



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Planning Committee

Date: **Wednesday 24 August 2016**

Time: **6.00 pm**

Place: **Council Chamber, Civic Centre.**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Planning Committee

Membership

Chair Councillor John Truscott

Vice-Chair Councillor Barbara Miller

Councillor Michael Adams
Councillor Pauline Allan
Councillor Chris Barnfather
Councillor Alan Bexon
Councillor Bob Collis
Councillor Kevin Doyle
Councillor David Ellis
Councillor Gary Gregory
Councillor Meredith Lawrence
Councillor Marje Paling
Councillor Colin Powell
Councillor Paul Stirland
Councillor Paul Wilkinson
Councillor Henry Wheeler

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MINUTES PLANNING COMMITTEE

Wednesday 20 July 2016

Councillor John Truscott (Chair)

In Attendance: Councillor Michael Adams Councillor Marje Paling
 Councillor Alan Bexon Councillor Colin Powell
 Councillor Bob Collis Councillor Paul Stirland
 Councillor Jim Creamer Councillor Paul Wilkinson
 Councillor David Ellis Councillor Henry Wheeler
 Councillor Gary Gregory

Absent: Councillor Barbara Miller, Councillor Pauline Allan,
 Councillor Chris Barnfather, Councillor Kevin Doyle and
 Councillor Meredith Lawrence

Officers in Attendance: D Gray, N Morley, F Whyley and C Goodall

13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillors Barnfather, Doyle, Lawrence and Miller. Councillors Creamer, Hewson and Parr attended as substitutes for the meeting.

14 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 22 JUNE 2016.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

15 DECLARATION OF INTERESTS

The Chair declared a collective non-pecuniary interest on behalf of all Committee Members on application number 2016/0611 on the grounds that the property was in the ownership of Gedling Borough Council.

Councillor Ellis declared a non-pecuniary interest on application numbers 2016/011 and 2016/0612 on the grounds that he was Chair of The Friends of Arnot Hill Park.

APPLICATION NO. 2016 0611- ROOM 3, ARNOT HILL HOUSE AND THE AVIARY, ARNOT HILL PARK.

Change of use from B1 to sui generis marriage ceremonies.

Mrs Patsy Brand, a local resident, spoke in objection to the application.

The Principal Planning Officer introduced the item and drew Members' attention to a document which gave an additional note to the applicant should permission be granted.

RESOLVED to GRANT PLANNING PERMISSION 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 permitted shall be completed in accordance with the application form, site location plan and heritage statement received on 25th April 2016, and e-mail regarding the description of activity received on 8th July 2016.
3. The development hereby approved shall only be used for marriage ceremonies as follows:- Monday to Thursday 09:30-17:30 and Fridays 09:30-14:00; the events would be one hour apart;-Fridays 14:00-18:00, 09:30-18:00 Saturdays, Sundays and Bank Holidays; the events would be 45 minutes apart.

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 policies ENV1 and C1 of the Borough Council Replacement Local Plan (Certain Saved Policies 2014).

Reasons for Decision

In the opinion of the Borough Council the proposed change of use of Room 3 in Arnot Hill House and the Aviary to a sui generis use of "marriage ceremonies" is an acceptable use in this location, results in no detrimental impact on the amenity of neighbouring properties or the surrounding area, is acceptable from a highway safety viewpoint and car parking. The proposal is therefore in accordance with the National

Planning Policy Framework (2012), Policy 11 (The Historic Environment) and Policy 12 (Local Services and General Principles) of the Aligned Core Strategy (September 2014) and Saved Policies ENV1 (Development Criteria) and C1 (Community Services General Principles) of Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

Your attention is brought to the requirement to apply for planning permission for any external alterations to the premises or its associated curtilage. The advice of the Borough Council should be sought to ascertain whether any proposals would materially change the nature of the external elevations and therefore require planning permission.

17 APPLICATION NO. 2016 0612- ARNOT HILL HOUSE, ARNOT HILL PARK, ARNOLD.

Internal alterations in Arnot Hill House.

In accordance with Standing Order 15.04 the meeting was adjourned at 18:30 due to a disturbance in the gallery.

The meeting resumed at 18:32.

RESOLVED To GRANT LISTED BUILDING CONSENT 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 permitted shall be completed in accordance with the application form, site location plan and description of works and heritage statement submitted on 25th April 2016.

Reasons

1. In order to comply with Section 18 of the Listed Building and Conservation Areas Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

Reasons for Decision

The proposed works have been designed to minimise the impact on the special architectural and historic interest of this listed building, whilst ensuring it continues to be in use. It is considered, therefore, that it will be in accordance with The National Planning Policy Framework, the Planning Practice Guidance and the Gedling Borough Aligned Core Strategy.

Notes to Applicant

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

18 APPLICATION TO VARY SECTION 106 PLANNING OBLIGATIONS- LAND AT CORNWATER FIELDS, LONGDALE LANE, RAVENSHEAD.

Land at Cornwater Fields, Longdale Lane, Ravenshead.

The Service Manager of Legal Services introduced the report and explained that the applicant had now lodged an appeal against the Council's non-determination of the application to amend the affordable housing requirement in the Section 106 Agreement.

RESOLVED:

To note the report and to support the Council's defence of the appeal.

19 APPEAL DECISION- WILD ACRES, LAMINS LANE, BESTWOOD.

Change of use of land from leisure uses (horses) to residential by the demolition of existing outbuildings, a stable block/tack room and an area of hardstanding; the construction of two single storey dwellings on part of land known as Wildacres Farm and the construction of a driveway to link the two new dwellings with the existing vehicular access.

RESOLVED:

To note the information.

20 PLANNING DELEGATION PANEL ACTION SHEETS

RESOLVED:

To note the information.

21 FUTURE PLANNING APPLICATIONS

RESOLVED:

To note the information.

22 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 6.45 pm

Signed by Chair:
Date:

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PLANNING COMMITTEE PROTOCOL

Introduction

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

Disclosable Pecuniary and Non- Pecuniary Interests

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Pre-determination and Predisposition

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

Lobbying

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

Roles at Planning Committee

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

Speaking at Planning Committee

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

Determination of planning applications

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

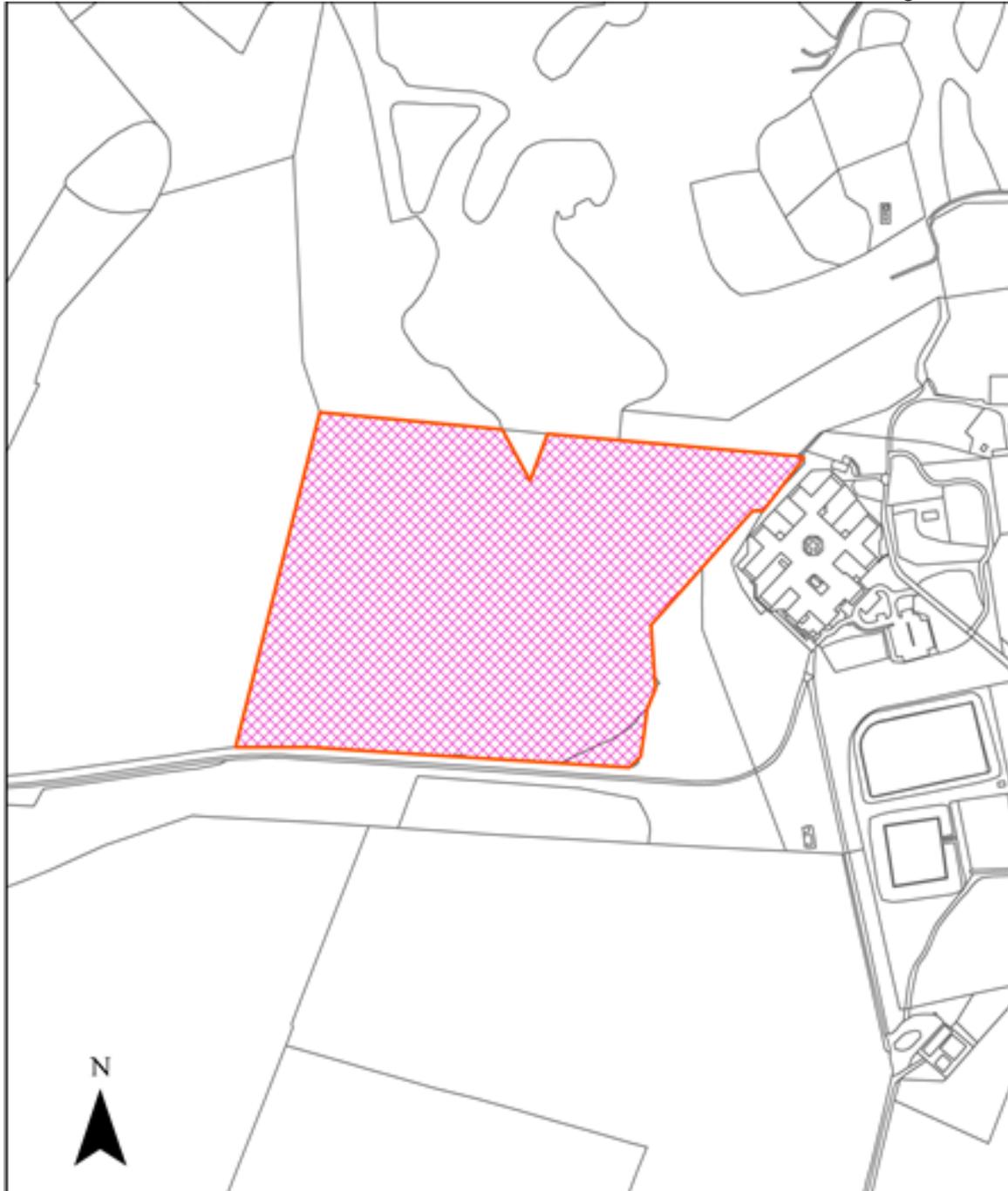
Oct 2015

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Application Number: 2015/0862

Location: Land To The North Of Lime Lane And South of Ramsdale Park Golf Centre, Calverton Road, Arnold, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number: 2015/0862

Location: Land To The North Of Lime Lane And South of Ramsdale Park Golf Centre, Calverton Road, Arnold, Nottinghamshire.

Proposal: Erection of a 4MW PV Solar Farm and associated infrastructure.

Applicant:

Agent: Mr Ben Prior

Case Officer: David Gray

1.0 The Proposed Development

- 1.1 Full Planning Permission is sought for the proposed development of an array of solar panels which would generate up to 4MW of renewable energy on farmland at Calverton, Gedling.
- 1.2 The solar farm would comprise of the following infrastructure:
- Approximately 15,000 photovoltaic panels;
 - 3 inverter / transformer / Substation units which are required to convert the direct PV output into usable AC power;
 - 9 pole mounted CCTV cameras;
 - a switchgear cabin that would provide the interface between the solar farm and the distribution network operator;
 - a control room to house remote monitoring equipment, including CCTV and solar performance information;
 - a customer cabin to house equipment used by the owner of the proposed solar farm;
 - Approximately 1120m of security fencing;
 - A maintenance track is proposed to the south of the site, connecting the solar array to an existing hard surfaced farm track.
- 1.3 The site preparation and construction phase of the development would take approximately 2 – 3 months to complete, with the works being undertaken between 8:00 to 18:00 hrs, Mon – Fri.
- 1.4 Once constructed and operational, the site would require minimal maintenance and would be remotely operated and unmanned. Occasional visits to the site would be made by the appointed operations and maintenance company.

- 1.5 Planning permission is sought for a limited period of 25 years, after which time the solar farm would cease operation. At this point the site would be decommissioned and all equipment would be removed.
- 1.6 Following decommission the land would be restored to its previous condition or a further planning application would be required that would be considered on up-to-date policy on its own merits.

2.0 Site Description

- 2.1 The application site is located approximately 2 km to the south west of Calverton and 2 km to the north of Arnold.
- 2.2 The site, including its access track, extends to an area of approximately 10 hectares.
- 2.3 The proposed solar farm itself extends to an area of approximately 8.83 hectares and currently exists as arable farmland.
- 2.4 The site would be accessed via an existing farm track from Lime Lane.
- 2.5 There are no Public Rights of Way (PRoW) which intersect or run adjacent to the site, and the application site is not publically accessible.
- 2.6 Levels across the application site range between approximately 150 Above Ordinance Datum (AOD) in the north eastern corner and approximately 125 AOD in the north western corner.
- 2.7 Hedgerows demarcate the southern and eastern boundary, and run part way along the northern boundary. An area of woodland is located within the south eastern corner within the site boundary.
- 2.8 The site is located within the Green Belt
- 2.9 The site is not located within any ecological designation areas and only one statutory protected site exists within a 2 km radius of it; Calverton Road Nature Reserve.
- 2.10 The site, in its entirety, is located within Flood Zone 1.
- 2.11 The application site is not located within a Conservation Area, furthermore there are no listed assets found on site.
- 2.12 In terms of the sites Agricultural Land Classification, it is identified as Grade 3b. Therefore, the site is not classed as best and most versatile land.
- 2.13 The application site is surrounded by the following:
 - To the north of the site is the Ramsdale Park Golf Centre;
 - To the east of the site is the Calverton Hill Care Home, which is surrounded by areas of woodland;

- Ramsdale House and Ramsdale Cottage Farm are located approximately 500 metres to the north of the site.
- To the south of the site lies the existing farm track, and areas of woodland; and,
- To the west of the site is an area of woodland and open countryside.

2.14 In terms of the wider area, the application site is situated approximately 2 km to the south west of Calverton and 2 km to the north of Arnold. Ollerton Road (A614) is found to the west of the site, which provides links into Nottingham via A60.

3.0 Relevant Planning History

3.1 There is no relevant planning history.

4.0 Application Publicity and Responses

4.1 The application has been advertised by way of site notice and press notice and the nearby residential properties have been sent letters.

4.2 Neighbour Consultation and General Publicity Responses

4.2.1 Two representations have been received from residents raising the same points:

- The surrounding area is unspoilt countryside with some period properties;
- We don't want to look at a solar farm;
- This will also impact on the value of surrounding properties;
- The road is dangerous with a 60 mph speed limit, difficult exits and lots of accidents. More traffic will not help this.

4.3 Statutory and Technical Bodies Consultation Responses

4.3.1 Natural England

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes – further comments on protected species.

The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

4.3.2 Nottinghamshire County Council - Ecology

The application is supported by an up-to-date Extended Phase 1 Habitat Survey. This indicates that the application site is predominantly arable farmland, of low inherent ecological interest. It should be noted that this habitat is likely to support ground nesting birds, such as Skylarks, which would be displaced by a development of this nature. Whilst this issue is not given consideration of the report, there is abundant similar habitat capable of supporting such species in the surrounding area. In terms of protected species no badgers were found on site. Limited potential for reptiles and amphibians was considered to be present (limited to semi-improved grassland field margins), and bats are likely to forage along woodland edge and hedgerow habitat surrounding the site.

By way of mitigation, it is recommended that the following matters are addressed via conditions:

- The control of vegetation clearance;
- Measures to be put in place to protect semi-improved grassland field margins, hedgerows and woodland edge;
- A pre-commencement badger survey;
- Any temporary or permanent lighting should be directed away from trees.

Solar Farms have the potential to deliver ecological enhancements through the creation of new habitat. It is requested that a Biodiversity Management Plan (BMP) is submitted detailing the creation of new habitats and the management of these and existing (retained) habitats. It is requested that BMP is produced with the issues expected to be covered being:

- The seeding of the application site with a species rich wildflower grassland mix, using native species appropriate to the area;
- The planting of a new native-species hedgerows, along the western part of the northern boundary and along the whole western boundary;
- The provision of regular gaps at the foot of the security fencing to allow passage of mammals;
- Other enhancements, such as the provision of bird boxes and bat boxes.

4.3.3 Nottinghamshire Wildlife Trust

We are generally satisfied with the methodology and conclusions of the report and note that the majority of the site currently supports arable land considered to be of low ecological value. It does not appear that more ecologically valuable habitat would be impacted as hedgerow removal would not be required. Nonetheless, we recommend that hedgerows and adjacent woodland are protected and suitably buffered during construction to ensure minimal disturbance.

No objections subject to conditions relating to Biodiversity Management Plan,

buffer zones and works to be undertaken outside of bird breeding season.

4.3.4 Gedling Borough Council - Planning Policy

The planning policy considerations are outlined, which are discussed in detail in Chapter 5.

In conclusion Planning Policy considers the applicant should provide:

- Evidence of the very special circumstances which they consider apply;
- Evidence in relation to the factors identified in the NPPG;
- Information about the level of energy to be produced;
- Information about the different ways of generating energy and why these are not considered to be reasonable alternatives in this case.

4.3.5 Environment Agency

Low risk from the EA perspective and is a matter for the LLFA for surface water disposal.

4.3.6 Nottinghamshire County Council (Highways Authority)

The proposal would be accessed from an existing agricultural track from Lime Lane.

The existing track would appear to have been widened on Lime Lane, where gravel has been laid. This access will have to be hard surfaced for 10 metres. The surfaced area should then be maintained as such in a hard bound material. Recommend conditions to secure these measures.

4.3.7 Nottinghamshire County Council - (Arboricultural)

No comments received. Any comments received will be reported verbally.

4.3.8 NATS

The proposed development has been examined from a technical safeguarding aspect and does not conflict with NATS safeguarding criteria. Accordingly NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

4.3.9 Public Protection

No comments received. Any comments received will be reported verbally.

5.0 Relevant Planning Policies and Guidance

- 5.1 Planning applications should be made in accordance with the Council's adopted development plan unless other material considerations indicate otherwise. Section 38(6) of the Planning and Compulsory Purchase Act sets this as a legal requirement.

5.2 Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (GBRLP) referred to in Appendix E of the GBACS.

5.3 The following policies of the Gedling Borough Aligned Core Strategy (September 2014) are relevant to this application: -

- Policy 1 – Climate Change;
- Policy 3 – Green Belt; and
- Policy 17 – Biodiversity.

5.4 The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant: -

- Policy ENV1 (Development Criteria);
- Policy ENV 5 (Renewable Energy);

In accordance with paragraphs 214 – 215 of the NPPF due weight should be given to the policies of the Replacement Local Plan in accordance to their degree of consistency with the framework. Consideration will also need to be given to whether policies are out of date in line with paragraph 14 of the NPPF. Overall, it is considered that, in terms of this decision, ENV5 should be given limited weight as it does not reflect the full range of issues which should be taken into account when assessing renewable energy schemes.

5.5 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework (NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG). Other material considerations taken into account include the National Policy Statements (NPS) for Energy (EN-1) and Renewable Energy (EN-3) and the Written Ministerial Statements on renewable energy published in June 2013 by the Secretaries of State for Energy and Climate Change and for Communities and Local Government in April 2014 and 18 June 2015 (HCWS42).

5.6 The following paragraphs of the NPPF are of relevance to the principle of this application: -

- NPPF paragraph 28 (Supporting a prosperous rural economy);
- NPPF paragraphs 69 – 78 (Promoting healthy communities);
- NPPF paragraphs 80 – 92 (Protecting Green Belts);
- NPPF paragraphs 93 – 108 (Meeting the challenge of climate change, flooding and coastal change);
- NPPF Paragraphs 109 – 125 (Conserving and enhancing the natural environment).
- NPPF paragraphs 128 – 139 (Conserving and enhancing the historic environment).

5.7 In terms of impacts, the NPPF (paragraph 97) indicates that the approach to assessing impacts taken in the National Policy Statement for Renewable Energy should be followed. The NPPG also sets out a number of issues that should be considered.

- Biodiversity / Ecology and Geology;
- Historic Environment;
- Cumulative Landscape and Visual Impact;
- Noise and Vibration;
- Shadow Flicker and Reflected Light;
- Traffic and Transport;
- Electromagnetic Transmissions;
- Safety;
- Decommissioning.

Evidence regarding the impact of the proposal on each of these areas is considered within this report.

5.9 The Planning practise guidance for renewable and low carbon energy sets out the particular factors a local authority will need to consider for large-scale ground-mounted solar photovoltaic farms which include:

- Encouraging the effective use of developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around the arrays;
- That solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land restored to its previous use;
- The effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- The extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- The need for, and impact of, security measures such as lights and fencing;
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of large scale solar farms on such assets. Depending on their scale, design, and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- The potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- The energy generating potential, which can vary for a number of reasons including latitude and aspect.

The approach to assessing cumulative landscape and visual impact of larger scale solar farms is likely to be the same as assessing wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of

visual influence could be zero.

5.10 The main planning considerations in the determination of this application are:

-

- Renewable Energy
- Green Belt
- Public Benefit
- Local Landscape and Visual Impact
- Cultural Heritage
- Nature Conservation / Biodiversity
- Local Residents (Visual Impact, Glint and Glare)
- Safety
- Transport and Contamination
- Other considerations

6.0 Renewable Energy

- 6.1 One of the core principles of the NPPF is that planning should support the transition to a low carbon future and encourage the use of renewable energy (paragraph 17).
- 6.2 The Overarching National Policy Statement for Energy EN-1 confirms that 'applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5) except where this would be inconsistent with other sustainability considerations' (paragraph 5.10.8). This matter is also raised within the NPPF and the 'planning guidance for the development of large scale ground mounted solar PV systems' published by the BRE National Solar Centre¹⁶ (November 2013).
- 6.3 Paragraph 17 of the NPPF states inter-alia: that planning 'should support the transition to a low carbon future in a changing climate..., and encourage the use of renewable resources (for example, by the development of renewable energy)'
- 6.4 Planning plays a key role in supporting the delivery of renewable and low carbon energy (paragraph 93) and there is a responsibility on all communities to contribute to energy generation from these sources (paragraph 97).
- 6.5 Paragraph 98 of the NPPF states: 'When determining planning applications, local authorities should: -
- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - approve the application if its impacts are (or can be made) acceptable.'
- 6.6 The courts have ruled that the amount of energy that is produced by a

renewable energy proposal is a material consideration. The amount of energy produced by a renewable energy proposal should be identified to establish the extent of the benefit that would arise from the proposal and then be compared to its impact.

