature trees, the scheme would also introduce a large number of new trees as part of the landscaping plan. As such, I am satisfied that the site would retain an element of the current landscaped character and with the inclusion of recommended conditions relating to erection of bat boxes and construction work being outside of bird breeding season, any potential the impact on the local wildlife would be mitigated.

### Public Open Space Requirements

Whilst no comments have been received by Leisure Services at the time of writing the report, I am mindful that the site is larger than 0.4ha and therefore Policy R3 of the Replacement Local Plan is relevant. This policy advises that a contribution towards the provision of open space will be sought by the Borough Council and the funds secured through the negotiation of a Section 106 agreement. I am also mindful that comments were made by Leisure Services on the previous application which required funds towards the provision of open spaces facilities. I therefore consider it appropriate in this instance for a condition to be attached to any grant of consent which requires the applicant to enter into discussions with the Borough Council and a S106 Agreement in order for funds for the provision of open space to be secured.

## Conclusion

The previous scheme was refused planning permission on the grounds that the proposed development would have an unacceptable impact on surface water runoff and risk to flooding of neighbouring sites, the impact on highway and pedestrian safety, failure to provide convenient pedestrian access to local facilities and the density and layout of the scheme being out of character with the Conservation Area.

In considering the submitted drainage statement and taking account of the comments made by Severn Trent and The Car Parks and Engineering Officer, I am satisfied that the proposed development would not have a material impact on the flood risk at the site or wider locality over the existing situation.

In also considering the Highway statement submitted in support of the application and the comments made by the Highway Authority, I concur that the low vehicle speed along Hawthorn Close would result in there being little or no conflict between vehicles and pedestrians. I am also satisfied that the proposed development would not result in any material impact on Highway safety with a suitable driveway layout to ensure the safe access and egress within the site as well as adequate off street parking amenity to the serve the proposed dwellings.

I agree with the argument put forward by the applicant with regards to the site location and access to local facilities being closer and more convenient than other existing residential locations within the village. As such, I consider the applicant has provided adequate information to successfully overcome the previous refusal reason in relation to pedestrian access to local facilities.

In taking account of the reduced density level and the replacement of the semi-detached properties with detached properties within this scheme, I am satisfied that the proposed development has successfully overcome the previous refusal reason in relation to the impact on the character and appearance of the Conservation Area.

Given the above, it is considered that the principle of the residential development at the site is acceptable due to the proposal having no detrimental impact on the openness of the Green Belt and the design of the development, whilst having its own identity is considered to be respectful to the neighbouring properties and the wider Conservation Area setting. With the attachment of suitable conditions any potential impact on neighbouring properties is also considered to be mitigated. I therefore recommend that committee grants planning permission.

**Recommendation: Grant Planning Permission subject to the applicant entering into Section 106 Agreements with the Borough Council for financial contributions towards open space and with the County Council as Highway Authority which requires the applicant to set up a management company for the future maintenance of the private drive and subject to the following conditions;**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be completed in accordance with Plans Ref. MH423/ 102 Rev L, MH423/103 Rev H, MH423/104 Rev A, MH423/105 Rev B, MH423/106 Rev D, MH423/107 Rev B, MH423/108 MH423/109 Rev F, MH423/110, the Planning Statement March 2013, Design and Access Statement February 2013 as well as the Arboricultural Survey Report dated August 2011,

Protected Species Survey by EMEC Ecology dated September 2011, Highway Statement by Armstrong, Stokes and Clayton Limited March 2013 and the Drainage Statement Armstrong, Stokes and Clayton Limited March 2013.

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of all materials to be used in the external construction of the proposed dwellings. Thereafter the development shall be constructed in accordance with the approved details.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure of the site as well as individual plot boundaries and the shared boundaries with 5 Hawthorn Close and 7 Hawthorn Close. Thereafter the development shall be constructed in accordance with the approved details.
5. No development on site shall occur until appropriate protective fencing as detailed within the applicants Silvanus tree survey report is erected to the satisfaction of the Borough Council. The fencing will be authorised as correct and in position and then left in place until authorised for removal by the Senior Forestry Officer on behalf of the Borough Council.
6. The approved landscape scheme as shown on plan MH423/109 Rev E 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. Prior to the commencement of development locations of bat boxes shall be submitted to and approved in writing by the Borough Council. Thereafter the bat boxes shall be erected in accordance with the approved details and retained for the life of the development.
8. The window on the south facing side elevation serving the stairwell on the proposed dwelling within Plot 1 shall be obscure glazed and fixed shut at all times.
9. No part of the development hereby permitted shall be brought into use until a suitable means of access in accordance with drawing no MH423/102REVK has been constructed and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
10. No part of the development hereby permitted shall be brought into use until the access into the site has been surfaced in a hard bound material in accordance with drawing no: MH423/102REVK. The hard surfaced entrance into the site shall then be maintained in such hard bound material for the life of the development.
11. No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the site access point to the public highway in accordance with

details first submitted to and approved in writing by the Borough Council. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

12. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Borough Council. The scheme shall be implemented in accordance with the approved details prior to the occupation of the first dwelling.
13. Prior to the commencement of the development details of any solar panels or other form of green technology that could affect the appearance of the development shall be submitted to and approved in writing by the Borough Council. Any green technologies that could affect the appearance of the development that are to be provided as part of the development shall be installed in accordance with the approved details prior to the occupation of the first dwelling.
14. No development shall take place within the application site until details of an archaeological scheme of treatment which includes a strip, map and sample exercise has been submitted to and approved in writing by the Borough Council. Thereafter, the scheme shall be implemented in full accordance with the approved details.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008).
4. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008).
5. To ensure the health of the trees identified to be retained at the site which contribute to the visual amenity of the site and wider Conservation Area.
6. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008).
7. In order to protect the local wildlife and promote biodiversity enhancements for bats.
8. In order to protect the privacy of the neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008).
9. In the interests of Highway safety.

10. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
11. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
12. To ensure that the proposed development is provided with a satisfactory means of drainage so as to accord with Policy ENV42 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) July 2008.
13. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
14. To ensure a satisfactory development and to protect any potential historical assets of the site, in accordance with the aims of Policies ENV1 and ENV15 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

The proposed development would not result in any material impact on the openness of the Green Belt and would have a neutral impact on the character and appearance of the site and wider Conservation Area. The proposal would also not have any material impact on neighbouring residential amenity or upon Highway safety at the site. The proposed development therefore accords with the overarching aims of Policies ENV1, ENV13, ENV15 ENV26 ENV30 and H16 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008) Paragraphs 56,60, 61 79-92 of the NPPF and Policies 3, 8 and 10 of the emerging Publication Version Aligned Core Strategy for Gedling Borough.

### **Notes to Applicant**

The development makes it necessary to construct an access on land outside of the applicant's control, which is subject to the provision of the Highways Act 1980. The applicant is therefore required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.

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).

Decision 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.