National targets for renewable energy are as follows:

Source	Target
<i>UK Renewable Energy Strategy</i>	<i>15% of energy from renewable sources by 2020</i>
<i>Climate Change Act 2008</i>	<i>reduce UK 'carbon account' by 80% by 2050 from 1990 baseline</i>

- 6.7 The annex to the 2015 Progress Report on the Renewables Directive produced by the EU indicates that 5.1% of the UK's energy is from renewable sources. The Final Statement for the First Carbon Budget Period (May 2014) indicates that emissions were around 23.6% lower in 2012 than in 1990. Weight will need to be given to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.
- 6.8 Policy 1 of the ACS supports the development of low carbon energy schemes appropriate for the plan area which includes biomass, combined heat and power and micro-generation. Significant weight should be given to the ACS.
- 6.9 Policy ENV5 (Renewable Energy) of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) states permission will be granted for renewable energy schemes provided the proposals:
- a. Do not adversely impact the amenity of nearby properties;
 - b. Do not adversely impact on the openness of the Green Belt; and
 - c. Are designed, sited and landscaped to minimise impact upon the character of the area.

As noted (paragraph 5.4) limited weight should be given to ENV5.

- 6.10 The need for renewable energy is also set out within other Government documents including, Electricity Market Reform: Policy Review (2013), Annual Energy Statement 2012, UK Renewable Roadmap Update (Dec 2012), and the National Planning Policy Statement for Renewable Energy Infrastructure.

As a consequence of the national planning policy weight should be attached to the contribution the proposal makes to the energy generated from renewable sources and to the reduction in carbon emissions.

- 6.11 Additional information was submitted by the agent on request which estimates the electricity that would be generated (compared to known historical weather

records / conditions):

The agent has been confirmed that the output of the PV system will vary by year depending on the weather. As an example the agent has simulated the output from the proposed solar PV system for the years 1996-2000 using real climate data sourced from The European Database of Daylight and Solar Radiation. The predicted output may be correlated with the simulated output as follows:

- 1996 - 4404MWh
- 1997 - 4514MWh
- 1998 - 4253MWh
- 1999 - 4712MWh
- 2000 - 4445MWh

- 6.12 The Climate Change Act (2008) commits the United Kingdom to reducing its carbon emissions by 80% from 1990 levels by 2050. The most up to date figures available at the time of writing (produced in May 2014) indicated that carbon emissions were 23.6% lower nationally than 1990 levels. Both the NPPF (paragraphs 17 and 93) and the ACS (Policy 1.3) support the reduction of CO₂ emissions. Although the carbon emissions reduced by the proposal may be small in absolute terms, the NPPF (paragraph 98) recognises that small scale projects provide a valuable contribution to reducing greenhouse emissions.
- 6.13 The main reason targets for reducing CO₂ emissions and generating renewable energy have been introduced is to help address climate change. Both the NPPF (paragraph 17 and 93) and the ACS (Policy 1) highlight the importance of the role of planning in mitigating the impacts of climate change; while the impacts have already been felt, in the form of flooding in the UK and droughts elsewhere in the world, the use of energy generated from renewable sources will help minimise further effects.
- 6.14 Energy security is about making sure consumers can access the energy they need at prices that are not excessively volatile. Part of the Government's efforts to increase the resilience of the UK's energy market is increasing the amount of energy generated by renewable resources which helps reduce the dependence on foreign gas and oil.
- 6.15 This proposal will increase the amount of energy generated in the UK
- 6.16 It is my opinion the circumstances listed above can be grouped under two headings; the overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97- 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.
- 6.17 These are generic circumstances which will apply wherever renewable energy

is generated. While capable of forming part of the very special circumstances required, it is considered that, given the Court of Appeal's comments on precedent, site specific circumstances also need to be demonstrated. Additionally, it is considered that if generic circumstances on their own were capable of amounting to the 'very special circumstances' required to permit inappropriate development then all renewable energy schemes would be, in effect, appropriate within the Green Belt. This is clearly not the intention of the Government as expressed by paragraph 91 of the NPPF.

- 6.18 It is considered that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are very special circumstances. While the solar farm would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever a solar farm or renewable energy project was located (subject to specific conditions) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm.
- 6.19 The ACS (Policy 1.5) supports the development of new renewable energy schemes. It should also be noted that the Government places great weight on the need for renewable and low carbon energy. This drive for renewable energy production can be seen within the NPPF paragraph 97.
- 6.20 In my opinion the need for a low carbon future should be given moderate weight in the planning balance, given that this consideration can also be used on non-Green Belt sites. Given that the bar is set high in the Green Belt the need for communities to produce low carbon energy needs to be considered along with the need to support a prosperous rural economy and supporting farm diversification. If it is considered that these factors result in very special circumstances the individual impacts of the solar farm in its specific location would also need to be addressed. Should the planning impacts of the development be made acceptable then it is considered that the arguments are not generic as any further applications for renewable energy projects on different sites would need to pass all the tests.

7.0 Green Belt

- 7.1 Solar Arrays are inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.2 Substantial weight should be given to any harm to the Green Belt by reason of inappropriateness, and any other harm. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.3 The very special circumstances test is a high test. The circumstances which are

relied upon must be 'very special'.

- 7.4 Substantial weight should be given to ACS Policy 3 as far as it is relevant to this proposal.
- 7.5 Paragraph 80 of the NPPF states that: 'Green Belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.'
- 7.6 It is important to note recent decisions directed by the Secretary of State (APP/W0530/W/3012014 and APP/W0530/W/15/3013863) in which two appeals have been dismissed. The appeals relate to the development of large scale solar farms leading to encroachment into the Green Belt and Countryside that would result in the coalescence of villages through loss of visual separation.
- 7.7 I note that there are blocks of mature woodland within the undulating landscape and that this site is particularly well screened by vegetation and by distance to public roads. Given the strong sense of enclosure and that the surrounding area has a number of blocks of woodland and hedgerows that define the immediate landscape it is my opinion, the solar array would be only visible from few locations, the well wooded character combined with the strong topography does restrict most of the views to the development.
- 7.8 I also note that the proposal would be sited significant distances from defined village envelopes and the edge of the urban area. The site is particularly well secluded and well screened by natural topography and vegetation. It is my view that; whilst I consider there would be an impact on the openness of the Green Belt in this location, and the scale of the development means it would not maintain the openness of the Green Belt; the development would not result in the unacceptable coalescence of villages or urban areas through the loss of visual separation. I therefore consider that the development would only result in a limited level of encroachment in the Green Belt in this location.
- 7.9 Mitigation measures to reduce the impact of the proposal are not capable of being very special circumstances but may help to mitigate the impact or enhance impact such as landscape character and heritage. Paragraph 91 of the NPPF indicates that weight may be given to the wider environmental benefits associated with renewable energy generation as a very special circumstance. The wider environmental benefits could include the drive to a low carbon future, the protection of habitats and species from climate change and the reduced need to extract fossil fuels.
- 7.10 The lack of an alternative site is one of the very special circumstances usually considered.

- 7.11 Alternative methods of producing renewable energy are a material consideration.
- 7.12 The courts have also ruled that the risk of creating a precedent is a material consideration especially in the Green Belt where a high bar is set. Where the very special circumstances put forward by the applicant are generic or capable of being easily replicated on other sites, consideration will need to be given to the extent to which any very special circumstances could be used on different sites leading to a decrease in the openness of the Green Belt. The provisions of very special circumstances which are specific and not easily replicable should help mitigate the risk of a precedent being created.
- 7.13 Following a request for further justification from the applicant, their agent identifies a number of circumstances which they consider amount to the very special circumstances which they consider outweigh harm to the Green Belt:

‘Taking the approach outlined in Case Law such as Timmins, we are of the view that the particular location of this application proposal – of moderate landscape value, together with the landscape mitigation measures proposed, result in the “rebalancing of the scales” to the point of neutralising the harm by definition to the Green Belt (given the absence of any further harm to the purposes of the Green Belt or any other harm). It is then considered that:

- the contribution the scheme would make to the generation of renewable energy;
- the contribution the scheme would make to the economic sustainability of the agricultural farm to which it would form part of; and
- the absence of any more suitable sites to deliver renewable energy feeding into the particular point of connection (which, importantly, has available capacity to manage the energy that would be created from the solar farm);

These factors come together to create the very special circumstances for concluding that the development is acceptable in the Green Belt.”

- 7.14 In short, the circumstances listed above can be grouped under two headings; the wider overall need for renewable energy and the wider benefits of its generation. The NPPF (paragraphs 97 – 98) identifies that applicants should not be required to demonstrate the overall need for renewable energy and there is a responsibility on all communities to contribute to renewable energy generation. The wider environmental benefits are specially mentioned in the NPPF.
- 7.15 Paragraph 91 of the NPPF which sets out that the wider environmental benefits associated with the increased production of renewable energy may form part of the very special circumstances. It is my opinion that moderate weight should be attached to the need to provide renewable energy (paragraph 6.18).
- 7.16 It is my opinion that these circumstances forwarded by the agent are considered to be generic and easily replicable; whilst they should be given

weight, these do not add up to 'very special circumstances' which could justify the development.

7.17 As a result the agent expanded on the circumstances that they considered amount to 'very special circumstances' that outweigh the harm to the Green Belt and any other harm. These are outlined below:

- 1) The proposed solar farm would contribute towards the key national objectives of the UK moving towards a low carbon and achieving energy security.
- 2) The Alternative Site Assessment report submitted as part of the application sets out the reasons why the solar farm needs to be located in this particular location, and the importance of the close proximity to the Point of Connection;
- 3) The proposal would, in line with paragraph 19 of the NPPF, provide support for the rural economy by helping to diversify the current function of Stocking Farm;
- 4) Wider environmental benefits would be provided as part of the proposal, including the creation of a new grassland habitat;
- 5) The proposed solar farm would be temporary, for a period of 25 years, thus avoiding any longer term impacts on the permanence of the Green Belt;
- 6) The proposal is capable of delivering community benefits at a local level by it being made available as an educational resource;
- 7) The proposal would make a positive contribution to enhancing the viability of Stockings Farm, particularly by modifying the effects of fluctuating income realised by crops harvested on rotation, year by year;
- 8) The additional income generated by the solar farm is necessary for further investment in the farming unit. It would enable further long term strategic decisions to be made, particularly with respect to the purchase of new equipment, and the investment in further diversification opportunities. This would help underscore the longer term viability of the unit, safeguarding jobs and the services of local suppliers;
- 9) The Energy and Carbon Report demonstrates that the proposed solar farm would reduce the carbon footprint of Stockings Farm by 20 tonnes CO₂ per annum;
- 10) The proposal is located adjacent to an existing point of connection to the National Grid.

7.18 Paragraph 91 of the NPPF which sets out that the wider environmental benefits associated with the increased production of renewable energy may form part of the very special circumstances. Given the considerations set out in chapter 6 (Renewable Energy) above, it is my opinion, that moderate weight should be attached to the need to provide renewable energy. It is my opinion that the circumstances 1), 3), 4), 5), and 6) forwarded by the agent are considered to be generic and easily replicable; whilst they should be given weight, additional circumstances will be required to achieve very special circumstances.

7.19 To address this issue, the agent has identified site specific circumstances in the form of on-site carbon offsetting and the financial security the income

generated by the proposal would bring to the farm business. Carbon offsetting is addressed in Chapter 6 (Renewable Energy) and the proposal would reduce the carbon footprint of Stockings Farm by 20 tonnes CO₂ per annum.

- 7.20 In terms of financial security the agent has submitted a Farm Review Report which outlines that there are a number of pressures on the farming business at Stockings Farm which threatens the long term viability, including:
- the vulnerability of the farm's soil type which, in this location, is not the Best Most Versatile Land as classified by Natural England and annexed in the NPPF. This land is most vulnerable to the increasing occurrence of extreme weather events;
 - the ongoing need for the farm to contract out the majority of its operations externally;
 - the farm's reliability on the use of contractors' buildings for storage.

These issues are exacerbated by a volatile commodity market which is adding further pressure and uncertainty on the future profitability of the farm. In order to respond to the issues listed the Farms Review Report concludes that Stockings Farm business would need to generate alternative sources of income in order to ensure its long term future. The proposed solar farm has been identified as such a solution, and crucially the report concludes – unlike other alternatives – the income generated from the proposal would be non-volatile and would also make use of 'some of the lowest yielding and least versatile land on the holding'

- 7.21 It is my opinion given the information submitted the proposal would provide significant additional income and would provide funds for investments in labour and machinery and would enable the farm to be resilient to fluctuations. As such I can accept that the proposal does represent a form of farm diversification in line with the requirements of Paragraph 28 of the NPPF. I consider that substantial weight should be attached to the development and diversification of agriculture and development that supports the rural economy. I also consider that profit smoothing to account for uncertainties in the agricultural industry can also be considered to assist in farm diversification.
- 7.22 It is my opinion that whilst the farm is a business; there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. Given the support of the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special circumstances.
- 7.23 It is also noted that the agent identifies that the proposal would have educational benefits through helping local school children learn about climate change.
- 7.24 In conclusion the following have been identified as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt:
- 1) The overall need for renewable energy including the contribution to:

- Carbon reduction targets;
 - Renewable energy targets;
 - Mitigating climate change;
 - Energy security.
- 2) The wider environmental and economic benefits;
 - 3) The use of more vulnerable land avoiding Best Most Versatile Land for continued agricultural production;
 - 4) The need for renewable energy at Stocking Farm including:
 - Offsetting carbon;
 - Profit smoothing to assist in the vulnerable farming business;
 - Farm diversification and supporting a prosperous rural economy.

7.25 It is my opinion that the overall need for renewable energy and the wider benefits should be given moderate weight in determining if there are special circumstances. While the solar farm would contribute to achieving statutory national targets and the production of renewable energy is supported by Government policy these benefits would apply wherever the solar farm was located (subject to sunlight) and do not override the substantial protection given to the Green Belt. If these were the only circumstances identified there would not be the very special circumstances required to clearly outweigh the harm to the Green Belt or any other harm. The extent that this, along with the wider environmental benefits and contribution to national renewable targets, contributes to very special circumstances is a combination of the extent of the benefits created along with less harmful alternatives.

7.26 Given that the whole of the site at Stockings Farm is located within the Green Belt I do not consider there to be a better alternative site at Stockings Farm outside of the Green Belt for the applicant to provide renewable energy. The lack of alternative site is one of the very special circumstances usually considered. As previously discussed the availability of a suitable non-Green Belt site is not a ground for refusal. However, the Courts have ruled that different ways of generating renewable energy on site should be assessed as these may be less harmful.

7.27 As highlighted above, onsite alternatives to the proposal are a material consideration when determining proposals for renewable energy schemes in the Green Belt. It is considered that any alternative must:

- Produce a similar or higher level of electricity;
- Produce a similar or higher level of carbon reduction;
- Produce a similar or higher level of income;
- Be feasible in terms of construction and grid connection;
- Have a similar or lower level of cost (upfront and ongoing); and
- Have a lower level of impact in relation to a range of matters including Green Belt, landscape/visual, heritage, biodiversity, and highways.

7.28 The applicant has submitted information about the different methods of generating energy and why these would not be a reasonable alternative to the proposed solar farm. Biomass, Ground Source Heat / Geo Thermal, and Hydrological were all considered and were dismissed due to the production of air pollutants for biomass, the production of heat is not a requirement at the

farm and no availability of large water courses.

- 7.29 In conclusion, a number of alternatives to the proposed solar farm have been considered. These are either not feasible on site, would likely result in greater impact on a range of factors or would not generate sufficient income to meet the needs of the farm. As such, I do not consider that any of these alternative forms of energy production would be more appropriate in this instance and the solar farm proposed would be more suited to the rural location providing renewable energy and income to support the diversification of the farm.
- 7.30 The site specific benefits of offsetting carbon should only be given moderate weight as this is an indirect benefit. I also consider that only limited weight should be given to the educational benefits of the proposal for local children.
- 7.31 Paragraph 98 states that: - 'local planning authorities should:
- Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - Approve the application if its impacts are (or can be made) acceptable.'
- 7.32 The agent has carefully considered the limitations of the Application Site and explored alternative sites for the proposed solar farm and assessed the impacts.
- 7.33 It is accepted that the diversification of the rural economy to provide low carbon energy and to support economic growth along with enhancements made to the landscape character of the area do constitute very special circumstances in this instance provided that the applicant can justify the need for the new development weighed against the impacts of the solar farm on the openness of the Green Belt, Heritage Assets, Amenity, and Landscape being acceptable.
- 7.34 It is therefore important to carefully consider the limitations of the application site and the impact of the development on the openness of the Green Belt in this location. In my opinion, when all these considerations are balanced against the impact that the development has on the openness of the Green Belt at this location, and the limited extent of encroachment that would result (subject to the assessment of these in paragraphs 7.6 - 7.8 above), that the special circumstances do outweigh the harm to the Green Belt at this location. It is my view that the limitations of the application site and the siting of the proposal in relation to other factors such as heritage assets and residential properties (considered in the following chapters) along with the other considerations which would be difficult to replicate and are unique to this application. I therefore consider that in this instance very special circumstances do exist which could allow this development to go ahead.
- 7.35 Whilst I consider that very special circumstances exist these need to be balanced against the overall harm to the Green Belt by means of inappropriateness, impacts on openness and the other constraining factors.

The planning impacts that need addressing and balanced against the very special circumstances established relate to factors such as:

- Biodiversity / Ecology and Geology;
- Historic Environment;
- Cumulative Landscape and Visual Impact;
- Noise;
- Reflected Light;
- Traffic and Transport;
- Electromagnetic Transmissions;
- Safety;
- Decommissioning.

8.0 Public Benefit

- 8.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 28 states inter-alia: - 'To promote a strong rural economy, local and neighbourhood plans should: - ...promote the development and diversification of agriculture and other land-based rural businesses;'
- 8.2 While the farm is a private business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the continued contribution the farm makes to the rural economy. Given the support in the NPPF and the public benefits it is considered that farm diversification is capable of forming part of the very special circumstances.
- 8.3 The applicant also identifies that the proposal would have an educational benefit through helping local school children learn about climate change, whilst I consider this to be a public benefit I would only attach limited weight to this in the planning balance.

9.0 Local Landscape and Visual Impact

- 9.1 Policy ENV5 of the RLP advises that renewable energy schemes should not adversely affect the character of prominent ridge lines and should be designed, sited and landscaped so as to minimise any impact upon the character of the area. However, due to the wording of the policy and its inconsistency with the NPPF, little weight should be attached to it in relation to determining this application.
- 9.2 Policy 10 of the ACS requires all new development outside of settlements to be assessed with reference to the Greater Nottinghamshire Landscape Character Assessment.
- 9.3 The Planning Practice Guidance for Renewable and Low Carbon Energy provides guidance on the issues to be considered in relation to the landscape

and visual impacts of renewable energy schemes. The visual impacts are concerned with the degree to which proposed renewable energy will become a feature in particular views, or sequence of views, and the impact that this will have on people experiencing those views. The landscape impacts are the effects of the proposed development on the fabric, character and quality of the landscape and the degree to which the turbine will become a defining characteristic in the landscape.

- 9.4 The site lies within the National Character Area NCA 49 Sherwood as defined by Natural England. The NCA48: Trent and Belvoir lies 1.4km to the east of the site. The applicant identifies the National Character Areas and the Regional Landscape Character Areas on Figure 4.1 of the LVIA.
- 9.5 At a regional level the East Midlands Regional Landscape Character Assessment 2010 (Natural England) defines the application area to be within 5B: Wooded Village Farmlands.
- 9.6 At a county level the Nottinghamshire Landscape Character Assessment 2009 defines countywide landscape character areas and the site lies within the Mid Nottinghamshire Farmlands.
- 9.7 I consider that the site, being well screened by vegetation and well away from public footpaths is not overly prominent and whilst the immediate landscape change would be substantial and harmful the wider landscape harm is less than substantial.
- 9.8 This less than substantial visual impact needs to be balanced against the moderate weight to be attached to renewable energy schemes and the significant weight to be attached to supporting the existing rural economy in the form of farm diversification.
- 9.10 It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.
- 9.11 In light of the above considerations, whilst there would be an impact on the landscape in visual terms and its character would change, the landscape would still be predominately characterised by agricultural fields with blocks of woodland.

The final concluding paragraph of the submitted LVIA finds that:

"It is therefore considered that any landscape or visual impacts will be localised to the proposal site or to the adjacent fields around site to the northeast through to the southwest quadrant of the study area. However the landscape and visual impacts become more prominent to a distance of approximately 2km as the study suggests to the west to northern quadrant. Any affects beyond this extent will be moderate / minor during construction decreasing to low and negligible on completion and post completion."

- 9.12 When considering the impact of the development on the wider character of the area I have given careful consideration to the Landscape Visual Assessment submitted by the agent with my own extensive site visits of the surrounding area. I accept that the proposed solar farm would have a significant impact on the landscape character in the immediate vicinity however; it is my view, given the well screened site and its location away from settlement boundaries the impact would remain local and does not extend to a significant wider landscape impact outside this area.
- 9.13 Whilst I accept there would be a significant local impact in the immediate vicinity, given the considerations above, I consider there to be only a less than substantial impact on the wider landscape character of the area. This less than substantial impact needs to be balanced against the moderate weight to be attached to renewable energy schemes and the significant weight to be attached to supporting the existing rural economy in the form of farm diversification. The context of the solar farm is seen within an existing working farm that maintains and manages the key landscape characteristics defining the area. The solar farm would support the diversification of this rural business that would help support the continued enhancement and economic viability of the site. It would also result in positive enhancements to the local area with the implementation of an ecological management plan. It should be noted that landscapes do change over time and that whether development is considered to be 'bad' or 'good' affects the perception of whether the impact of the development is acceptable to those viewing it.

10.0 Cultural Heritage

- 10.1 Legislation regarding buildings and areas of special architectural or historic interest is contained in the Planning (Listed Buildings and Conservation Areas) Act 1990. Relevant policy is contained in the NPPF and RLP Policy ENV21.

Paragraphs 132 and 133 of the National Planning Policy Framework advise that: -

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, should be wholly exceptional.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that harm or loss.'

10.2 Section 66 of the 1990 Act requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural interest which it possess.'

10.3 Paragraph 134 of the NPPF 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 its optimum viable use.'

10.4 The main historic assets, and public vantage points as facilitated by public footpaths, as described in the LVIA, are:

Registered Parks and Gardens

There are no registered Parks and Gardens within the proposed site, however there is one located within the 3km study area at the old Bestwood Pumping Station site (now the Lakeside restaurant, spa and health club) which is located approximately 1km west of the proposed site.

Conservation Areas

One Conservation Area is found within the 3km study area. Calverton is to the east, at approximately 1.5km from the site.

Public Rights of Way (PROWs)

Within a 1km radius of the site there are only three Public Rights of Way, consisting of Footpaths, they are to the northeast, east and south the closest comes within 0.3km of the site. Beyond the 1km distance from the site, there are several Public Rights of Way in the form of Footpaths a Bridleway and a Byway. The Robin Hood Way National trail skirts the study area to the west and north and comes within 2km at its closest point. This is part of a 172km route that follows in the footsteps of the legendary figure through Sherwood Forest and the Nottinghamshire countryside.

Listed Buildings

There are no listed buildings found within the site. There are however two, Grade II listed buildings within 0.5km of the proposed site to the north at Ramsdale House and adjoining stable; and Hollinwood House and its attached outbuilding. Within the 3km study area there are several Listed Buildings, they tend to be individual properties found scattered evenly across the entire study area associated with farms and country houses, with a concentrated group of Listed Buildings and infrastructure associated with the Bestwood Pumping House located approximately 1.2km to the west of the

site. Further groups of Listed Buildings can be found at the village of Calverton to the northeast of the site, and to the south within the Nottingham suburb of Arnold.

- 10.5 It is my opinion given the substantial screening and distances involved that the solar farm would only have a less than significant harm to the historic assets within the LVIA search area including Calverton Conservation Area and as such should be weighed in the planning balance but with only limited weight.
- 10.6 In accordance with the NPPF, given it is my opinion that the harm to the settings of heritage assets could be assessed as less than substantial due to the location of the solar farm; this impact needs to be weighed against the public benefit of the proposal. I consider that the weight to be given to the contribution that this proposal would make to reducing CO2 emissions, combating climate change, to renewable targets, and in supporting a sustainable rural economy and farm diversification, would outweigh the less than substantial harm to the heritage assets discussed above.

11.0 Nature Conservation / Biodiversity

- 11.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles. Where significant impacts cannot be adequately mitigated then permission should be refused, and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.
- 11.2 The submitted LVIA points out that the site and the entire study area falls within the Greenwood Community Forest.

“Greenwood ‘covers 161 square miles of Nottinghamshire, from Mansfield in the north to Nottingham in the south and from Eastwood in the west to Farnsfield in the east. It joins historic Sherwood Forest in the north-east and curves round to Attenborough in the southwest’. The aim of the Greenwood Community Forest is ‘To work in partnership to enable Nottinghamshire’s communities to create, care for and to use woodlands and other high quality accessible green spaces in a sustainable way that benefits the environment, landscape and the local economy.’ Greenwood is the only Community Forest in the East Midlands region. The value of the Greenwood Partnership has been recognised in regional documents. The forest is protected by various planning designations and by The Greenwood Partnership, who seek to look after the best interests of the area and promote planting / biodiversity.”

- 11.3 Natural England advise that;

“The consultation documents indicate that this development includes areas of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework

states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

11.4 The applicant submitted an Extended Phase 1 Survey Report which found that:

“Due to the distance between the Site and designated nature conservation sites in the local area it is considered highly unlikely that there will be any adverse effects on these sites as a result of the works. Therefore no recommendations in relation to the designated sites are made.”

11.5 The report does make recommendations for biodiversity enhancements and habitat improvements associated with the development.

11.6 At the request of Planning Officers the applicant carried out further survey work which did not reveal any risk to protected species being likely.

11.7 None of; Natural England, Nottinghamshire Wildlife Trust or Nottingham County Council (Nature Conservation) object and it is my opinion that their assessments are carried out in line with up to date policy and procedures, therefore there is no reason to recommend refusal on nature conservation grounds nor to place weight on this issue in the planning balance.

11.8 I am satisfied that the solar farm would result in no significant impact on wildlife or ecology and that by the use of conditions, biodiversity enhancements would be sought in line with the guidance contained within the NPPG. The proposed use of Greenfield land has been shown to be necessary and poorer quality land has been used in preference to higher quality land. Ecological enhancements have been sought and mitigation secured to limit landscape / ecological impacts through the planting of native hedges.

11.9 Should Planning Permission be forthcoming the agent has agreed to commit to a Biodiversity Management Plan (BMP) by way of condition. The BMP would, in line with the recommendations of the County Council Ecologist, include the following:

- The seeding of the application site (both within and out with the site security fencing) with a species-rich wildflower grassland mix, using native species appropriate to the local area.
- The planting of new native-species hedgerows, along the western part of the northern boundary and along the whole western boundary.
- Provision of regular gaps at the foot of the security fencing to allow the passage of Mammals.
- Other enhancements, such as the provision of bird and bat boxes.

12.0 Local Residents / Noise / Glint / Glare

12.1 Paragraph 5.9.18 of EN-1 advises that all proposed energy infrastructure is

likely to have visual effects for many receptors around proposed sites and that judgement has to be made on whether the visual effects on sensitive receptors, such as local residents and visitors to the area, outweigh the benefits of the project.

- 12.2 In relation to the visual impact of the proposed solar farm on local residents, on balance, given the distances between the properties and the proposal, the various blocks of mature woodland in the landscape, and the undulating topography of the landscape, in terms of residential amenity, I do not consider that the solar farm would be visually intrusive, overly prominent, or overbearing enough to be a reason for refusal in this instance. It is also considered that from many receptor points where the solar farm would be visible it would be in the middle distance and in my view would not result in an overbearing feature in the landscape.
- 12.3 I note that Public Protection have not commented with regards to potential noise, glint and glare. I am satisfied given the distances and the vegetation cover that the potential impacts on the amenity of residential dwellings would not warrant a refusal of this application.

13.0 Transport, Communication and Safety

- 13.1 I note that the Highway Authority have raised no objections to the proposal, and as such I am satisfied that there are no undue highway safety implications as a result of the development subject to conditions.
- 13.2 I note that NATS have not raised objections to the proposal and as such I am satisfied there would be no undue impact on air traffic control through electromagnetic interference or glint and glare.

14.0 Contamination

- 14.1 I am not aware of any objection in relation to potential contamination at the site. I also note that public protection have raised no objections to the scheme.

15.0 Other Considerations

- 15.1 I note the comments received with regards to the development devaluing neighbouring residential properties; however, the value of neighbouring property is not a consideration that I would attach significant enough weight to warrant a refusal of this application on planning grounds.

16.0 Very Special Circumstances and the Overall Planning Balance.

- 16.1 It is my opinion, as considered in depth at chapter 6, that mitigation of climate change tied together with the contribution the proposal makes to the national targets for carbon reduction and energy generation is capable of forming part of the very special circumstances. However, this benefit would not carry significant enough weight to overcome the inappropriateness of the development within the Green Belt on its own as the benefits are also capable

of being replicated on non-Green Belt land where the development, by definition, would not be inappropriate. The solar farm would generate a significant level of renewable energy for 25 years following completion of the development and there would be a valuable contribution that the solar farm would make to cutting greenhouse gas emissions thereby tackling climate change. For the purposes of my assessment I have attached moderate weight to the overall need for generating renewable energy in this instance. This is in reference to paragraph 98 which states that local authorities should recognise that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, unless other material considerations indicate otherwise.

- 16.2 It is therefore important to look at the individual circumstances the applicant has put forward to justify the need for the development weighed against its harm coming from the inappropriateness of the development in the Green Belt and any other harm.
- 16.3 The applicant has highlighted that one of the direct benefits to the farm is by way of carbon offsetting. It is considered in Chapters 6 and 7 that the reduction in CO₂ emissions is capable of forming part of the very special circumstances. A Carbon audit was undertaken which identifies that there would be a net carbon reduction of 20 tonnes per annum. In my opinion there would be a direct benefit to the farm from producing renewable energy in the form of carbon offsetting.
- 16.4 As also discussed in paragraph 7.21 there is also benefit to the farm in terms of financial security and profit smoothing. The solar farm offers financial security to the farm and would enable diversification and investment in labour and machinery. It is my opinion, that whilst the farm is a business, there are wider public benefits to the diversification of farms and ensuring that they are financially viable. These include the continued management of the countryside, the production of food and the contribution the farm makes to the rural economy. As such I have attached substantial weight to the need to support a prosperous rural economy and to promote diversification of agriculture in line with the requirements of Paragraph 28.
- 16.5 The land within the ownership of the applicant is all located on Green Belt and therefore there are no alternative sites available on non-Green Belt land for the applicant to produce renewable energy. The lack of an alternative site is one of the special circumstances that needs to be given weight in the planning balance. If it is accepted that there is an established need for the farm to produce renewable energy, the applicant is limited to this development within a Green Belt location. Paragraph 7.26 sets out that the availability of non-Green Belt sites is not a reason for refusal. I attach significant weight to the limitations of the application site and there being no suitable alternative sites outside the Green Belt for the applicant to generate renewable energy. The courts have ruled that alternative ways of generating renewable energy on site should be assessed as these may be less harmful. Paragraphs 7.28 – 7.29 assess alternative forms of energy production and it is concluded that there would be no more appropriate form of energy production given the limitations of the application site and the alternative technologies.

- 16.6 It is also noted that the agent has agreed to submit a Biodiversity Management Plan in order to compensate and enhance biodiversity of the site. The application site is of poorer quality agricultural land classification and the use of native species of hedgerow and grassland mix would increase the biodiversity value of the site. It is my view these works would have a direct benefit to the landscape character and ecology in the area and should be given moderate weight in the planning balance.
- 16.7 Therefore, it is my opinion; that the diversification of the rural economy to provide low carbon energy to support an existing agricultural business, along with the ecological enhancements; together, do constitute very special circumstances that outweigh the harm to the Green Belt and any other harm in this instance.
- 16.8 It is also recognised that the character of the proposed location is an agricultural landscape, as opposed to a non-cultivated, natural landscape. As such, the landscape has been influenced by human activity over time and bears the impacts of this, as seen in the patterns of hedgerows, field boundaries, trees, and tracks located within it. It is my view that the solar farm would provide the most efficient and suitable form of renewable energy to support the needs of the farm and the wider environmental benefits supporting a low carbon future.
- 16.9 Other factors that have been addressed are be the impact of the development on Biodiversity/Ecology, Historic Environment, Cumulative Landscape and Visual Impact, Noise, Reflected Light, Traffic and Transport, Electromagnetic Transmissions, Safety and Decommissioning. The combination of very special circumstances weighed against the planning impacts of the proposal and any other harm from the development will have to be considered in the planning balance when making a decision on this application.

17.0 Conclusions and Planning Balance

17.1 In light of the considerations given above in relation to:

- Renewable Energy
- Green Belt
- Public Benefit
- Local Landscape and Visual Impact
- Cultural Heritage
- Nature Conservation / Ecology
- Local Residents (Visual Impact, Reflected Light and Noise)
- Transport Communication and Safety
- Contamination
- Other considerations

I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable form of development. In reaching this conclusion I have had regard to paragraph

98 of the NPPF which advises that when determining planning applications, local planning authorities should approve the application if impacts are, or can be made acceptable. Given the considerations set out in sections 6.0 – 16.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

- 17.2 This application has been advertised as a departure; however, the application is only required to be referred to the Secretary of State if the development by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt. Given the conclusions drawn in the Green Belt section of this report, I do not consider that this application should be referred to the Secretary of State.

Recommendation:

Grant Conditional Planning Permission.

Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the photovoltaic arrays hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the First Export Date (of electricity to the grid), after which the use shall cease, and the solar arrays and all ancillary structures shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 10 below. The site shall be decommissioned in accordance with the details to be approved under condition 10 within 6 months from the date of the last export of electricity.
3. The development hereby permitted shall be constructed in accordance with the following approved plans and documents except insofar as may be otherwise required by other conditions of this planning permission: Planning Statement; Alternative Site Assessment (prepared by NLP); Design and Access Statement (prepared by NLP); Extended Phase 1 Ecology Survey Report (prepared by Lockhart Garrat); Arboricultural Statement (prepared by Lockhart Garrat); Landscape and Visual Impact Assessment (Applied Landscape Design); Glint and Glare Study (Pager Power); Highways Impact Statement (Bancroft Consulting); Agricultural Land Classification Report (Richard Stock); Desk Based Heritage Assessment (RPS); Site Location Plan (ref:GIS/50539/01-22); Site Layout (ref. 1053-A-01 rev -); Topographical Survey (ref 81/01); Solar Array Details (ref. 02); Control Room Details (ref. 03); Inverter Cabin Details (ref. 04); Customer Cabin Details (ref. 05); DNO Switchroom Details (ref. 06); Fence and Gates Details (ref. 07); and Camera

Details (ref. 08).

4. Prior to the commencement of development a Biodiversity Management Plan (BMP) shall be submitted to and approved in writing by the local planning authority. The BMP shall include details of the seeding of the site with species rich wildflower grassland mix using native species to the area; the planting of a new native-species hedgerow along the western part of the northern boundary and along the whole western boundary; details of the controls of vegetation clearance; details of the proposed lighting and its direction (away from trees); precise details and locations of the proposed bird and bat boxes; and, details of the measures to be put in place to protect semi-improved grassland field margins, hedgerows and woodland edge. Once approved the BMP shall be complied with and implemented as approved and shall thereafter be maintained or retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
5. Before the development hereby approved is commenced an updated badger survey shall be submitted to and approved in writing by the local planning authority, indicating that 30 metres outside of the site has been surveyed so the full extent of impacts on badgers can be assessed and mitigation secured. The badger survey should be carried out 4 - 6 weeks in advance of works commencing on site. Once approved the development shall be carried out strictly in accordance with the approved details.
6. All construction work associated to the development shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
7. No part of the development hereby permitted shall be brought into use until the access has been surfaced in a hard bound material (not loose gravel) for a minimum of 10.0 metres. The surfaced area shall then be maintained in such hard bound material for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the access is constructed with the provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the local planning authority. The approved provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. If the solar farm hereby approved ceases to operate for a continuous period of 6 months, unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the photovoltaic arrays and any other ancillary equipment (as requested under condition 10 of this approval), shall be submitted to and approved in writing by the Borough

Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.

10. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access improvements, alteration to junctions, details of the abnormal load routes together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council detailed construction and engineering drawings showing any proposed changes to existing levels and contours across the site in excess of 1 metre. The development shall be constructed in accordance with the approved drawings and the finished levels and contours shall be retained without further alteration for the lifetime of the development.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; 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 responsibility for the future maintenance of drainage features.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt.
4. To enhance biodiversity in accordance with the National Planning Policy Framework and Policy 17 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

5. In order to safeguard the local badger population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. In order to safeguard the local bird population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
8. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
9. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
10. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.
11. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
12. 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 the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

Reasons for Decision

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

Notes to Applicant

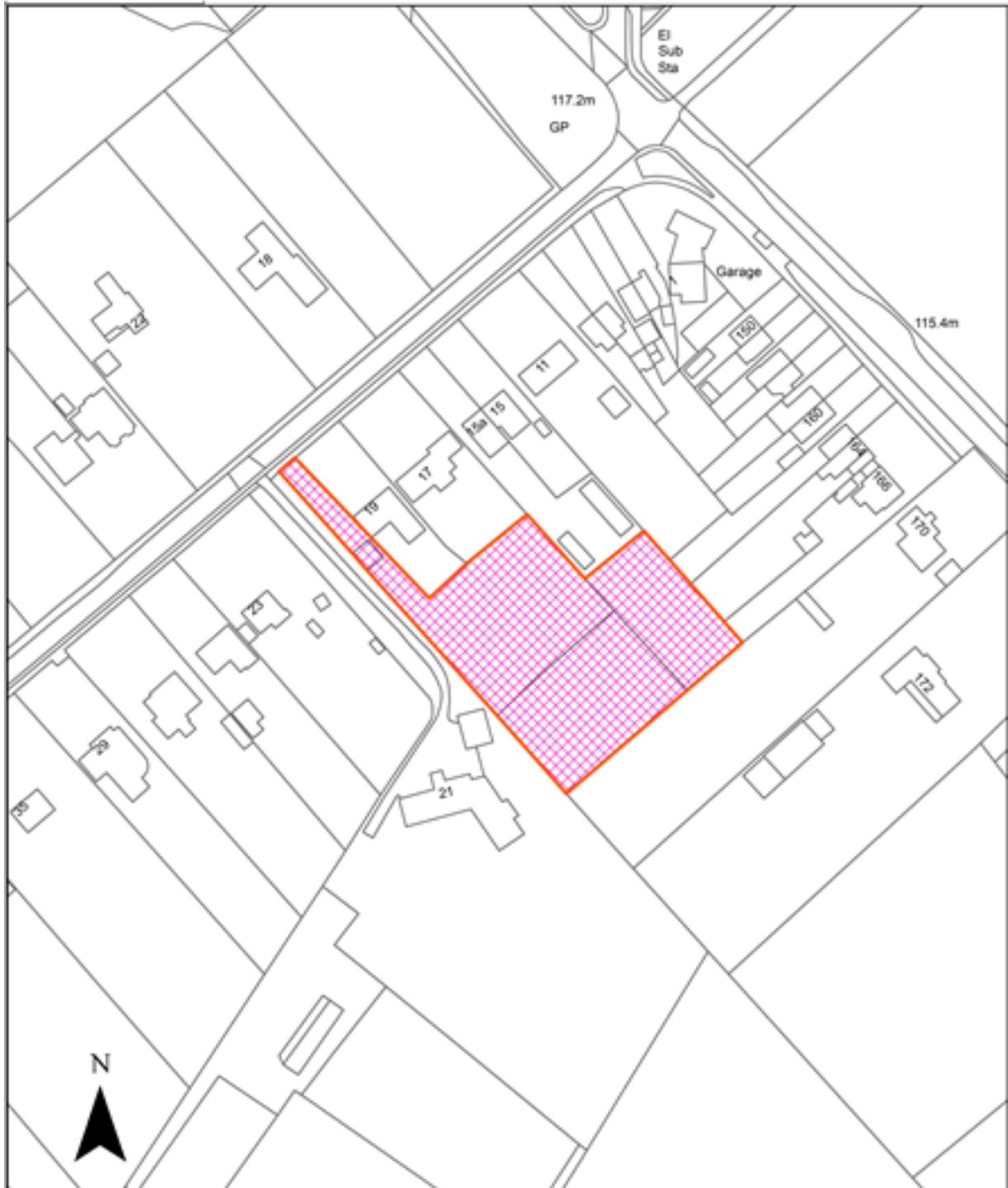
In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186 - 187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information requested related to: The 'Very

Special Circumstances' that were put forward, Efficiency, and Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise including financial details/accounts and Habitat and Wildlife Surveys.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186 - 187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information requested related to: The 'Very Special Circumstances' that were put forward, Efficiency, Consideration of Alternative Forms of Renewable Energy, Financial Support for the Farming Enterprise and Farm Diversification, Carbon Emissions Reduction, Landscape and Visual Impact, and Habitat and Wildlife.



Application Number: 2016/0534
Location: 19 Kighill Lane, Ravenshead, Nottinghamshire, NG15 9HN.



NOTE:
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Report to Planning Committee

Application Number:	2016/0534
Location:	19 Kighill Lane, Ravenshead, Nottinghamshire, NG15 9HN.
Proposal:	Residential development on land to south-east of Kighill Lane to provide 16 No. 2 bedroom retirement bungalows.
Applicant:	Mr J&P Incles & Corner
Agent:	Mr George Machin
Case Officer:	David Gray

1.0 Site Description

- 1.1 The application site relates to an area of residential garden land associated with no.19 Kighill Lane and areas of paddock land to the rear of no's 15, 15a, 17 and 19 Kighill Lane. The site measures approximately 0.5 hectares with access adjacent to the south side boundary of no.19 Kighill Lane and north of no.23 Kighill Lane. The application site is located within a ribbon of residential properties on the south eastern side of Kighill Lane, outside of the defined perimeter of Ravenshead Village envelope and within the Nottinghamshire Green Belt.
- 1.2 The site is relatively level and is bounded by a mixture of fencing, mature hedging and trees with a number of trees contained within the site.
- 1.3 Adjoining properties to the northwest on Kighill Lane are single storey dwellings which are generally well screened from the site by existing boundary treatments. The east of the site is bounded by the rear gardens of two-storey dwellings fronting Longdale Lane.

2.0 Relevant Planning History

- 2.1 Outline Planning Permission for 15 no. 2 bedroom retirement bungalows, ref: 2013/1000; was refused in November 2013. The reason for refusal was as follows:
- In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development

would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012) and Policy ENV26 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

- 2.2 A subsequent appeal was dismissed by the Planning Inspectorate ref: N3020/A/13/2210324.

3.0 Proposed Development

- 3.1 Outline planning permission is sought for the erection of 16no. 2 bedroom retirement bungalows with all matters reserved with the exception of approval being sought for access.
- 3.2 Indicative layout, floorplans and elevations have been deposited with the application. The site layout plan shows indicative parking areas and landscaping.
- 3.3 An Arboricultural report, Design and Access Statement, and Planning Statement have been deposited with the application which outlines the site context, economic and planning policy context of the proposal.
- 3.4 A number of circumstances have been forwarded by the agent in support of the principle for a residential development, these are summarised below:
- There is an overwhelming and unmet need to provide retirement properties in Ravenshead;
 - Gedling Borough Council cannot demonstrate a five year land supply of housing, and the relevant policies for the supply of housing are not considered up-to-date;
 - An existing Community Public Transport Route can be extended to incorporate a bus stop adjacent to the development.

4.0 Consultations

- 4.1 Ravenshead Parish Council – Object to the application on the following grounds:

- Inappropriate, inadequate and limited access onto Kighill Lane for the large number of residents and visitors cars predicted;
- In breach of Green Belt Regulations;
- The application would breach the Ravenshead southern defensible boundary and would be contrary to the approved Aligned Core Strategy and would also be in breach of the new Local Plan Document.

- 4.2 Nottinghamshire County Council (Highways Authority) –

The access is acceptable; however, the development does not comply with adoptable standards and should remain Private under a s106 Maintenance agreement.

When submitting a Full Planning Application a bin store would be required to be located near the entrance to the site.

4.3 Nottinghamshire County Council (Policy) –

The County does not raise any strategic objections to the proposed development; however, a Preliminary Ecological Appraisal should be carried out prior to the determination of the application.

If the planning permission and conditions contained within it are explicit that the properties must be occupied by over the 55 age group in perpetuity, plus the properties cannot be occupied by children of school age, then the County would not expect education requirement to apply to the development. However, if this is not the case, then NCC would have to look at the proposal further.

In terms of libraries the proposed development is below the threshold for financial contributions.

4.4 Environment Agency –

The application represents low risk, no further comments.

4.5 Wildlife Trust – No comments received. Any comments received will be reported verbally at Planning Committee.

4.6 Natural England – No comments to make.

4.6 Arboricultural Officer –

The tree report is adequate for this stage of the planning application, but additional information such as the associated Arboricultural Method Statement relating to protection methods would be required for retained and neighbouring trees.

4.7 Planning Policy –

The National Planning Policy Framework and Policy A of the Aligned Core Strategy requires that, where there is no five year land supply and the development plan is out of date, planning permission should be granted unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF as a whole; or specific policies that the Framework indicate development should be restricted. The proposal would constitute inappropriate development in the Green Belt and, as such, the applicant needs to demonstrate very special circumstances which clearly outweigh the harm to the Green Belt and any other harm.

It should be noted that the need for housing is unlikely to outweigh harm to

the Green Belt as stated in paragraph 24 of the previous appeal decision: *'In that context I have had particular regard to the Ministerial Statement dated 1st July 2013, where the Secretary of State clarified that, although each case will depend on its facts, unmet demand for housing is unlikely to outweigh harm to Green Belt and constitute the very special circumstances justifying inappropriate development.'* It is the view of Planning Policy that the additional very special circumstances would need to be demonstrated.

4.8 Strategic Housing –

Strategic Housing welcomes the proposal to develop 16 retirement bungalows at Land off Kighill Lane. As per policy requirements, there is a requirement for 30% affordable housing on this site (equating to 5 dwellings). As per the Affordable Housing Supplementary Planning Document the required tenure split is 70% rented / 30% intermediate (equating to 3 rented and 2 intermediate dwellings).

4.9 Public Protection (Scientific Officer) –

Whilst the development is unlikely to impinge on the Air Quality Management Area it is requested that the applicant is mindful of Section 124 of the NPPF; in particular sustaining compliance with and contribute towards EU limit values. It is recommended that an informative is placed on any decision encouraging the applicant to consider mitigation in the form of electric vehicle charging infrastructure.

4.10 Waste Services – No comments received.

4.11 Economic Development –

Support the application. Based on the size of the site and number of dwellings to be built the developer would need to enter into a Local Employment Agreement (LEA) with the Council. The LEA outlines the number of employment and skills related activities to be delivered during the term of the build to maximise opportunities for Borough residents. The outputs would be calculated using the value of the build.

4.12 Neighbouring Properties were notified and a Site Notice and Press Notice posted. 6 letters of representation objecting to the proposal have been received as a result and 2 letters have been received in support. The comments can be outlined as follows:

4.12.1 Objections:

- Adverse impact on the Green Belt;
- The development would be outside of the settlement boundary of Ravenshead;
- Negative impact on privacy;
- There is no requirement for retirement properties in Ravenshead;
- The village infrastructure / facilities cannot cope with more development;

- The development would be out of character with existing dwellings on Kighill Lane. Dwellings are currently set back from the highway with large curtilages;
- Additional housing would result in an increase in traffic with highway safety implications;
- Access to the site would be across a public footpath;
- The development would result in an increase in population in the local area;
- There are a number of other planning approvals for development within Ravenshead and this application would lead to overdevelopment;
- The development is some distance from facilities and the users would be reliant on car and would not promote walking, cycling or use of public transport;
- Concerns over road access to the site;
- Devaluation of property;
- The site notice was removed immediately after posting.

4.12.2 Support:

- The development would lead to the opportunity for people within large homes to downsize freeing up existing stock for families living in the area;
- This housing stock will ensure that Ravenshead remains vibrant and an attractive place to live;
- Without appropriate housing stock residents wishing to downsize may move from the area;
- The application does not adversely impact on the streetscene.

5.0 **Planning Considerations**

5.1 The application has been submitted as outline, with only the access to be determined at this stage. With the exception of the proposed access arrangements, I have treated as illustrative only the indicative layout plan, and the drawings showing elevations and floorplans of the proposed bungalows.

5.2 In my opinion the main issues in the determination of this application relate to:

- i. Whether or not the proposal would constitute inappropriate development in the Green Belt
- ii. The effect of the proposal on the openness of the Green Belt and the aims of Green Belt Policy;
- iii. If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development;
- iv. The sustainability of the location
- v. Design /Layout.
- vi. The impact on neighbouring amenity
- vii. Highway implications
- viii. Planning obligations.

Relevant Planning Policies

- 5.3 At the National level the most relevant parts of the National Planning Policy Framework (NPPF) in relation to the determination of this application are: -
- 6. Delivering a wide choice of high quality homes (Paragraphs 47 – 55);
 - 7. Requiring good design (paragraphs 56 – 68); and
 - 9. Protecting Green Belt land (paragraphs 79 – 80 and 87 – 89)
- 5.4 At local level the following saved policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant to the determination of this application: -
- Policy ENV1: Development Criteria.
- 5.5 Gedling Borough Council at its meeting on 10th September 2014 approved the Aligned Core Strategy (Part 1 Local Plan) for Gedling Borough which is now part of the development plan for the area. The following policies are relevant: -
- Policy A: Presumption in Favour of Sustainable Development;
 - Policy 2: The Spatial Strategy;
 - Policy 3: The Green Belt;
 - Policy 8: Housing Size, Mix, and Choice;
 - Policy 10: Design and Enhancing Local Identity.
- 5.6 The Local Plan Document Publication Draft (Part 2 Local Plan) for Gedling Borough was approved for publication by the Borough Council at its meeting on 20th April 2016. The public consultation ended on Monday 4th July 2016. Paragraph 216 of the NPPF sets out that from the day of publication, weight may be given to relevant policies in emerging plans according to:
- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).

Following publication it is recommended that only limited weight can be given to the Local Planning Document. The relevant policies include: -

- Policy LPD32: Amenity
- Policy LPD33: Residential Density
- Policy LPD34: Residential Gardens
- Policy LPD35: Safe, Accessible and Inclusive Development
- Policy LPD36: Affordable Housing
- Policy LPD37: Housing Type, Size and Tenure
- Policy LPD57: Parking Standards
- Policy LPD67: Ravenshead

5.7 Gedling Borough Council's Five Year Land Supply Report 2015 which shows that the Council does not have a five year supply of land for housing

5.8 Greater Nottinghamshire Landscape Character Assessment (2009) is also relevant and divides the county character into a series of 'Policy Zones' with landscape strategies.

6.0 Key Issues / Green Belt

6.0 Policy LPD67 of the Local Planning Document Publication Draft allocates three sites (H17, H18 and H19) on Longdale Lane in Ravenshead. The three sites identified in the Policy have been allocated following a site selection process. The application site forms part of one of the reasonable alternative sites (i.e. site 6/670) considered as part of the site selection process and has not been allocated in the Local Planning Document. When the Local Planning Document is adopted, the current Green Belt boundary to the north of Kighill Lane will be amended to accord with Policy 3 of the Aligned Core Strategy as housing allocation site H18 is currently in the Green Belt. It is noted that site H19 has outline planning permission (2013/0836) and the submitted Framework Layout Plan includes the development for 21 bungalows and 49 other dwellings.

6.1 There are no plans in the Local Planning Document to amend the Green Belt boundary to the south of Kighill Lane. The application site sits within the Green Belt and is not proposed to be removed. Paragraph 87 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states that the construction of new buildings is inappropriate in Green Belt, exceptions to this are the limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The exceptions do not apply and the proposal is for residential development on the Green Belt which is inappropriate. The applicant would therefore need to demonstrate very special circumstances for the residential development on the site and consideration needs to be given to whether the redevelopment of the site would have a greater impact on the openness of the Green Belt than the current development, and the purpose of including land within it.

6.2 Policy 2 of the Aligned Core Strategy promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area. The site is not within the main built up area and is close to Ravenshead, which is identified as a Key Settlement, but it is not directly adjoining.

6.3 Paragraph 47 of the National Planning Policy Framework requires local planning authorities to identify and update annually a five year supply of deliverable housing sites. The Council's Five Year Land Supply Assessment 2015 shows that against the housing requirement, the Council does not have

a five year supply of land for housing. Paragraph 49 of the NPPF states where local planning authorities cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should be considered out of date. Where policies are out of date, planning applications for residential development should be considered in the context of the presumption in favour of sustainable development contained within paragraph 14 of the NPPF. Policy A of the Aligned Core Strategy would also apply. The approach to follow in respect of decision-taking is: -

- Approving development proposals that accord with the development plan without delay; and*
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole; or*
 - *Specific policies in the Framework indicate development should be restricted.*

6.4 I note the above and consider that it is important to note that the presumption in favour of sustainable development does not apply in certain circumstances as footnote 9 in the NPPF includes restrictions which include the Green Belt. This is supported by the recent appeal APP/G1630/V/14/2229497. Thus the applicant would need to provide very special circumstances for new buildings in the Green Belt to accord with Green Belt policies.

6.5 I am mindful of the Ministerial Statement issued on 1st July 2013 which highlighted that the demand for housing would not, on its own merit, be sufficient to outweigh the harm to the Green Belt.

6.6 I am also mindful that the proposed residential development does not fall within any of the categories of development considered appropriate within the Green Belt. I am therefore of the view that the proposed development is inappropriate and is therefore, by definition, harmful to the Green Belt setting of the site.

6.7 The applicant has put forward the following circumstances in order to justify the proposed development:

Economic Context:

- The application presents a financially viable opportunity that would provide much needed retirement property that the village needs;
- The residential properties would provide affordable and quality two bed bungalows to meet specific needs;
- Ravenshead benefits from many local services and amenities and the new development would support the existing facilities and assist in maintaining the vitality and viability of the village as a whole;

Meeting Local Needs:

- It is proposed that a s106 agreement could incorporate a local

connection clause to ensure that the residential properties can only be sold to local people;

- The type and number of dwellings on the site have evolved through an evaluation of site opportunity, examination of the 2009 Housing Needs Survey for Ravenshead;
- The provision of retirement properties would allow local residents to downsize and allow release of larger family homes;
- There is a local bus service that could extend the service to incorporate the new development;
- There is an existing convenience store located at the former filling station on the corner of Longdale Lane and Kighill Lane which is in walking distance from the proposed development.

Lack of Five Year Land Supply:

- The proposed development would make an important contribution to the Five Year Land Supply. Because the Borough Council does not have a Five Year Land Supply of housing, the relevant policies for housing are not considered up-to-date. Paragraph 14 of the NPPF is therefore relevant, and there is a presumption in favour of sustainable development where permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF.

6.8 I note the arguments put forward by the agent in support of the application and in relation to the very special circumstances to support inappropriate development in the Green Belt.

6.9 I accept that the Ravenshead Housing Need Survey has identified the need for retirement properties within the village of Ravenshead and that it is difficult to identify appropriate sites within Ravenshead to meet this need. I also note the comments with regards to the contribution the proposal would make to the Five Year Supply of Land for Housing.

6.10 However, as discussed above (Para's 6.0 – 6.6), being mindful of the Ministerial Statement of the 1st July 2013 in relation to the Green Belt, which highlighted that unmet demand for housing would not on its own be sufficient to outweigh the harm to the Green Belt, I do not consider that this in itself would amount to the very special circumstances required to justify the granting of inappropriate development in the Green Belt.

7.0 The effect on openness and the aim of Green Belt Policy

7.1 The application site comprises land which is made up from what appears to be residential garden and paddock. The site is bounded by a mix of post and rail fence, together with trees and hedgerows. Whilst the existing landscaping around the boundaries of the site provides some screening, it is noted that the site is not entirely enclosed, and particularly to the south-east there are views out from the site to the land beyond. The site itself is predominantly open and undeveloped.

- 7.2 I am also of the view that, although the application site is bounded by a ribbon of residential properties which, in my opinion, has a slight impact on the open character of the Green Belt, it is situated to the south of Kighill Lane, which is considered in the Aligned Core Strategy to be the future appropriate defensible boundary for the south of Ravenshead. This boundary assists in softening the transition from the dense built up area of the village into the surrounding open countryside. I therefore consider that additional redevelopment in this area comprising 16 bungalows would further impact on the open character of the area and extend the boundary of the village envelope further to the south eroding the soft edge to the village. This would, in my opinion, consequently impact on the visual appearance of the Green Belt setting of the application site. The Green Belt serves to prevent unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Taking this into account I consider that the proposal would be contrary to the purposes of including land within the Green Belt as outlined in paragraph 80 of the NPPF.
- 7.3 I note that most of the existing dwellings on Kighill Lane and Longdale Lane have rear gardens that adjoin the application site. The dwellings and other buildings to the north-east are generally set down at a lower level and many are some distance from the application site. To the south-east the site borders an open area of land, and to the south-west is the spacious garden of no.21 Kighill Lane. Most of the application site itself remains open, with the general absence of buildings or other development.
- 7.4 The proposal is for 16 retirement bungalows. Given the location of the site and that it would be set back from Kighill Lane, public views of the scheme would be limited. Additional landscaping could assist in further limiting views to the application site from the surrounding area. However, it is my view that the erection of 16 residential dwellings on a site that is essentially undeveloped would undoubtedly have a marked effect on the openness of the site and the area, and would extend the built form in the area.
- 7.5 The NPPF advises at paragraph 79 that openness is an essential characteristic of Green Belts and the prevention of urban sprawl by keeping land permanently open is the fundamental aim of the designation. For this reason, it is my opinion; the proposal would be contrary to the aims of the NPPF, and this harm adds significantly to that arising from the inappropriate nature of the development.
- 7.6 Taking the above into account, I am of the view that harm by reason of the inappropriateness of the development is not clearly outweighed by other considerations and that very special circumstances do not exist in this instance to justify the grant of planning permission.

8.0 Sustainability of the Location

- 8.1 To assess whether the proposal is appropriate in this location consideration needs to be given to paragraphs 49 and 55 of the NPPF. Paragraph 49 outlines that housing applications should be considered in the context of the

presumption in favour of sustainable development.

- 8.2 Paragraph 55 encourages sustainable development within rural areas. New isolated homes should be avoided unless there are special circumstances.
- 8.3 Notwithstanding the impact of the proposed development upon the open character of the Green Belt, I am mindful that the site is separated from the rest of the village and some distance from the village medical practice and shops and although there is potential for a limited bus service there is no bus serving Kighill Lane at present, and the nearest regular public transport route is on the A60.
- 8.4 I note that there are a range of shops, community facilities, a leisure centre and other services within Ravenshead; however, the application site is some 1.6km away from the shops in the village and the convenience store at 1 Nottingham Road. I note that the former filling station on the corner of Kighill Lane and Longdale Lane does offer a small convenience store within walking distance; however, I do not consider the location of this store which caters only for very basic needs would weigh heavily in favour of the development being in a sustainable location as to amount to a very special circumstance. Although there is a well-lit footpath along Longdale Lane, given the location of the site relative to many of the services, and the intended occupancy of the units, it is not my opinion that future occupants would meet their day-to-day requirements without reliance on the private car, or that they would generally make use of the existing facilities in the village.
- 8.5 I am therefore of the view that the site is not in a sustainable location, where the proposal would enhance or maintain the vitality of rural communities in accordance with paragraph 55 of the NPPF. Although not a determining factor, if future residents were unable to drive, they could feel isolated in this location, which would not accord with the NPPF's objective of providing inclusive and mixed communities.

9.0 The Principle of the layout design and appearance of the proposed development

- 9.1 The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.
- 9.2 Criterion a. and c. of Policy ENV1 of the RLP are also relevant in this instance. Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. Policy 10 of the ACSSD looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.

- 9.3 I note that the application is outline with just the matter of access to be determined at this time. Although matters of appearance, landscaping, layout and scale are reserved for future determination, an indicative site layout and elevation and floor plans have been deposited with the application which I consider would set the parameters of the development for a future reserved matters application.
- 9.4 I am satisfied that the application site is capable of accommodating the proposed dwellings of the specified dimensions. However, I have concerns that the density and indicative layout of the proposed development does not reflect the pattern of development in the immediate area which is predominantly detached dwellings on larger plots with large garden areas. Whilst only at outline stage I consider that the density proposed and the indicative layout would be to the detriment of the pattern of development in immediate area.
- 9.5 I am satisfied, however, that the scale and bulk of the proposed single storey dwellings, as outlined in the elevation and floor plans, would respect the amenity of neighbouring properties and would not result in any undue impact in terms of overlooking, overbearing or overshadowing.
- 9.6 I therefore consider that the indicative details deposited with the application accord with the NPPF, policies ENV1, H7 and H16 of the RLP and Policy 10 of the ACS. However, these are matters whose effects are neutral and do not weigh in favour of the scheme.

10.0 Residential Amenity

- 10.1 Criterion b. of Policy ENV of the RLP is relevant in this instance and states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general.
- 10.2 Criterion f) of Policy 10 of the ACSSD relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.
- 10.3 I am satisfied that as shown on the indicative layout and given the indicative dimensions of the dwellings, the proposed development would not result in any material overbearing or overshadowing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings.
- 10.4 I therefore consider that the indicative details deposed with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the ACS.

11.0 Highways Implications

- 11.1 Criterion c. of policy ENV1 of the RLP requires that development should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. Policy T10 of the RLP also requires

that in considering proposals for new development reference will be made to the Highway Authority's highway design and parking guidance.

- 11.2 I note that the Highway Authority considers the revised proposed access and visibility splays are acceptable. I therefore consider that the proposal would accord with Policy ENV1 T10 of the RLP.
- 11.3 I also consider the indicative scheme would provide a satisfactory level of off street parking provision in accordance with the adopted Parking Provision for Residential Development SPD.

12.0 Planning Obligations

Education

- 12.1 I note the comments from Nottinghamshire County Council with regards to education contributions. If the planning permission was forthcoming conditions contained within it would be expected to be explicit so the properties would be occupied by over the 55 age group in perpetuity, and the properties could not be occupied by children of school age. If this was the case the County would not expect education requirement to apply to the development.

Affordable Housing

- 12.2 Given that 16 dwellings are as per policy requirements, there would be a requirement for 30% affordable housing on this site (equating to 5 dwellings). As per the Affordable Housing Supplementary Planning Document the required tenure split would be 70% rented / 30% intermediate (equating to 3 rented and 2 intermediate dwellings).

Open Space

- 12.3 Policy R3 of the RLP requires that on residential development sites of 0.4Ha a minimum standard of 10% local open space should be provided to serve that development which will be secured through planning conditions or negotiation of a S106. Provision will be made either within the development or through a financial contribution to the Local Authority to provide facilities on or off site or to enhance nearby local facilities nearby.
- 12.4 Although the applicant has confirmed willingness in the planning statement to enter into such agreements, given my significant concerns in relation to the inappropriateness of the proposed development within the Green Belt and that very special circumstances have not, in my opinion, been demonstrated to justify the proposal, I do not consider that it would be reasonable to pursue these matters further.

13.0 Other considerations

- 13.1 I note the comments received in representation with regards to the devaluation of existing premises, however, I do not consider this would carry

significant material weight to warrant a refusal of this application.

- 13.2 I also note the comments received with regards to the Site Notice being removed from the site prior to the consultation period ending, however, adjoining properties to the application site were consulted by individual letters and I consider that the statutory procedures have been followed in this instance.

14.0 Conclusion

- 14.1 Although I note that there is a need for retirement properties within Ravenshead, as identified within the Ravenshead Housing Need Survey, and the principle of the development may be acceptable in terms of design, scale, layout, I only attach limited weight in terms of meeting housing needs and consider the other benefits claimed to be less than significant, or essentially neutral.
- 14.2 Whilst the benefits of meeting housing needs would accord with national planning guidance, the NPPF makes clear that planning proposals are to be judged against all the relevant policies it contains. Those policies include very strict control over development in Green Belts necessary to ensure their protection. In that context I have had particular regard to the Ministerial Statement dated 1st July 2013 where the Secretary of State clarified that, although each case will depend on its facts, unmet housing is unlikely to outweigh harm to the Green Belt and constitute the very special circumstances justifying inappropriate development.
- 14.3 Having considered all matters raised by the agent in support of the proposal, it is my opinion that very special circumstances have not been evidenced to demonstrate that there are material considerations which amount to the very special circumstances which would outweigh the harm that has been identified in relation to the Green Belt.
- 14.4 Whilst the agent has indicated willingness to enter into a legal agreement given the conclusions in relation to the Green Belt and the inappropriateness of the development I have not found in necessary to pursue this matter further.
- 14.5 For the above reasons, and having regard to all other matters raised, it is my opinion that the scheme is not the sustainable development for which the National Planning Policy Framework indicates there should be a presumption in favour. I therefore consider that the application should be refused.

Recommendation:

REFUSE OUTLINE PLANNING PERMISSION

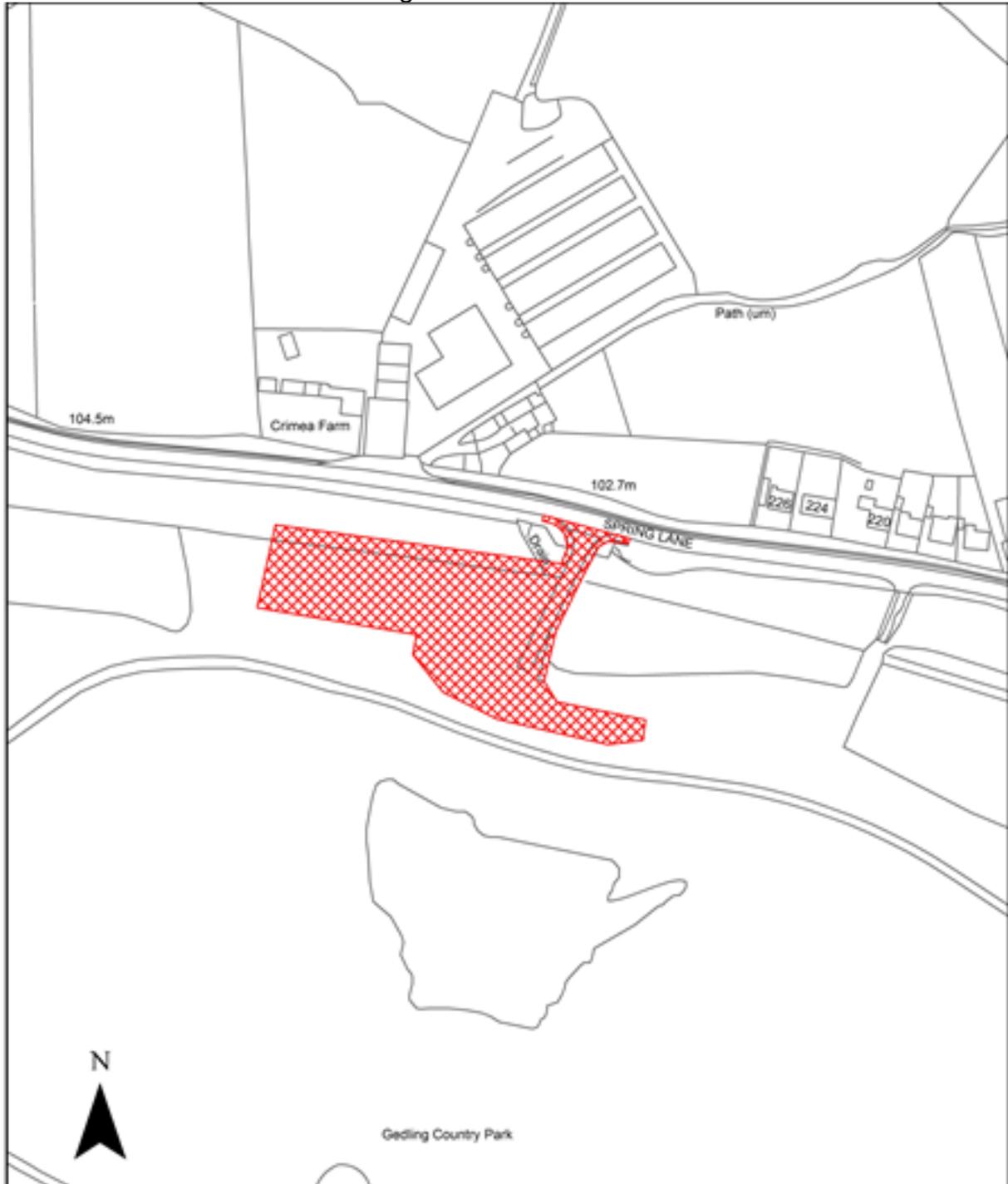
1. In the opinion of the Borough Council, the proposed development would constitute inappropriate development in the Green Belt by virtue of not serving

the five purposes of land within the Green Belt. Therefore, in the absence of any very special circumstances the proposed development would, by definition, be harmful to the Green Belt contrary to the guidance contained within the National Planning Policy Framework (2012).

2. By virtue of its isolated location any residents would be naturally inclined to be heavily reliant on private motor vehicles to access services and facilities. It is the opinion of the Borough Council that the development would therefore not represent sustainable development, contrary to paragraph 55 of the National Planning Policy Framework.
3. In the opinion of the Borough Council the high density of the proposed development would not reflect the pattern of development in the immediate surrounding area and would not add to the overall quality of the area enhancing local identity. The proposal is therefore contrary to Section 7 of the NPPF and Policy 10 of the Aligned Core Strategy (September 2014).



Application Number: 2016/0788
Location: Gedling Country Park, Spring Lane, Gedling, 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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Report to Planning Committee

Application Number: 2016/0788

Location: Gedling Country Park, Spring Lane, Gedling,
Nottinghamshire.

Proposal: Erection of Visitors Centre for Country Park (sui generis) comprising Cafe and WC building; associated landscaping and external works; new paths; foul and surface water drainage provision; site lighting; external air source heat pump condenser compound; and removal of trees. Creation of 36 space car parking and 2 space coach parking and turning, retention of existing 64 space car parks.

Applicant: Mr David Wakelin

Agent: Mr Mike Harrison

Case Officer: David Gray

This application is being brought to Committee due to the applicant being Gedling Borough Council.

1.0 Site Description

- 1.1 The application site relates to an area of land within the car park serving the Gedling Country Park, the site of the former Gedling Colliery which covers an area of approximately 110 hectares. The Country Park provides a number of recreational facilities such as picnic areas, walks and potential play areas.
- 1.2 The main visitors' car park is accessed from Spring Lane and is sited towards the northern boundary of the site.
- 1.3 The nearest residential properties are to the north and north-west of the site.

2.0 Relevant Planning History

- 2.1 2015/1228 – To allow the installation of a climbing unit in the Junior Play area at Gedling Country Park, off Spring Lane, Gedling. Conditional Permission 26/11/2015
- 2.2 2015/0954 – Create snack van hardstanding area in Gedling Country Park. Conditional Permission 20/10/2015

- 2.3 2014/0650 – To allow the change of use of land from public car park (sui generis) to a pitch for the siting of an ice cream van (A1 use). Conditional Permission 10/07/2014
- 2.4 2012/1456 – Creation of a country park, including a new access road, car park for 40 spaces and surfaced paths. Conditional Permission 11/04/2013

3.0 Proposed Development

- 3.1 This application seeks consent for the erection of a Visitors Centre within Gedling Country Park. The building would be located to the north of the Country Park, near to the existing car parking areas accessed from Spring Lane. The building would have two 'blocks' (east and west) connected by a roof canopy. The internal floor area of the Centre would be 278m², with a maximum height from ground level 5.2m.
- 3.2 A café and WC facilities would be provided within the Visitor Centre. An outside seating area for the Café would be created to the southern and eastern elevations of the development.
- 3.3 Associated landscaping and groundworks are proposed to allow safe access and egress for users of the Centre. Also proposed is a 36no space car park to the north of the existing car park, as well as coach parking and turning facilities for a maximum of 2no coaches.
- 3.4 The proposed development would relocate the height restriction barrier to further within the site. The height restriction would only be lifted when coaches are entering the site.

4.0 Consultations

- 4.1 Neighbouring properties were notified and 2no Site Notices were posted near to the site. A press notice was also published.

Three representations have been received to date, one being a duplicate. Comments can be outlined as follows:

- Insufficient screening from car parks resulting in overlooking to neighbouring properties. Layout of new car park is deceptive and suggests there is plenty of vegetation, this is not the case.
- Increase of noise from users of the Country Park, nearby building work and traffic
- Peace and tranquillity of the Park will go out of the window
- Dog walkers, runners etc. have a perfectly good time without the need for somewhere to sit and eat
- More of the Park will be sacrificed for ever-increasing parking needs
- If government is serious about tackling obesity crisis – proliferation of cafes has to stop.
- Proposals will turn Gedling Country Park into something resembling

Rufford Country Park – overcrowded, noisy, commercial venture with nothing much of ‘country’ left about it

- Proposed visitor centre is about making money dressed up as ‘essential’ community facility and that any implications for the environment, local residents and also the wildlife are of no consequence.
- The erection of a Visitor Centre and Café will take away the simple and unspoilt beauty of this Park
- Coach parking would exacerbate the situation [of number of people visiting the Park] – coach facilities for two coach only, what if third coach arrives?
- Entrance gate to be repositioned – provision to prevent Travellers, caravans and vehicles entering the site
- Elaborate and expensive project, money would be better spent on enhancing the existing natural environment
- Bind weed and reeds in lagoons are becoming a growing problem which needs to be addressed.

4.2 Natural England - no objection;

The proposal is unlikely to affect any statutorily protected sites or landscapes.

It is considered the area could benefit from enhanced green infrastructure (GI) provision and would encourage the incorporation of this into the development.

Apply Natural England Standing Advice for impacts on protected species.

4.3 Public Protection – Scientific Officer –

(Phase I and Phase II) no objection subject to conditions being attached to favourable recommendation;

Remediation Statement to be submitted outlining the final design of the ground gas protection measures, standard condition to be attached to favourable recommendation,

With regard to the gas protection measures, ensure that membranes have been correctly installed and verified before the final floor finish has been applied

4.4 Nottinghamshire County Council Landscaping – no objections;

Visual impact would be negligible, main visual impact would be to users of the Country Park. During construction, visual impact would be moderate/major adverse reducing to negligible on completion.

Proposed new car park is well screened by the landform to the south, trees to the north and will be screened from the west by the proposed new planting.

Proposed development is in line with the recommended Landscape Actions

for Policy Zone MN043 in the Mid Nottinghamshire Farmlands character area. Detailed planting proposals should be provided as a planning condition – native species should be used.

Removal of trees/vegetation should be outside the bird nesting season. Arboricultural assessment should include a method statement for the protection of trees during construction and a plan showing the root protection areas/fenced areas.

Drainage strategy report/drawing should include cross sections of how attenuation system will be constructed.

4.5 Nottinghamshire County Council Landscape and Reclamation Team –

I would request that the Phase I Desk Study and the Drainage Strategy referred to in the Design and Access Statement is supplied, the latter as I have concerns regarding the location of the suds water feature on the southern slope of the visitor centre, the discharge of the surface water runoff feature *should be...*

Our usual comment regarding the potential for unexpected contaminated material being encountered during site excavations stands and is supported by a caveat in the report.

The application is supported subject to the comments made above and subject to receiving a satisfactory Desk study and Drainage Strategy documents

4.6 Gedling Borough Council Waste Services – no comments

4.7 Environment Agency – no objections, the site has few constraints as it falls within Flood Zone 1 therefore the Lead Local Flood Authority should be consulted on surface water drainage arrangements. It should be noted that the proposed package treatment plant may require an environmental permit.

4.8 Nottinghamshire County Council Forestry Officer – no concerns regarding the loss of low value trees identified within the site would require Arboricultural Report before passing further comment.

4.9 Nottinghamshire County Council Ecology – the site is not covered by any nature conservation designations.

The application is supported by an Ecological Appraisal, dated July 2016. Unfortunately, the survey area does not cover the whole of the application site, with the proposed area of new car parking omitted (although marked on the Phase 1 Habitat Plan); no explanation is provided for this in the survey report.

Notwithstanding this omission, the following is noted:

The application site supports a range of habitats, including semi-improved

neutral grassland (of moderate diversity), semi-natural and plantation broad-leaved woodland, scrub, hedgerows and trees. It is assumed that the grassland area coinciding with the location of the new car park and omitted from the survey area is similar in character to the other grassland within the survey area.

Proposals will result in losses to semi-improved neutral grassland and scrub, and small areas of woodland.

No evidence of protected species was found on the survey area, although as already noted, part of the application site was not covered by surveys. The site has some potential to support reptiles, notable invertebrates (including dingy skipper butterfly) and foraging bats.

The following mitigation measures relating to species should be secured through condition(s):

- The control of vegetation clearance during the bird nesting season (which runs from March to August inclusive)
- The production of Precautionary Methods of Working in relation to reptiles, prior to commencement (as recommended in section 4.28 of the Ecological Appraisal).
- The creation of replacement habitat for dingy skipper (see below)
- A pre-commencement walkover survey to confirm that the site remains free of any badger activity (noting that badgers occur elsewhere on site and could therefore colonise the application site).
- The production of a detailed Lighting strategy, to accord with the recommendations made in section 4.14 of the Ecological Appraisal, and the Bat Conservation Trust's 2014 publication '*Artificial lighting and wildlife – Interim Guidance: Recommendations to help minimise the impact of artificial lighting*'

In terms of mitigating against habitat loss, and also delivering ecological enhancement, the following should also be secured through condition(s):

- The use of temporary fencing to protect trees and other retained vegetation during construction.
- The production of a detailed Landscaping Scheme, to include species mixes, establishment methods and maintenance regimes, and to ensure the use of native species of tree and shrub, appropriate to the local area, as well as wildflower seed mixes and wetland planting. It is suggested that the 'Picnic Meadow' is seeded with a 'flowering lawn' mix which will provide an attractive area tolerant of regular mowing.
- A Habitat Creation Strategy, to cover -

The salvage and temporary stockpiling of the top 100mm of low-nutrient, seed-bearing substrate in all areas to be affected by the development that currently support semi-improved neutral grassland;

- The creation of a south-facing 'butterfly bank' using surplus soils (see also below), topped with the aforementioned substrate, along the northern side of the new car parking, to provide replacement dingy skipper habitat

4.10 Gedling Borough Council (Planning Policy) –

No objections provided Development Management are satisfied with that the design of the proposals meet the requirements of Policies LPD ENV1 and LPD 35 and does not result in a significant adverse visual impact or significant adverse impact on the landscape character in line with ACS Policy 1 and LPD Policy 19.

4.11 Nottinghamshire County Council (Highways Authority) –

Section 5.1.6 of the Transport Statement predicts that there would be no significant increases in vehicles; however there is no empirical data provided which sets out to support this claim. Also, there are an additional 36 spaces being provided to serve the site, so unless the existing parking provision is running well above capacity, this would indicate that there would be a significant increase in vehicles predicted.

Section 5.1.7 goes on to say that as significant increases are not predicted, no further assessment of the site or junction was carried out. The Highway Authority is of the opinion that there should be further assessment of the likely highway related implications to ensure that the appropriate type of junction is proposed, and also to ensure that the proposal would not have any detrimental impacts on highway safety.

The vehicle flows to and from the site is currently being recorded using an automated traffic counter. The data from this indicates that the peak hour vehicle flows are in excess of that contained in the section 5.1 of the Transport Statement, sometimes over twice as much as the predicted figure. This contradicts section 5.1.6 of the Transport Statement which indicates that the TRICS predictions for vehicle generation are likely to be an over estimation.

The existing vehicle flow data provides an accurate basis of the existing situation, and will be obviously much more precise to the site compared to the TRICS analysis. In view of this, we consider that this should form the base-line when assessing the likely implications associated with the development.

Taking into account the above, the Highway Authority is of the opinion that the junction needs further assessment as there is unsatisfactory data and analysis on the potential increase in vehicle generation to assess the likely implications associated with the proposal.

Further to the comments above the applicant has commissioned a Transport Planner to do a snap count, during the parks busiest times to assess the following:

- Speed of traffic on Spring Lane
- Number of vehicles turning into the site
- Number of vehicles travelling down Spring Lane.

5.0 Assessment of Application and Planning Considerations

5.1 The application site is part of the Gedling Colliery Park (Policy ENV44) as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (2005).

5.2 National Planning Policy

5.3 The following core planning principles of the National Planning Policy Framework are relevant to this planning application:-

- 7. Requiring good design (paragraphs 56-68)
- 8. Promoting healthy communities (paragraphs 69-78)
- 11. Conserving and enhancing the natural environment (paragraphs 109-125)

5.4 The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2014) are relevant to this planning application:-

- ENV1: Development Criteria
- ENV43: Greenwood Community Forest
- ENV44: Gedling Colliery Park
- R1: Protection of Open Space.

5.5 Aligned Core Strategy

The Aligned Core Strategy was adopted in 2014 and it is considered that the following policies are relevant:

- Policy 1: Climate Change
- Policy 10: Design and Enhancing Local Identity
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity.

5.6 The Local Planning Document

5.7 The Local Planning Document (LPD) for Gedling Borough was approved for publication by Council at its meeting on 20th April 2016 and was published for a six week consultation on 23rd May 2016 ending on 4th July. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:

- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections (the less

significant the unresolved objections, the greater the weight that may be given); and

- The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).
- Following publication and prior to the consideration of all comments received it is recommended that only limited weight can be given to the LPD.

Relevant policies in the LPD include:

- LPD 4 Surface Water Management
- LPD 19 Landscape Character and Visual Impact
- LPD 20 Protection of Open Space
- LPD 23 Greenwood Community Forest and Sherwood Forest Regional Park
- LPD 32 Amenity
- LPD 35 Safe, Accessible and Inclusive Development

5.8 The main planning considerations in the determination of this application are:

- The Principle of Development / Proposed Use;
- Transport and Highways;
- Nature Conservation / Ecology;
- Local Landscape and Visual Impact;
- Contamination;
- Cultural Heritage;
- Local Residents / Amenity
- Surface Water Drainage
- Public Benefit

6.0 The Principle of Development / Proposed Use

6.1 The planning application is for the erection of a Visitor Centre for the recently opened Gedling Country Park comprising a café and WC; landscaping and external works; new paths; surface water drainage provision; site lighting; and the creation of a 36 space car park.

6.2 The Country Park was granted planning permission in 2012 (2012/1456) and is now open to the public. The planning application for the Country Park submitted in 2012 included a masterplan showing the location of a potential new Visitor Centre but planning permission was not sought at that stage.

6.3 The application site is part of the Gedling Country Park (Policy ENV44) as identified on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). ENV44 sets out the Gedling Council would work with Greenwood Community Forest Partnership to provide public open space at Gedling Colliery. Policy ENV43 of the GBRLP looks to secure new tree or woodland planting as part of the development. LPD Policy 23 states that planning permission will be granted for development which supports the aims and objectives of the Greenwood Community Forest.

- 6.4 Policy 16 of the ACS states that existing and potential green Infrastructure corridors and assets should be protected and enhanced. The Policy identifies the Urban Fringe areas (which include the former Gedling Colliery) as priority areas for the location of new enhanced strategic Green Infrastructure.
- 6.5 GBRLP Policy R1 and LPD Policy 21 seek to protect public open space and state that planning permission will not be granted for development although both policies list exceptions including development which would enhance or improve the recreational or sporting potential or quality of the site.
- 6.6 It is noted that the proposed Visitor Centre formed part of the overall vision and master planning of the Country Park when it obtained planning permission in 2012.
- 6.7 It is my opinion that the proposed Visitor Centre would support the use of the Country Park providing facilities and the development would enhance the parks attractiveness as a recreational destination. It is my view that the proposal therefore generally accords with the requirements of Policies GBRLP ENV1, R1, ENV43, ENV44, LPD 21 and LPD 23.

7.0 Transport and Highways

- 7.1 I note the comments from Highways Authority in relation to the submitted Transport Assessment. In light of the comments received the agent has instigated further assessment on the potential increase in vehicle generation to assess the likely implications associated with the proposal, specifically the introduction of a Visitor Centre to the Country Park.
- 7.2 I also note that the Country Park is an existing facility which generates a significant amount of traffic and the implementation of this development would increase the capacity of the car parking provision on the site with the potential to alleviate existing on-street car parking on Spring Lane during peak times of use.
- 7.3 Considerable highways works have been undertaken on the junction into the Country Park to facilitate the existing facility. The number of vehicle movements into the site is not anticipated to increase as a result of the development.
- 7.5 I am satisfied given that the junction into the site and the surrounding land is within ownership of the Gedling Borough Council, that any potential mitigation / junction improvements that would be required in light of the further assessment could be adequately provided. I am also of the opinion, given that the Country Park is an existing facility, that the increase in onsite car parking provision could be seen as a planning gain alleviating existing on street car parking problems on Spring Lane.
- 7.4 In light of the Highways Authority's comments and the further assessment that is to be undertaken by the applicant, I consider it to be appropriate to attach conditions to any approval requiring the additional data to be submitted to the

Borough Council and any mitigation required to be approved in writing prior to the development taking place.

8.0 Nature Conservation and Ecology

- 8.1 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles. Where significant impacts cannot be adequately mitigated then permission should be refused and if the proposal affects a Site of Special Scientific Interest or ancient woodland the benefits of the development would need to outweigh the harm to the nature conservation interest.
- 8.2 I note that the site is not covered by any statutory nature conservation designations. And that the application is supported by an Ecological Appraisal dated July 2016.
- 8.3 I note the comments from the County Ecologist, the site supports a range of habitats, and the proposals would result in losses to semi-improved neutral grassland and scrub, and small areas of woodland. I also note that whilst no evidence of protected species was found in the area the site has the potential to support reptiles, notable invertebrates (including the dingy skipper butterfly) and foraging bats.
- 8.4 I note that a landscape strategy has been submitted with the application which proposes further native woodland planting to screen the car park from the centre. It is my view these landscape improvements would enhance the biodiversity on the site.
- 8.5 In terms of mitigation against habitat loss, and in line with the requirements to deliver ecological enhancement, should planning permission be forthcoming I would suggest attaching appropriate conditions to cover a Landscaping Scheme, Habitat Creation Strategy and a south-facing butterfly bank as suggested by the County Ecologist.
- 8.6 I would also attach conditions relating to vegetation clearance, and the additional requirements of the ecological appraisal as advised.
- 8.7 It is my opinion, given the former use of the site as a colliery, the potential to mitigate for any adverse impacts on local wildlife and ecology, and the landscape plan requirement to mitigate for the loss of habitat and biodiversity; the proposed development could be seen as a facilitator to enhanced biodiversity where mitigation can be sought to replace and enhance any habitats that would be lost or damaged. In this regard I would attach significant weight to the ongoing ecological enhancements at the Country Park.

9.0 Design

- 9.1 Paragraph 56 of the National Planning Policy Framework refers to good

design. The design and layout of the Visitor Centre and associated development, car park and footpaths should meet the criteria set out in Policy ENV1 of the Replacement Local Plan, in particular (a) it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials, and (b) it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Whilst LPD Policy 35 can only be given limited weight it includes a number of important criteria including LPD 35 a) ii. Providing clear and safe links to existing routes and LPD 35 a) v. regarding the need to take into account the needs of all users.

- 9.2 Paragraph 69 of the NPPF states that planning should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 9.3 The proposed visitor centre would be orientated so the main entrance addresses the primary route from the existing car park and the main footpath around the site. A new accessible stepped path would lead visitors to the main entrance. Landscaped beds either side of the approach would signpost the entrance and provide wildlife habitats. Visitors would also be able to follow informal routes down the proposed grass slopes around the building.
- 9.4 The design of the visitor centre would incorporate a stepped terrace constructed of stone filled gabions which would rise out of the ground to the east of the proposed café. The terrace would face a new children's play area and would provide formal and informal seating areas. There would be an external serving hatch to allow visitors to purchase refreshments without having to enter the building allowing supervision of children and bicycles etc. To the north of the visitor centre a poor quality tree would be removed and the existing grassland would be re-landscaped to improve the setting of the building on the approach from Spring Lane and the view from the terrace. South of the building the existing ground would be regraded to provide a level terrace below the canopy. This area would have vistas over the park over planting around the new surface water drainage catchment and the tree line. The ground to the west of the building would be cut away to set the building into the site behind a stone filled gabion retaining wall.
- 9.5 The building itself was conceived as a reflection of the site's past and future. It would comprise two angular blocks clad in dark grey cladding reminiscent of the coal formally mined on the site. The cladding would be arranged in a geometric pattern similar to the crystalline patterns found on the surface of coal. Each block would have slightly different functions, the eastern block housing the proposed café and the western the WC's.
- 9.6 A number of deeply recessed openings are set into the blocks for the large

external doors and windows. All would be fitted with security shutters. Linking the two blocks would be a glazed element forming the main entrance designed so visitors can see through this element into the Country Park. Over sailing the main entrance would be a large canopy supported on subtly canted columns. This canopy would follow the existing slope appearing to float above the blocks. Covering the structure are dark grey corrugated fibre cement sheets with the underside softened by being clad in timber board. Photovoltaic panels are proposed on the south facing canopy to supply the building with its energy needs.

- 9.7 Having considered the overall design of the proposal I consider that an imaginative contemporary building as proposed is appropriate for the Country Park and its setting with the landscaping proposals helping to integrate the building within its surroundings. The building would act as a focal point and would make best use of vistas over the country park. I also consider that access to a facility such as this would reflect the broad aims of paragraph 69 of the NPPF, encouraging inclusive communities with high quality public space which would encourage the active and continual use of the Country Park.

10.0 Local Landscape and Visual Impact

- 10.1 Policy 10 of the Aligned Core Strategy and LPD 19 state that new development should protect, conserve or enhance landscape character in line with the Landscape Character Assessment. The application site falls within the Policy Zone MN013 – Gedling Colliery Green Space as identified in the Greater Nottingham Landscape Character Assessment (2009). The Landscape Character Assessment provides information on the ‘strength of character’ and ‘landscape condition’ of each Policy Zone. The ‘strength of character’ of a Policy Zone takes account of (i) the sense of place (ii) the distinctiveness of the pattern of features (iii) the quantity of distinctive features, and (iv) historic patterns of features and features that may have declined. The ‘landscape condition’ considers the state or intactness of landscape features and judgements have been made as to how the identified characteristics have a positive influence on the landscape. For Policy Zone MN013 Gedling Colliery Green Space, the landscape condition is defined as ‘moderate’ and the landscape character is ‘weak’.
- 10.2 The overall landscape strategy is ‘enhance and restore’ and it is recommended to:
- enhance and integrate the restored colliery spoil heap into adjacent open space through new linear planting;
 - conserve and enhance the woodland planting on the restored land and promote new planting to integrate the area into the surrounding landscape;
 - conserve and enhance the woodland surrounding the recreation ground and golf course to strengthen the enclosed wooded character of green space;
 - enhance the disused railway track through management of the vegetation to ensure it fulfils its potential as a distinctive feature;

- conserve and enhance the long views from the higher grounds, using the highest land as a managed vantage point;
- conserve and enhance the condition of the hedgerows which surround the rough grassland fields through careful management and replacement planting where gaps are appearing;
- ensure development is in keeping with the existing character of built form including heights and materials;
- ensure new development does not protrude above the colliery tip to ensure it remains indistinct within the wider landscape.

- 10.3 I note the comments from the County Landscape Department who assess the overall visual impact of the proposal as being negligible with the main impacts remaining local to the users of the Country Park.
- 10.4 I also consider that the development of the proposed car park would be well screened by the landform to the south, the proposed trees to the north and would be screened from the west by proposed new planting.
- 10.5 The landscape was historically defined by the former coal mining use and the Country Park has now been established in this location. There would be limited views to the Visitor Centre from outside the Country Park location but I consider the design would complement its setting.
- 10.6 In light of the above considerations, it is my opinion that whilst the proposal would introduce a new building, the proposal would complement the existing landscape character and the proposed detailed design and landscaping would help integrate the building into its wider setting.

11.0 Contamination

- 11.1 Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.
- 11.3 Section 11 of the NPPF states at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.
- 11.4 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.
- 11.5 I note that public protection raise no objection to the proposal subject to

conditions. Should planning permission be forthcoming, in light of the above policy considerations, conditions requesting a remediation statement outlining the final design of the ground gas protection measures, and the specification for installing and verifying the installation measures before development is commenced would be attached to any approval.

12.0 Cultural Heritage

- 12.1 The NPPF has a number of core principles at paragraph 17, one of which states that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. It is my opinion the development would not affect the setting of any listed buildings or locally listed buildings given the significant distances to the designated assets.

13.0 Local Residents / Amenity

- 13.1 I note the comments from neighbouring residents and with regards to obesity and the increased usage of the park.
- 13.2 In paragraph 15.0 below, the merits of the proposal in terms of Public Benefit are discussed. It is my opinion the benefits to the community relate to the increased access and the continued long term viability of the Country Park making an important contribution to the health and wellbeing of the community, the Visitor Centre would also assist in supporting the provision and expansion of tourist and visitor facilities. In this regard, it is considered that the proposal has the potential to contribute positively for the benefit of the community.
- 13.3 I note the comments with regards to the peace and tranquillity of the park being compromised, however, the Country Park is an existing public open space and the Visitor Centre is proposed to serve the existing users. In light of this I do not consider that the development would result in a significant increase in noise and disturbance. I also consider that the proposal would support the existing Country Park and encourage a wider range of people to benefit from the facility.
- 13.4 I note the comments with regards to the potential environmental and ecological impacts of the proposal on Wildlife. However, I am satisfied that ecological impacts have been addressed and the proposed landscape scheme would introduce benefits for the long term biodiversity of the site.
- 13.5 I note the comments with regards to public money being spent in other areas however; I do not consider this to be a planning matter that would warrant a refusal of this application.
- 13.6 I note the comments with regards to the height restriction; however, the barrier shall only be lifted when required for the access of coaches. At all other times the height restrictions would still be in place.

14.0 Surface Water Drainage

- 14.1 The site is not located with a flood risk area, however, the Environment Agency Surface Water Flood Map indicates that the former Gedling Colliery site given its topography has a number of surface water flow routes and the proposal should incorporate sustainable drainage systems and features in accordance with ACS Policy 1 and LPD Policy 4 in order to control surface water runoff.
- 14.2 I am satisfied that a suitable drainage system can be provided to deal with the risks involved. Should planning permission be forthcoming, in light of the above policy consideration, conditions would be attached to any approval requiring the submission of a suitable surface water drainage scheme to be submitted and approved prior to the development commencing.

15.0 Public Benefit

- 15.1 At the heart of the NPPF there is a presumption in favour of sustainable development with paragraph 28 addressing development in rural areas. There is a strong emphasis on the need to assist economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. Paragraph 28 states inter-alia: - 'To promote a strong rural economy, local and neighbourhood plans should: - ... support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.'
- 15.2 Paragraph 73 of the NPPF sets out that access to high quality open spaces can make an important contribution to the health and wellbeing of communities. Paragraph 74 goes on to identify that existing open space should not be built on unless:
- An assessment has been undertaken which clearly shows the open space to be surplus to requirements; or
 - The loss would be replaced by equivalent or better provision; or
 - The development is for alternative sports and recreation provision.
 -
- 15.3 Policy 16.4 of the ACS also sets out that open space should be protected from development. Exceptions may be made where the development is a small part of the Green Infrastructure network and will not be detrimental to its function. Exceptions may also be made where the open space is underused or undervalued. Alternative scheme designs that have no or little impact should be considered before mitigation is provided. Significant weight should be given to ACS Policy 16.
- 15.4 Replacement Local Plan Policy R1 identifies that planning permission will not be granted for development on open space. It also sets out a number of exceptions to this. While none of the exceptions are directly relevant to Country Parks it is considered that the provision of a Visitor Centre within a

Country Park can be supported subject to there being no conflict with the use or enjoyment of the park. I note that the proposed development would be sited on an area between the existing car park and Spring Lane and the area immediately south of the existing car park and in my view the impact on the Green Infrastructure would be minimal given that landscaping and ecology are relatively recent following the colliery closure in 1991. Whilst a small number of trees would need to be removed both in relation to the new building and in the positioning of the new car park it is proposed to introduce a landscape scheme and carry out compensatory planting. The new planting and landscaping would assist in enhancing biodiversity and would be in accordance with ACS Policies 16 and 17.

- 15.5 It is my opinion that the physical development of the Visitor Centre and associated infrastructure would have a negligible impact on the enjoyment of the wider park and on the provision of open space. I also consider that the improvements sought through the scheme would further enhance the green infrastructure of the park and improve access for all the community.
- 15.6 It is my opinion that the proposal would represent sustainable development in line with the guidance contained within the NPPF and significant weight should be attached to the benefits to the local community. The benefits to the community relate to the increased access and the continued long term viability of the Country Park making an important contribution to the health and wellbeing of the community, the Visitor Centre would assist in supporting the provision and expansion of tourist and visitor facilities. In this regard, it is considered that the proposal has the potential to contribute positively for the benefit of the community.

16.0 Conclusions

- 16.1 At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - Specific policies in this framework indicate the development should be restricted.
- 16.2 In light of the considerations given above in relation to :
- The Principle of Development / Proposed Use;
 - Transport and Highways;
 - Nature Conservation / Ecology;
 - Local Landscape and Visual Impact;
 - Contamination;
 - Cultural Heritage;
 - Local Residents / Amenity

- Surface Water Drainage
- Public Benefit

16.3 I consider that, on balance and taking into account the benefits that would be generated as a result of this proposal, that it would constitute sustainable development. Given the considerations set out in sections 6.0 – 15.0, above, I consider that it has been demonstrated that on balance the planning impacts have been addressed, are outweighed by the public benefits that result from the scheme, and therefore the impacts of the proposal have been made acceptable.

Recommendation:

GRANT CONDITIONAL PLANNING PERMISSION

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 strictly in accordance with the plans and application forms received on 5th July 2016, document no's: Design and Access Statement (First Issue 05/07/2016); Arboricultural Assessment (July 2016); Ecological Appraisal (July 2016); Non-residential Mining Report (51001175308001); Transport Assessment (TPLE61348); Proposed Site Plan (3100_12_rev C); Block Plan (3100_11_rev C); Site location drawing (3100_10_rev C); Proposed Views (3100_16); Proposed Elevations (3100_15_rev B); Proposed Site Sections (3100_13_rev A); Landscape Strategy (1016 001) and Proposed Plans (3100_14_rev C).
3. Before development is commenced there shall be submitted to and approved by the Borough Council a Landscape and Ecological Management Plan which incorporates detailed landscape design proposals including details of planting and species types, tree protection measures and plans to show any changes to existing levels. Measures to be taken for wildlife protection and habitat enhancement should also be incorporated into the Plan such as precautionary methods of working in relation to reptiles, and a pre-commencement walkover to confirm that the site remains free of badger activity. The Landscape Scheme should include species mixes, establishment methods and maintenance regimes with the use of native species of tree and shrub as well as wildflower seed mixes and wetland planting. A Habitat Creation Strategy should detail the salvage and temporary stockpile of the top 100mm of low-nutrient, seed-bearing substrate in all areas to be affected by the development that currently support semi-improved grassland. The creation of a south-facing 'butterfly bank' using surplus soils, topped with substrate, along the northern side of the new car parking to provide replacement dingy skipper habitat. Once approved the scheme shall be implemented strictly in accordance with the approved details.

4. Before development is commenced precise details of any external lighting including proposed hours of use shall be submitted to and approved in writing by the Borough Council. The lighting scheme should accord with the recommendations made in section 4.14 of the Ecological Appraisal and the Bat Conservation Trust's 2014 publication 'Artificial Lighting and wildlife - Interim Guidance: Recommendations to help minimise the impact of artificial lighting. Once approved the lighting scheme shall then be installed and operated in accordance with the approved details at all times.
5. Notwithstanding the submitted details, before development is commenced a Transport Assessment showing the potential increase in vehicle generation at the junction to the Country Park shall be submitted to the Borough Council. The data should form the base-line when assessing the likely implications associated with the development.
6. Following the submission of the Transport Assessment required by condition 5, should the Highway Authority require mitigation measures, an improvements plan at the junction from Spring Lane to the Country Park shall be submitted to and approved in writing by the Borough Council. The improvements plan shall be implemented strictly in accordance with the approved details prior to the development being first brought into use and shall be retained as such for the life of the development.
7. In order to mitigate any potential ground gases the development should incorporate the installation of a gas / vapour protection membrane. The membrane should be installed by a suitably qualified person (i.e. NVQ level 2 Diploma in Sub-structure Work Occupations (Construction) - Installed of Gas Membranes, or equivalent), and the installation is inspected by a suitably qualified third party, before any floor finish is placed. A verification report should be submitted to the Council based on the Council's gas membrane proforma (available on request) including photographic evidence. The Verification Report should be submitted to the Borough Council for approval prior to the proposed building first being occupied.
8. Before development is commenced a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water features shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be completed strictly in accordance with the approved scheme.

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 the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
4. To ensure there is no adverse impacts on the local bat population as a result of the Visitor Centre in line with paragraph 118 of the National Planning Policy Framework (March 2012).
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In order to safeguard against the potential risks from ground conditions in accordance with ENV3 of the Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the proposed development is in accordance with the fundamental aims of National Planning Policy Framework, the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008), and the Aligned Core Strategy.

Notes to Applicant

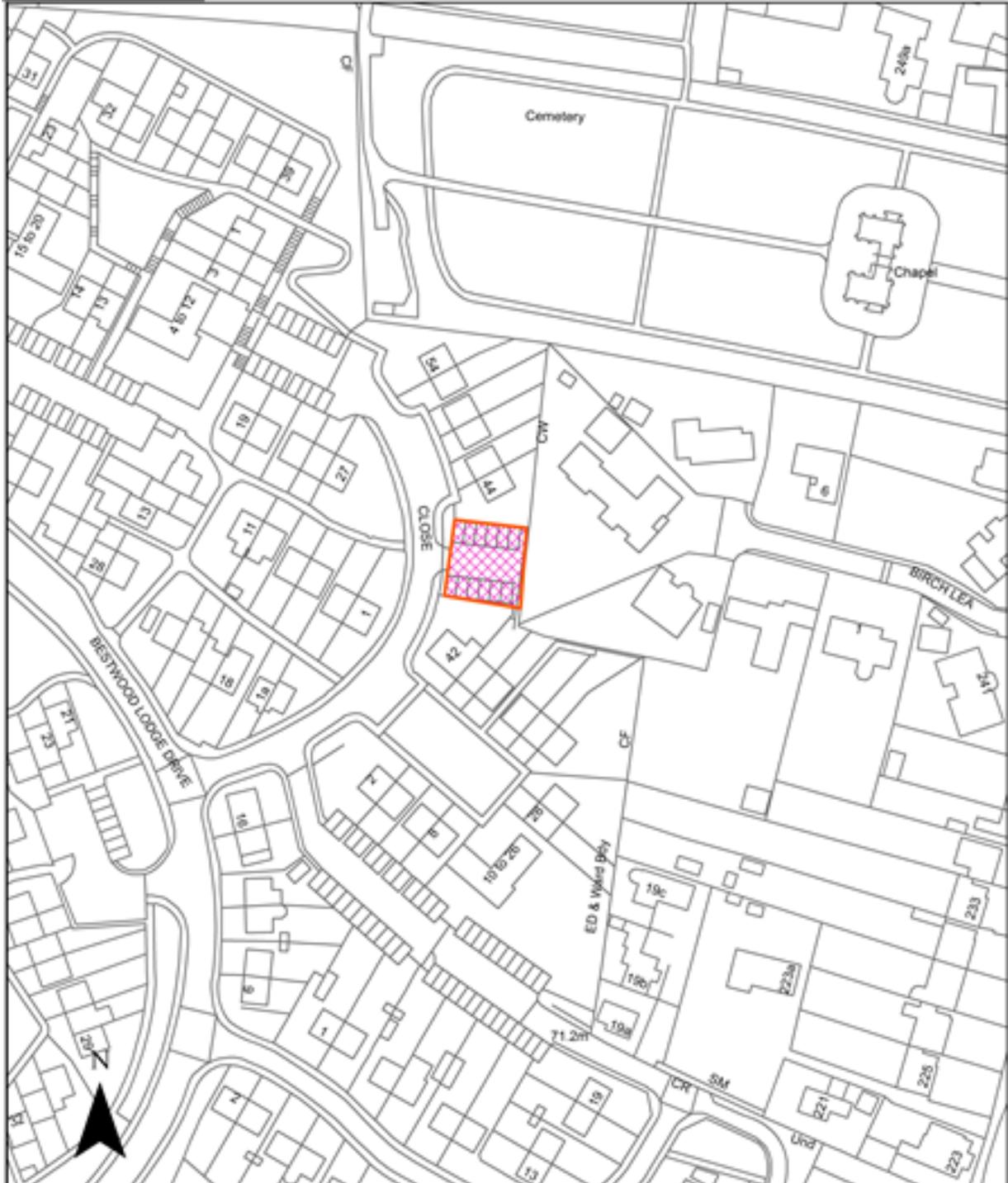
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information was sought with regards to the Transport Assessment that was submitted in support of the application.



Application Number: 2016/0329
Garage Site 2, Danes Close, Arnold, Nottinghamshire.

Location:



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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Report to Planning Committee

Application Number:	2016/0329
Location:	Garage Site 2, Danes Close, Arnold, Nottinghamshire.
Proposal:	SITE 2 - Demolition of existing garages and construction of 2 No 2 Bed semi-detached houses and associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Member's Panel.

Site Description

The application site relates to an existing garage site off Danes Close comprised of 12 garages organised in 2 blocks situated on either side of a hardstanding area used as an access drive. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is located within the built up area of Arnold.

A retaining wall measuring 1.5m in height is present on the rear boundary followed by a high hedge and trees, and a wooden fence enclosing the adjoining property, a bungalow at no. 4 Birch Lea.

Adjoining properties consist of two-storey dwellings on either side: a semi-detached property at no.44 Danes Close and an end of terrace property at no.42 Danes Close.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect a

pair of two-storey semi-detached dwellings with 2 bedrooms each as affordable housing.

The proposal includes retaining the existing vehicular access point and creating 2 off-street parking spaces, one on each side, to serve the dwellings.

The proposed dwellings would have maximum footprint dimensions of 8.3m in depth x 5.5m in width, would measure 5.4m at eaves height and 7.9m at ridge height from ground level.

The proposed design incorporates a dual pitched roof with side facing gables, small protrusions on the front elevations with windows serving the living room at ground floor and a bedroom at first floor.

The dwellings would be set back from the highway boundary by 4.5-5.0m, from the south boundary by 4.5m, from the north boundary by 3.7m and from the rear boundary by 5.0m.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 12 garages of which 4 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded to standards.

The Arboricultural Survey and Assessment has revealed the existing hedge is of moderate landscape value and the aim should be to retain this hedge wherever possible and that direct impacts to the RPA is highly unlikely during construction due to it being set behind the existing 1.5m high retaining wall.

Details regarding materials to be used in the exterior elevations, landscape, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – Perpendicular spaces are preferable to sideways spaces. However the proposed spaces are better than no off-street parking provision. There are therefore no concerns, subject to conditions.

Severn Trent – No objection to the proposal; A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

Arboricultural Officer – The proposed works are unlikely to have a direct impact to the trees and hedge protection area. A Tree Protection Plan following the recommendations as set out within BS5837:2012 would be required.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere on the agenda:

- 27 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 2 letters with concerns regarding only the application site;
- 1 letter with concerns regarding other garage sites proposed to be developed;
- 87 letters containing general concerns about the proposal to develop the garage sites in the area;

- A petition “Against Affordable Housing” signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- Fundamental errors contained in the plans;
- How would emergency service vehicles be able to access the block of flats nearby?
- Additional on-street parking will be needed to replace these valuable garages;
- Overlooking impact onto adjoining properties;
- The proposed houses would block light and views;
- Gedling Homes do not want to maintain the garages;
- The quality of life of residents will be affected;
- There is sufficient affordable housing in the area, there is no need for more;
- Poor lighting;
- Railings to stairs should be provided;
- Concerns about rear access to properties;
- The area is too congested already;
- On-street parking is already creating a difficult situation for elderly and disabled residents;
- The site will be overdeveloped;
- It will result in more on-street parking;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electric cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to

the garages that will be demolished – will lead to road congestion and potential accidents;

- Severe impact on people's lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

-

A full re-consultation has been undertaken following submission of revised drawings. Two letters of representation has been received, stating that all previous concerns raised are still valid.

If more letters of representation are received before the Committee date the concerns raised will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 2 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, "a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand". It is also stated that 4 of the 12 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant's solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

quality of an area and the way it functions.

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by a mix of property types and sizes on varying plot sizes. I also consider that the application site is of sufficient width and depth to occupy the 2 dwellings with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining an existing pedestrian access to the rear gardens of neighbouring properties whilst providing satisfactory garden depths to serve the proposed dwellings.

Given the mixture of types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene.

I consider, given the two-storey properties adjoining the application site on both

sides, the scale of the properties would be in keeping with the existing properties on Danes Close.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the submitted drawings that the proposed dwellings would not have first floor windows on side elevations and the distances to the adjoining properties on both sides vary between approximately 12 to 15m, and that the distance to the adjoining property to the rear is approximately 25m.

Given the separation distances to the neighbouring properties, plot orientation and the existing retaining wall and hedge to the rear, in my opinion the proposed development would not have a significant undue overbearing, overlooking or overshadowing impact on any adjacent properties. I therefore consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

I note the comments from the Highway Authority and, subject to the suggested conditions, I am satisfied that the proposed development would have no undue impact on highway safety.

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new dwelling with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The proposed scheme includes 2 off-street parking spaces to serve both dwellings – 1 for each dwelling. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. The proposal is therefore considered to be acceptable from a highway viewpoint.

Trees, Vegetation and Protected Species

Given the existence of the 1.5m high retaining wall which naturally protects the roots of the hedge and trees present behind the wall, within the neighbouring property boundaries, I am of the opinion there would be no undue impact to the hedge and trees root protection areas. With regards to the comments received from the Arboricultural Officer I suggest a condition be attached, should planning permission be forthcoming, that the hedge and trees are offered adequate protection in accordance with BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have raised no objection to the proposal subject to a condition and an informative, as such; I am satisfied the proposal would not result in any flooding issues.

I am mindful about the comments regarding the demolition of the existing garage

blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the the application form, Design Statement, received on 10th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, revised plans, drawing no's SK20.002 rev D and SK90.002 rev H, received on 21st July 2016, and e-mail received on 4th August 2016.
3. The dwellings shall not be occupied/brought into use until the existing radius kerbs/ site access has been reinstated as footway and domestic flush dropped vehicular footway crossings are constructed and available for use in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
4. The dwellings shall not be occupied/brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
5. The dwellings shall not be occupied/brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) 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.

6. Notwithstanding the provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any revoking or re-enacting of that order) no walls/fences shall be erected or on adjacent to the front boundary of the site.
7. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.
9. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of Highway safety.
4. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
5. To ensure surface water from the site is not deposited on the public highway

causing dangers to road users.

6. To enable better manoeuvring into the car parking spaces.
7. The site may be contaminated due to previous activities on site.
8. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
9. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable; it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the

context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The proposal makes it necessary to reinstate the radius kerbs and construct flush domestic vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, 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. 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.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.



Application Number: 2016/0331
Location: Danes Close, Arnold, Nottinghamshire, NG5 8NU.



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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Report to Planning Committee

Application Number:	2016/0331
Location:	Danes Close, Arnold, Nottinghamshire, NG5 8NU.
Proposal:	SITE 3 - Demolition of existing garages and construction of 2 No 2 Bed houses and 1 No 3 Bed house with associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site off Danes Close and accessed from a driveway of approximately 20m in length. There are 23 garages on the site within blocks on either side of a hardstanding area. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is located within the built up area of Arnold.

The application site is adjoined on either side by the rear gardens of two-storey semi-detached dwellings at no's 8, 6, 4, 2 Danes Close, no's 16, 14, 12, 10, 8, 6 Bestwood Lodge Drive, no's 1, 3, 5 Maidens Dale, a three storey block of flats at no's 10-26 Danes Close and another garage site to the rear.

The adjoining properties on the north-eastern side of the application site are in a higher position and they have pedestrian access points between the garage blocks.

A shrub mass is present directly behind the garage block, on the south western side of the application site.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect 3 two-storey dwellings, one with 3 bedrooms and 2 with 2 bedrooms, each dwelling as affordable housing.

The proposal includes retaining the existing vehicular access point and driveway and creating 3 off-street parking spaces for local residents and 5 off-street parking spaces for the proposed dwellings: 1 for visitors, 1 for each 2 bedroom dwelling and 2 for the 3 bedroom dwelling.

The proposed 3 bedroom dwelling on Plot 1 would have maximum footprint dimensions of 5.1m in width x 10.0m in depth, would measure 5.4m at eaves height and 8.6m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gable and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

The proposed 2 bedroom dwelling on Plot 2 would have maximum footprint dimensions of 5.4m in width x 8.3m in depth, would measure 5.3m at eaves height and 8.1m at ridge height. The proposed design includes a dual pitched roof and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

The proposed 2 bedroom dwelling on Plot 3 would have maximum footprint dimensions of 8.3m in depth x 5.5m in width, would measure 4.2m at eaves height and 7.0m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gable and front and rear facing dormers, and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 23 garages of which 18 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the

design process and that 3 other garage sites in the area will be refurbished and upgraded to standards.

The Arboricultural Survey and Assessment has revealed the existing off-site shrub mass is young in age and considered to be of low landscape value. Adverse impacts to the shrub mass may occur from demolition of the garages, the breaking out of concrete slabs and disturbance to RPA's during construction.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – The proposed dwellings will be served from an existing access which is private. Therefore there are no highway conditions to impose or any highway issues.

Severn Trent – No objection to the proposal; A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

Arboricultural Officer – The proposed works are likely to have a direct impact to the tree and shrub root protection area during the demolition and construction phases. Although the shrubs identified are of low landscape value from the development perspective, I believe the trees and shrubs may be privately owned and are providing a valuable screen for the adjacent properties on Bestwood Lodge Drive and Maidens Dale. Therefore a Tree Protection Plan following the recommendations as set out within BS5837:2012 would be required.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the

context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere on the agenda:

- 11 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 2 letters with concerns regarding only the application site;
- 103 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition “Against Affordable Housing” signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- Home Close will become a car park for everyone;
- Arnbrook Primary School would not meet the demand for school places;
- Overlooking impact onto adjacent properties;
- Noise disturbance during the day;
- Excessive noise, pollution and more vehicles during construction works;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;

- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people's lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. One letter of representation has been received as a result, stating that the previous concerns raised with regards to on-street parking and narrowing of the street are still valid.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 2 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, "a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand". It is also stated that 18 of the 23 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant's solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

quality of an area and the way it functions.

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by a mix of property types and sizes on varying plot sizes. I also consider that the application site is of sufficient width and depth to occupy the 3 dwellings with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian accesses to the rear gardens of neighbouring properties and a parking area with 3 off-street parking spaces for residents whilst providing satisfactory garden depths to serve the proposed dwellings.

Given the mixture of types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene.

I consider, given the two-storey properties adjoining the application site on both sides, the scale of the properties would be in keeping with the existing properties on Danes Close.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed dwelling on Plot 3 would have eaves and ridge height of 4.2m and 7.0m respectively, no windows on the side elevation and the distance to the adjoining property would be approximately 9.0m. Given the plot orientation, the proposed design and scale of the dwelling on Plot 3 it is my opinion the proposed development would not result in a significant undue overbearing, overlooking or overshadowing impact onto adjacent residential properties.

I note the distance from the proposed dwelling on Plot 1 to the adjoining properties would be approximately 22.0m, however, given the plot orientation and separation distances, I am satisfied the proposed dwelling on Plot 1 would not result in a significant undue impact on any adjacent residential property. I would recommend however, should planning permission be forthcoming, a condition be attached for the first floor window on the side elevation to be obscure glazed and top opening only.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new dwelling with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The requirement for a 3 bedroom dwelling in built up areas is 2 off-street

parking spaces. The proposed scheme includes 5 off-street parking spaces to serve all three dwellings – 1 for each 2 bedroom dwelling, 2 for the 3 bedroom dwelling and 1 for visitors. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection as the development would be served from an existing access drive, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the shrub mass given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have raised no objection to the proposal subject to a condition and an informative, as such; I am satisfied the

proposal would not result in any flooding issues.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the application form, site location plan and Design Statement, received on 11th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.003 rev D and SK90.003 rev F, received on 21st July 2016.
3. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of

the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.

5. The window to the first floor bathroom on the side elevation of the proposed dwelling on Plot 1, as shown on drawing no. SK 20.003 rev D, shall be obscure glazed to a minimum of Pilkington Level 4 and top opening only at all times following first occupation of the dwelling.
6. Before development is commenced a Tree Protection Plan, as set out within BS5837:2012 including any special measures appropriate with safe tree retention for the proposed works, shall be submitted to and approved in writing by the Borough Council.
7. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The site may be contaminated due to previous activities on site.
4. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
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7. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard.

(See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

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. 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.



Application Number: 2016/0332
Garage Site 2, Falconers Walk, Arnold, Nottinghamshire.

Location:



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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Report to Planning Committee

Application Number:	2016/0332
Location:	Garage Site 2, Falconers Walk, Arnold, Nottinghamshire.
Proposal:	Site 6 - Demolition of existing garages and construction of 2 No 2 Bed semi-detached houses and associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site located within the built up area of Arnold, at the end of Bestwood Lodge Drive which ends in a hammer head turning area with parking.

The application site is comprised of 18 garages organised in blocks of two to eight garages situated on either side of a hardstanding area used as an access drive. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is adjoined on all sides by the rear gardens of two-storey dwellings. The properties at no's 19, 20, 21, 22, 23 and 24 Heddington Gardens (east) are in a lower position and the distance from the rear boundary to the rear elevations varies between approximately 6 to 14m. The properties at no's 46, 48 and 50 Milverton Road (north) are in a higher position. The property at no.8 Bestwood Lodge Drive (west) is also in a higher position.

The adjoining properties on the eastern side of the application site have pedestrian access points between the garage blocks and a footway links the garage site to the Heddington Gardens area.

Two minor trees are present to the rear of the eastern side of the garage units, within private gardens.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect 2 two-storey dwellings with 2 bedrooms. It is understood that the dwellings would be affordable units.

The proposal includes retaining the existing vehicular access point and pedestrian access points to both neighbouring properties and Heddington Gardens area. 4 off-street parking spaces are proposed for local residents and 3 off-street parking spaces would serve the proposed dwellings: 1 for visitors and 1 for each dwelling.

The proposed 2 bedroom dwellings would have maximum footprint dimensions of 8.3m in depth x 5.6m in width, would measure 5.3m at eaves height and 7.9m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gables, and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 18 garages of which 14 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- “Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government’s needs for new housing.”

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded.

The Arboricultural Survey and Assessment has revealed an existing off-site shrub mass, young in age and considered to be of low landscape value. Adverse impacts to the shrub mass may occur from demolition of the garages, the breaking out of concrete slabs and disturbance to RPA’s during construction.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – The revised scheme shows an indicative turning head. However if a car was to park in this turning head area it would be difficult for the cars at the end to turn and exit these spaces. However this would be an internal issue between the residents and not a Highway issue. Therefore the Highways Authority would have no further concerns, subject to a condition.

Severn Trent – No comments received.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

NCC Rights of Way – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

Arboricultural Officer – Satisfied that the proposed works do not directly/indirectly affect trees.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the

locality which appear elsewhere in the agenda:

- 12 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 7 letters from 3 adjoining neighbours;
- 102 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition "Against Affordable Housing" signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- More on-street parking would increase the risk of damage, theft and vandalism;
- Overlooking and overshadowing impact onto adjoining properties;
- The public footpath connecting site 6 to Heddington Gardens will be affected;
- The parking layout is extremely dangerous;
- The turning head provided is too small;
- Insufficient number of parking spaces in accordance with the SPD and car ownership;
- The level of access provided is decreased;
- The local school does not have sufficient places for the children of the future occupiers;
- Overlooking impact onto adjoining properties;
- Dust and noise pollution during demolition;
- Better lighting and security is requested in exchange as the crime in the area will rise;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;

- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people's lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. Three letters of representation have been received as a result, stating that all previous concerns raised are still valid and that a 7 day re-consultation period is insufficient.

If more letters of representation are received before the Committee date the raised concerns will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
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Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two-storey dwellings on varying plot sizes. I also consider that the application site is of sufficient width and depth to occupy the 2 dwellings with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian accesses to the rear gardens of neighbouring properties and a more suitable access to the footway leading to Heddington Gardens area and the parking area for residents whilst providing satisfactory garden depths to serve the proposed dwellings.

Given the predominant types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene. As such I consider the

proposed dwellings would be in keeping with the existing properties on Bestwood Lodge Drive.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed dwellings would not have windows on the side elevations and the dwelling proposed on Plot 2 would be set back from the side boundary by 7.0 metres.

Given the plot orientation and separation distances, I am satisfied the proposed dwellings would not result in a significant undue overlooking, over bearing or overshadowing impact on any adjacent residential property.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new dwelling with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The proposed scheme includes 3 off-street parking spaces to serve the dwellings – 1 for each 2 bedroom dwelling and 1 for visitors. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection, as such I am satisfied the proposal

would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the shrub mass given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have not made any comments to the proposal. I would recommend however, should planning permission be forthcoming, a pre-commencement condition be attached requiring drainage plans for the disposal of surface water and foul sewage.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from NCC Rights of Way and that the proposed site layout has been design so as to retain existing rights of way. I am therefore of the

opinion the proposed development would not result in an undue impact on any existing rights of way.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the application form received on 10th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, revised plans, drawing no's SK20.006 rev D and SK90.006 rev L, received on 21st July 2016, and revised Design Statement received on 8th August 2016.
3. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.

5. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number SK90.006. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.

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 that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
4. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. The site may be contaminated due to previous activities on site.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the

Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

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. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property

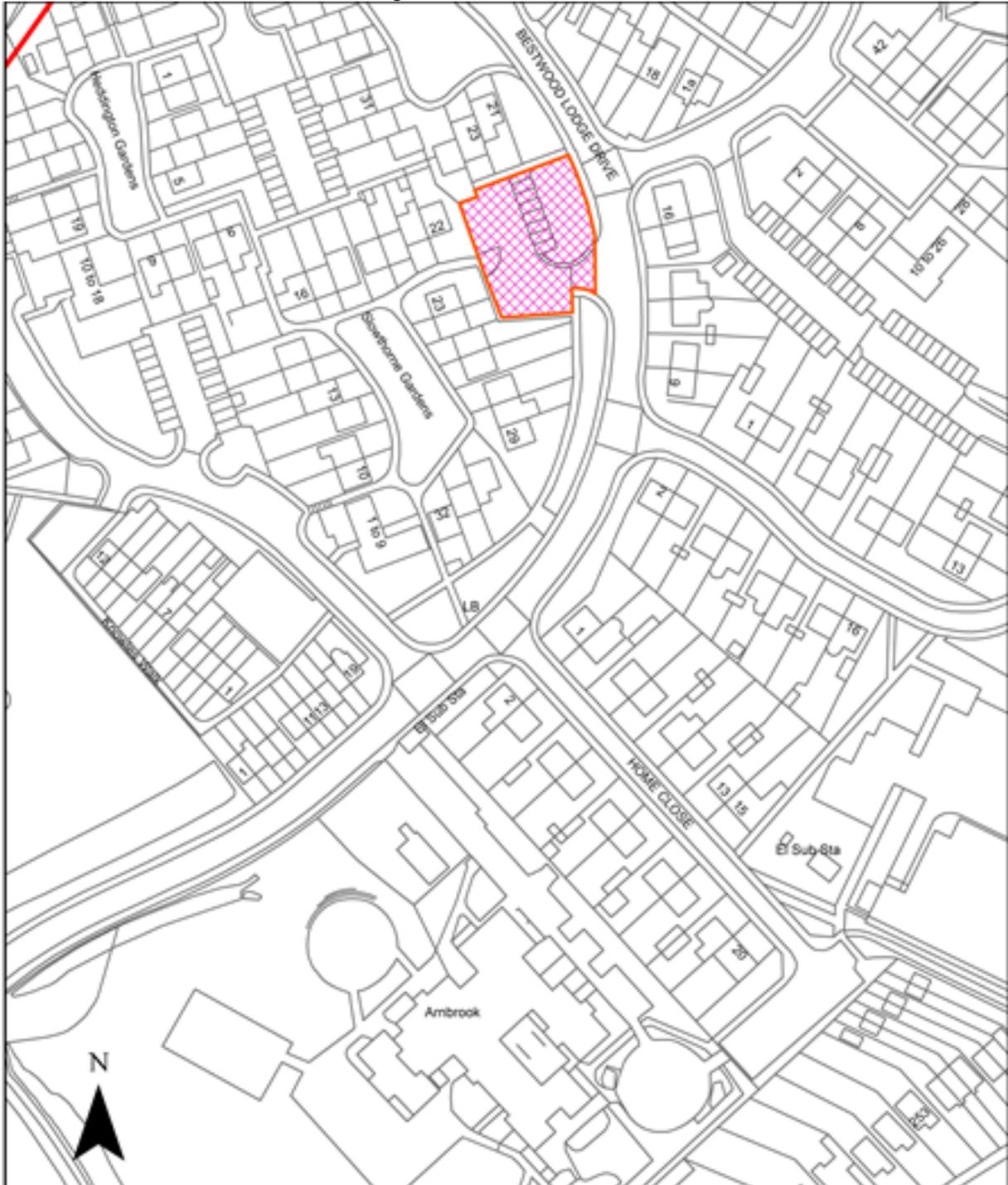
Search Service on 0845 762 6848 or at www.groundstability.com.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.



Application Number: 2016/0334
Location: Garage Site 1, Bestwood Lodge Drive, Arnold,
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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Report to Planning Committee

Application Number:	2016/0334
Location:	Garage Site 1, Bestwood Lodge Drive, Arnold, Nottinghamshire.
Proposal:	SITE 7 - Demolition of existing garages and construction of 4 No 1 Bed apartments and associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site off Bestwood Lodge Drive, within the built up area of Arnold.

The application site is comprised of one single storey block containing 7 garages, a parking area serving properties on Slowthorne Gardens and a grassed area at the front, between the garage block and the public highway. The garage block is single storey brick construction with concrete base and fibre corrugated sheet roofing.

The application site is in a higher position than the highway level, at the same level with the adjoining properties.

The application site is adjoined on all sides by the rear gardens of two-storey dwellings at no's 21, 23 and 25 Bestwood Lodge Drive, no's 22-25 Slowthorne Gardens.

A public footpath runs along the south and western boundary linking the public highway with the Slowthorne Gardens area.

A weeping willow tree is present on the left hand side of the entrance point of the application site.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect a two-storey building with 4 flats, each with 1 bedroom. It is understood that the flats would be affordable units.

The proposal includes retaining the existing vehicular access point, the parking area for the properties on Slowthorne Gardens and the grassed area at the front. The flats building would be sited on the existing hardstanding area. A new access point would be created on the right hand side of the application site together with 4 off-street parking spaces allocated to the flats.

The proposed building of flats would be set at approximately 16.0m from the highway boundary, would have maximum footprint dimensions of 15.7m in width x 8.95m in depth and it would measure 5.2m at eaves height and 8.2m at ridge height from ground level.

The proposed design includes a dual pitched roof with side facing gables, front and rear dormers corresponding to storage areas, access staircases, and small protrusions on the front elevation with windows serving the lounge areas at first floor, and canopies serving the secondary access to the ground floor flats. The main access to the ground floor flats would be sideways.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 7 garages of which 2 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded to standards.

The Arboricultural Survey and Assessment has revealed that the existing off-site

weeping willow tree is considered to be of moderate landscape value and should be retained wherever possible. Potential impacts to the weeping willow tree may occur from the breaking out of the existing road surface and pavement, should access need to be altered during construction.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – The revised scheme shows the proposed access widened to 5.25m in width, however there are no visibility splays shown, therefore the Highways Authority would have no concerns, subject to conditions.

Severn Trent – No objection to the proposal. A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

NCC Rights of Way – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

Arboricultural Officer – The proposed works are likely to have a direct impact to the root protection area of the tree described as a weeping willow. A Tree Protection Plan will be required following the recommendations as set out within BS5837:2012 and to include any special measures appropriate with safe tree retention for the proposed works.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating

mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere on the agenda:

- 20 letters from adjoining neighbours;
- 15 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 99 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition "Against Affordable Housing" signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- More on-street parking would increase the risk of damage, theft and vandalism;
- Overbearing, overlooking and unacceptable access to the site;
- Out of character with the surrounding area;
- Private access points would be affected;
- Reducing the grassed area would affect flooding;
- Pictures enclosed regarding flooding;
- Overshadowing impact onto adjacent gardens;
- More pressure on an overcrowded school;
- Loss of trees and grassed areas;
- Single person accommodation is inappropriate;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbroom Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species that will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;

- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people's lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. Six letters of representation have been received, stating that all previous concerns raised are still valid and other concerns as follows:

- An eyesore to those who use Bestwood Lodge Hotel;
- The proposed brick fence would encourage segregation and it would be out of character with the area.

If more letters of representation are received before the Committee date the concerns raised will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

In respect to car parking, regard should be had to the Borough Council's

Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 4 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, "a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand". It is also stated that 2 of the 7 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant's solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the

achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two-storey dwellings on varying plot sizes. I also consider that the application site is of sufficient size to accommodate the two-storey building of flats with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing off-street parking area and the pedestrian access to the Slowthorne Gardens area and a new vehicular access point and drive to serve the existing rear gardens of the adjoining properties whilst providing satisfactory amenity area to serve the proposed flats.

Given the predominant types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene. As such I consider the proposed dwellings would be in keeping with the existing properties on Bestwood Lodge Drive.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed flats at first floor would not have windows on the rear elevation and the distances from the side elevations to the adjoining properties would vary between approximately 15 to 17 metres. Given the plot orientation and separation distances, I am satisfied the proposed building of flats would not result in a significant undue overlooking, overbearing or overshadowing impact on any adjacent residential property.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a flat with up to 3 rooms would require off street car parking provision for 1 vehicle. The proposed scheme includes 4 off-street parking spaces to serve the flats – 1 for each flat. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the

existing situation where on-street parking causes narrowing of the highway and potential increased risk for pedestrians; however the proposal would provide off-street car parking for the proposed flats and it would also retain the off-street parking provision for the properties on Slowthorne Gardens. As such, I am of the opinion the proposal would not compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the weeping willow given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have raised no objection to the proposal subject to a condition and an informative, as such; I am satisfied the proposal would not result in any flooding issues.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative

advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from NCC Rights of Way and that the proposed site layout has been design so as to retain existing rights of way. I am therefore of the opinion the proposed development would not result in an undue impact on any existing rights of way.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the the application form and Design Statement, received on 10th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.007 rev F received on 14th July 2016 and SK90.007 rev K received on 21st July 2016.
3. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
4. 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. Once approved the scheme shall be implemented in accordance with the approved details before the

development is first brought into use.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.
6. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m are provided from the proposed access. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6metres in height for the life of the development.
7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for the new access point and is constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
8. The dwellings shall not be occupied/brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
9. The dwellings shall not be occupied/brought into use until the access driveway / parking / turning area (s) are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) 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.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The site may be contaminated due to previous activities on site.
4. To ensure that the development is provided with satisfactory means of

drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
6. In the interests of Highway safety.
7. In the interests of Highway safety.
8. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
9. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the

context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, 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 proposal makes it necessary to relocate a lighting column on the footway. These works shall be constructed to the satisfaction of the Highway Authority. You are, 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. Property specific summary information on past, current and

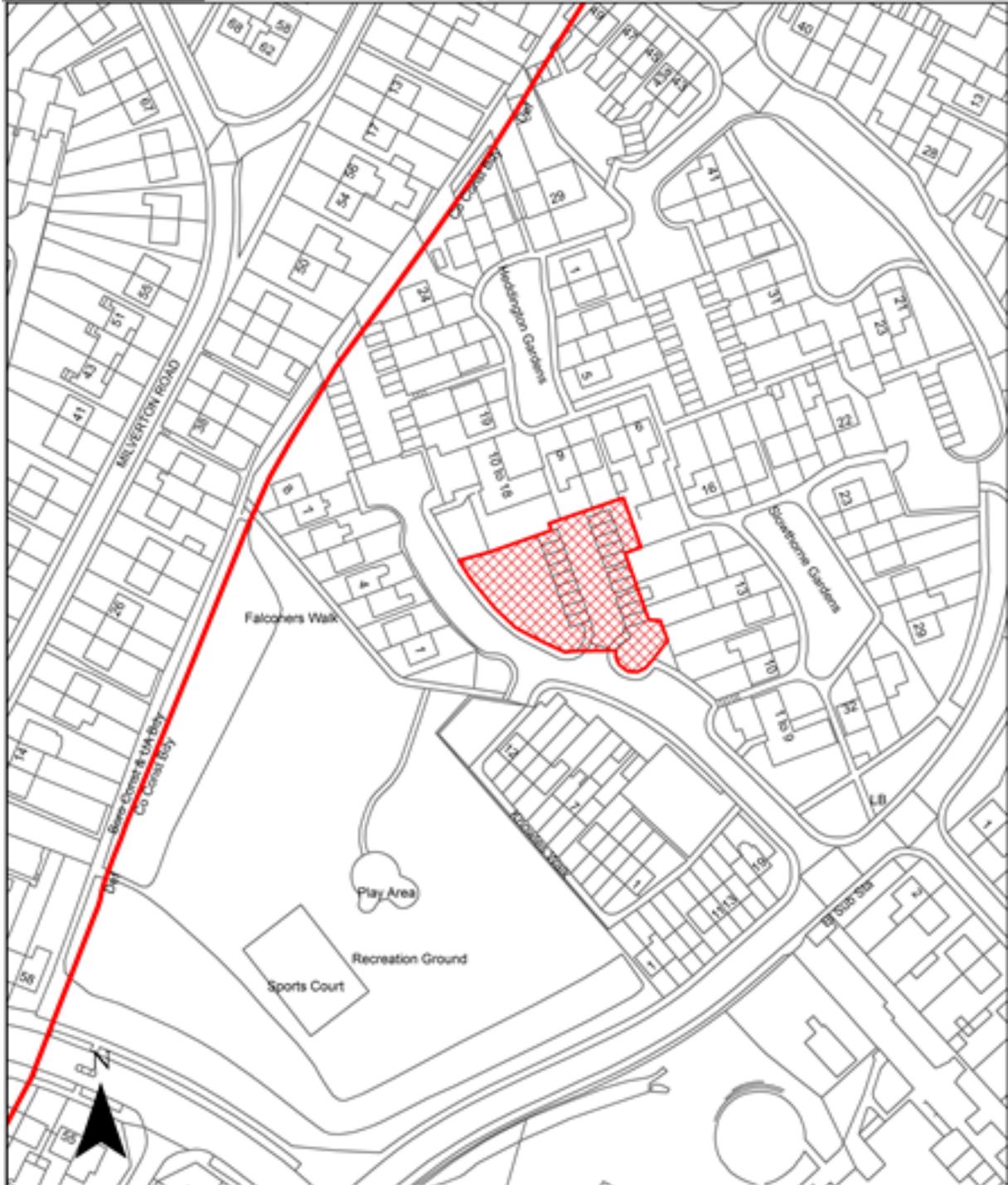
future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

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Application Number: 2016/0335
Land Off Bestwood Lodge Drive, Arnold, Nottinghamshire.

Location:



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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Report to Planning Committee

Application Number:	2016/0335
Location:	Land Off Bestwood Lodge Drive, Arnold, Nottinghamshire.
Proposal:	SITE 8 - Demolition of existing garages and construction of 2 No 2 Bed houses and 2 No 3 bed houses with associated external works
Applicant:	Gedling Homes
Agent:	Arcus Consulting LLP
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage located on land off Bestwood Lodge Drive. There are 29 garages on the site within blocks on either side of a hardstanding area. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is adjoined on both sides by the rear gardens of two-storey dwellings at no's 12, 13, 14 and 15 Slowthorne Gardens, no's 6, 7, 8 and 9 Heddington Gardens, and by a three storey block of flats at no's 10-18 Heddington Gardens.

The application site slopes downwards and sideways. The adjoining properties on the eastern side of the application site are in a lower position and have pedestrian access points between the garage blocks, and the highway is in a higher position near the block of flats.

Mature trees are present around the site, one close to the access point and two within the grassed area around the block of flats.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect 4 two-storey dwellings, two with 3 bedrooms and two with 2 bedrooms, each dwelling as affordable housing.

The proposal includes retaining the existing vehicular access point and driveway and creating an off-street parking area with a turning head for local residents and 6 off-street parking spaces to serve the proposed dwellings: 1 for each 2 bedroom dwelling and 2 for each 3 bedroom dwelling. The dwellings would be terraced and would face the off-street parking area provided for residents.

The proposed 3 bedroom dwellings on Plots 1 and 2 would each have maximum footprint dimensions of 5.1m in width x 10.0m in depth, would measure 5.2m at eaves height and 8.4m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gables and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

The proposed 2 bedroom dwellings on Plot 3 and 4 would each have maximum footprint dimensions of 5.4m in width x 8.3m in depth, would measure 5.2m at eaves height and 7.9m at ridge height. The proposed design includes a dual pitched roof and a small protrusion on the front elevation of the dwelling on Plot 3 with windows serving the living room at ground floor and a bedroom at first floor. The dwelling on Plot 4 would have a small protrusion on the side elevation with a window serving the living room.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 19 garages of which 8 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded to standards.

The Arboricultural Survey and Assessment has revealed the existing trees present around the site are semi-mature to mature established specimens and considered to be of moderate landscape value and provide established tree cover and visual amenity value.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the site is considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are however provided.

Consultations

The Highways Authority – The proposed scheme is acceptable in highway terms subject to a condition.

Severn Trent – No objection to the proposal; A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

Arboricultural Officer – The existing trees around the site are of moderate landscape value and should be retained and incorporated within the design, however if that would not be the case, it is expected for some mitigation tree planting within or adjacent to the site. A Tree Protection Plan following the recommendations as set out within BS5837:2012 would also be required.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere on the agenda:

- 30 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 1 letter with concerns regarding only the application site;
- 84 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition "Against Affordable Housing" signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- Arnbrook Primary School would not meet the demand for school places;
- Overlooking impact onto adjacent properties;
- Noise disturbance during the day;
- Excessive noise, pollution and more vehicles during construction works;
- Insufficient access for emergency services to adjoining properties;
- Inadequate fencing proposed;
- More criminal activity;
- The proposed parking area for residents would block access to back gardens;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people's lives and the potential of making elderly residents prisoners within their own homes;

- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. Three letters of representation have been received, stating that all previous concerns raised are still valid and other concerns as follows:

- Before demolition starts the tenants should be offered the replacement garage;
- Some parking spaces would be too close to the boundaries;
- Lockable gates and new fencing should be put at the rear of the adjoining properties.

If more letters of representation are received before the Committee date the concerns raised will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 2 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, "a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand". It is also stated that 8 of the 19 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant's solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and

quality of an area and the way it functions.

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two-storey properties on varying plot sizes. I also consider that the application site is of sufficient size to accommodate the proposed dwellings with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian accesses to the rear gardens of adjoining properties and a parking area for residents whilst providing satisfactory garden depth to serve the dwellings.

Given the predominant type of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene.

I am mindful about the comments received with regards to the proposed means of

enclosure, however I am of the opinion, given that details regarding the proposed means of enclosure have been submitted as part of the application, the proposed boundary treatments are adequate and in keeping character with the area.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed dwellings would be sited at distances from neighbouring properties varying from 28 to 35 metres. Given the plot orientation, the proposed design and scale of the dwellings it is my opinion the proposed development would not result in an undue overbearing, overlooking or overshadowing impact onto adjacent residential properties.

With regards to the impact on the block of flats at no's 10-18 Heddington Gardens, I am satisfied, given that the block of flats is a three storey building and in a higher position than the application site, the proposal would not result in a significant undue overlooking, overbearing or overshadowing impact on the amenity of the occupiers of the flats. I would suggest however that a condition is attached to any planning permission requiring the first floor window on the side elevation of the proposed dwelling on Plot 1, serving a bathroom, to be obscure glazed and top opening only.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new dwelling with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The requirement for a 3 bedroom dwelling in built up areas is 2 off-street

parking spaces. The proposed scheme includes 6 off-street parking spaces to serve all four dwellings – 1 for each 2 bedroom dwelling and 2 for each 3 bedroom dwelling. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection as the development would be served from an existing access drive, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the shrub mass given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have raised no objection to the proposal subject to a condition and an informative, as such; I am satisfied the

proposal would not result in any flooding issues.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the application form, site location plan and Design Statement, received on 11th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.008-01 rev D received on 14th July 2016, SK20.008-02 rev A received on 21st July 2016, SK90.008 rev K received on 4th August 2016, and SK20.008 rev F received on 10th August 2016.
3. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material, together with all parking available for use in accordance with drawing number SK090.008 rev K. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with

the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.

5. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.
6. Before development is commenced a Tree Protection Plan, as set out within BS5837:2012 including any special measures appropriate with safe tree retention for the proposed works, shall be submitted to and approved in writing by the Borough Council.
7. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
8. The window to the first floor bathroom on the side elevation of the hereby approved dwelling on Plot 1, as shown on drawing no. SK 20.008 rev F, shall be obscure glazed to a minimum level of Pilkington Level 4 at all times following first occupation of the dwelling. Any opening units should only be top hung.

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 that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. The site may be contaminated due to previous activities on site.
5. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain

Policies Saved 2014).

6. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
8. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist

you in obtaining a solution which protects both the public sewer and the proposed development.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

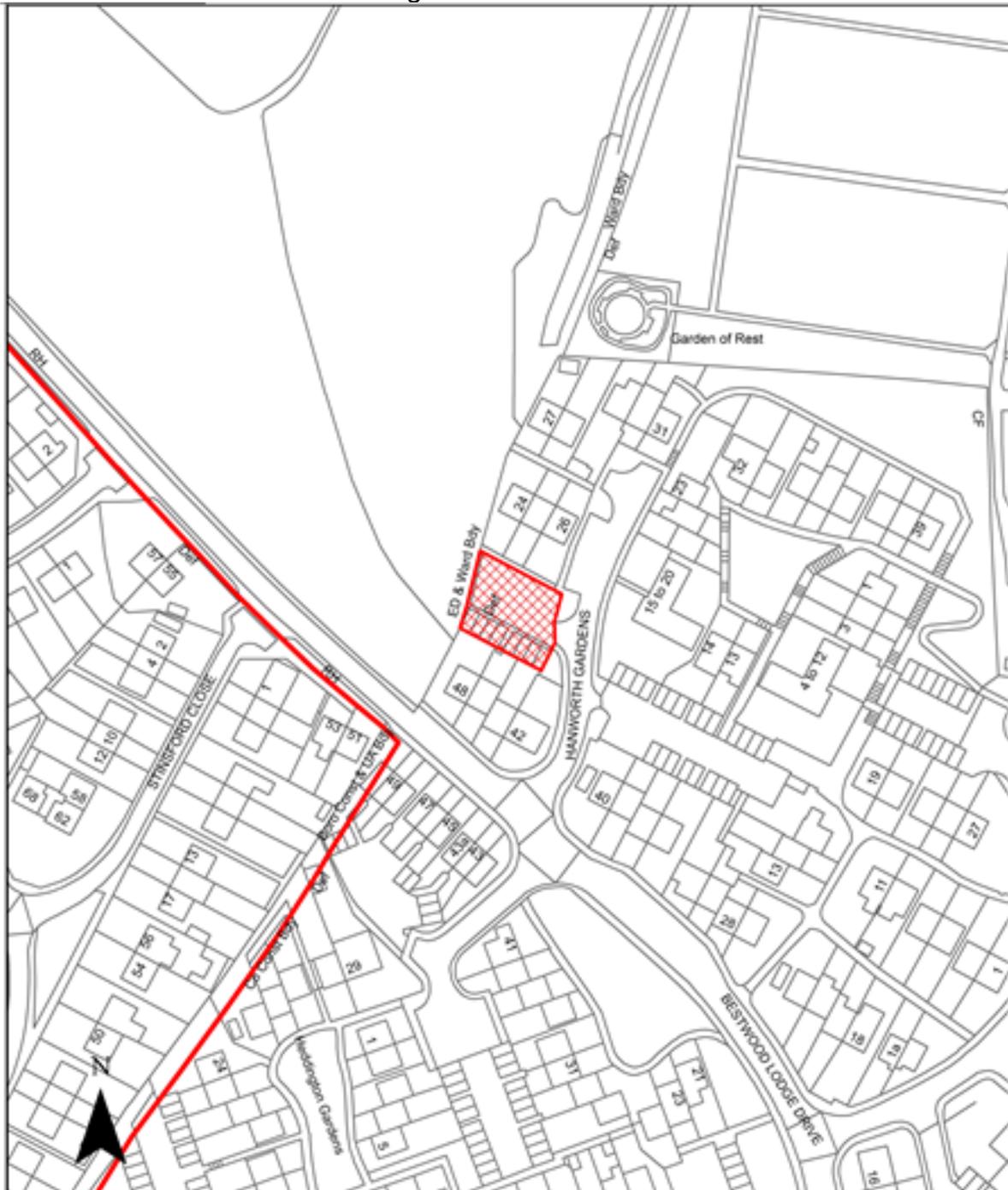
You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

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. 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.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.



Application Number: 2016/0336
Location: Garage Site 9, Hanworth Gardens, Arnold,
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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Report to Planning Committee

Application Number:	2016/0336
Location:	Garage Site 9, Hanworth Gardens, Arnold, Nottinghamshire.
Proposal:	SITE 9 - Demolition of existing garages and construction of 2 No 2 Bed apartments and associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site located within the built up area of Arnold and with access off Hanworth Gardens.

The application site is comprised of 8 garages organised in two blocks situated on the left hand side of a hardstanding area used as an access drive. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The application site is adjoined to the south by the rear gardens of two-storey properties at no's 48, 46 and 44 Bestwood Lodge Drive, to the north by the front gardens of other two-storey properties at no's 24, 25 and 26 Hanworth Gardens, and to the west by an open field.

The adjoining properties on the southern side of the application site have pedestrian access points between the garage blocks and the properties on the northern side also have vehicular and pedestrian access through the application site.

A tree is present on the right hand side of the access point and a shrub mass is present outside the site boundary, along the rear boundary.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect a two-storey building with 2 flats, one on each storey. It is understood that the flats would be affordable units.

The proposal includes retaining the existing vehicular access point and pedestrian access points to both neighbouring properties on Bestwood Lodge Drive and the ones on Hanworth Gardens. 3 off-street parking spaces would serve the proposed flats: 1 for visitors and 1 for each flat.

The proposed flats would have 2 bedrooms and the building would have maximum footprint dimensions of 8.3m in depth x 10.2m in width, would measure 5.1m at eaves height and 8.1m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gables, and bay windows on the front elevation serving the lounge rooms and kitchens at both ground floor and first floor.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 8 garages of which 7 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;
- Some vacant garages having been broken into are now attracting fly tipping.

Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded.

The Arboricultural Survey and Assessment has revealed that the existing sycamore tree is of low landscape value and the off-site shrub mass should be removed.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt on portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting

features identified, the potential for nesting birds to be present within the garages is likely to be low, there were no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided at the end.

Consultations

The Highways Authority – The existing access is to be utilised to serve the flats which is acceptable, therefore the Highways Authority would have no further concerns, subject to conditions.

Severn Trent – No objection to the proposal. A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

NCC Rights of Way – No definitive paths are affected by this development but it is always possible that other public rights of way exist which have not yet been registered.

Arboricultural Officer – The proposed works are likely to have a direct impact to the root protection area of the tree. A Tree Protection Plan will be required following the recommendations as set out within BS5837:2012 and to include any special measures appropriate with safe tree retention for the proposed works.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere in the agenda:

- 15 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;

- 99 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition “Against Affordable Housing” signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- More on-street parking;
- Dust and noise pollution during demolition and construction works;
- Loss of privacy in the neighbourhood;
- Overlooking and overshadowing impact;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbrook Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people’s lives and the potential of making elderly residents prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;

- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings. No letters of representation have been received up to this date, however, if any letters of representation are received before the Committee date the raised concerns will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents. The proposal is for the demolition of the existing garage blocks and residential development of 2 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development.

For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, “a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand”. It is also stated that 7 of the 8 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant’s solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two-storey dwellings on varying plot sizes. I also consider that the application site is of sufficient size to occupy the two-storey building with flats with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian accesses to the rear gardens of neighbouring properties whilst providing satisfactory amenity area to serve the proposed flats.

Given the predominant types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene. As such I consider the proposed dwellings would be in keeping with the existing properties on Hawthorne Gardens.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed building would not have windows on the side elevations and the building would be set back from the adjoining properties by 15 to 17 metres. Given the plot orientation and separation distances, I am satisfied the proposed building of flats would not result in a significant undue overlooking, overbearing or overshadowing impact on any adjacent residential property.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a flat with up to 3 rooms would require off street car parking provision for 1 vehicle. The proposed scheme includes 3 off-street parking spaces to serve the flats – 1 for each flat and 1 for visitors. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the shrub mass given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter

may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have not made any comments to the proposal. I would recommend however, should planning permission be forthcoming, a pre-commencement condition be attached requiring drainage plans for the disposal of surface water and foul sewage.

I am mindful about the comments regarding the demolition of the existing garage blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from NCC Rights of Way and that the proposed site layout has been design so as to retain existing rights of way. I am therefore of the opinion the proposed development would not result in an undue impact on any existing rights of way.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the the application form, site location plan and Design Statement, received on 11th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.009 rev F received on 11th August 2016, and SK90.009 rev K received on 22nd July 2016.
3. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number SK090.009 rev K. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.
5. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.
6. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.

7. Before development is commenced a Tree Protection Plan, as set out within BS5837:2012 including any special measures appropriate with safe tree retention for the proposed works, shall be submitted to and approved in writing by the Borough Council.

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 that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
6. The site may be contaminated due to previous activities on site.
7. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping with the scale and character of the area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need to search for active bird nests immediately prior to works commencing.

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. 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.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

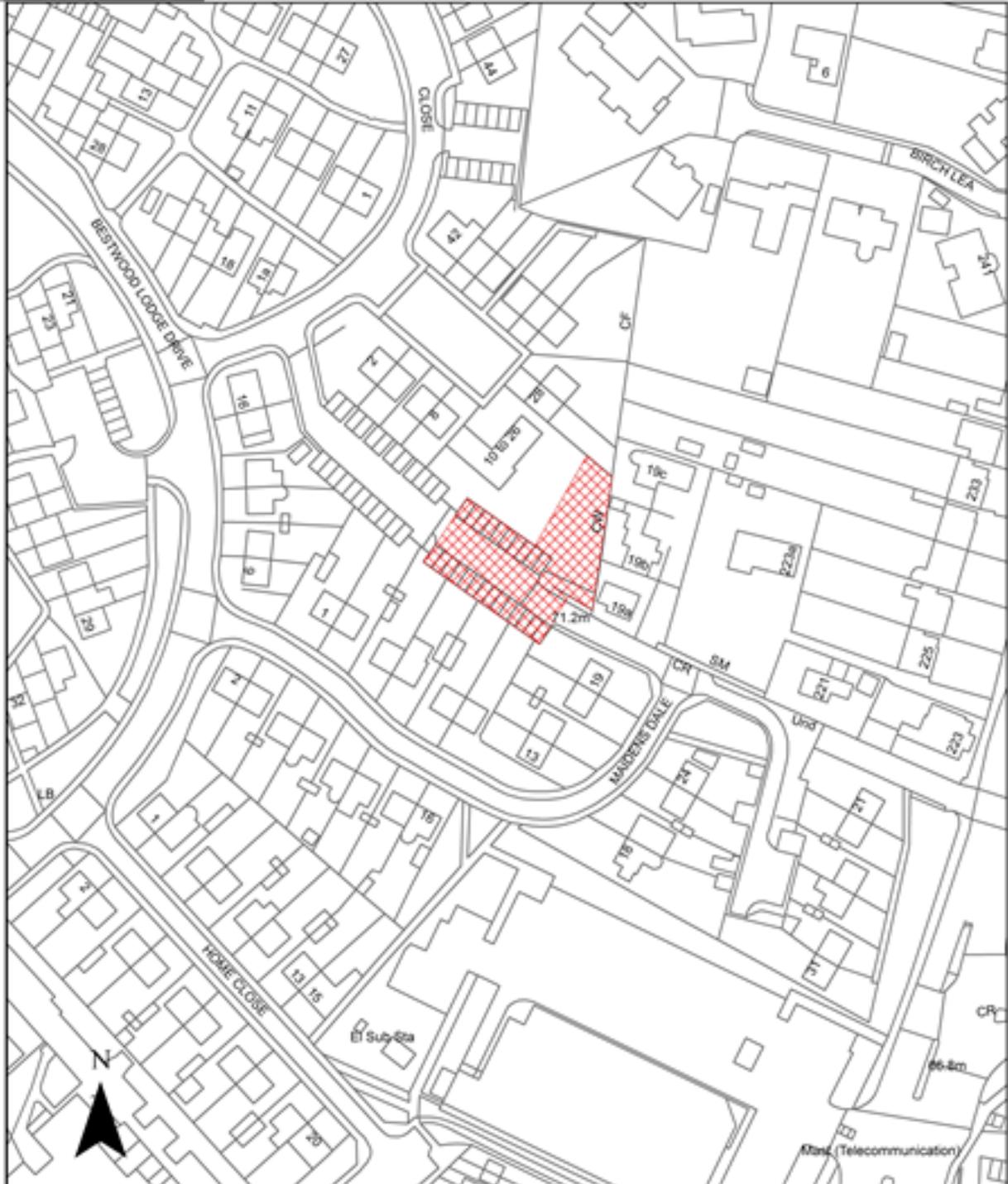
Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.



Application Number: 2016/0338
Location: Garage Site, Maidens Dale, Arnold, Nottinghamshire.

Location:



NOTE:
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Report to Planning Committee

Application Number:	2016/0338
Location:	Garage Site, Maidens Dale, Arnold, Nottinghamshire.
Proposal:	SITE 10 - Demolition of existing garages and construction of 2 No 2 Bed houses and 2 No 3 Bed houses and associated external works.
Applicant:	Mrs Deborah Higgins
Agent:	Mr Paul Sykes
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The application site relates to an existing garage site off Maidens Dale located within the built up area of Arnold. There are 24 garages on the site within blocks on either side of a hardstanding area and an area with grass and trees. The garage blocks are single storey brick constructions with concrete bases and fibre corrugated sheet roofing.

The garages area of the site is approximately flat and the rest of the site slopes upwards.

The application site is adjoined to the south by the rear gardens of two-storey properties at no's 19, 1, 3, 5, 7, 9 and 11 Maidens Dale, to the east by a two-storey property at no.19A Maidens Dale and bungalows at no's 19B and 19C Maidens Dale, to the north by a three storey building of flats at no's 10-26 Danes Close and the rear garden of a two-storey property at no.28 Danes Close. To the west the application site is adjoined by another garage site with access off Danes Close.

A protected tree is present on the left hand side of the access point and other trees are present on the right hand side, within the application site, and along the eastern boundary.

Relevant Planning History

No relevant planning history.

Proposed Development

Full planning permission is sought to demolish the existing garage blocks and erect 5 two-storey dwellings, two with 3 bedrooms and three with 2 bedrooms, each dwelling as affordable housing.

The proposal includes retaining the existing vehicular access point and creating 7 off-street parking spaces for the proposed dwellings: 1 for each 2 bedroom dwelling and 2 for the each 3 bedroom dwelling.

The application site would have three terraced dwellings organised as to face the access point, and two of the dwellings would be semi-detached and would be sited on the right hand side, within the grassed area, facing the parking area.

The proposed 2 bedroom dwelling on Plot 1 would have maximum footprint dimensions of 5.4m in width x 8.3m in depth, would measure 5.3m at eaves height and 8.1m at ridge height. The proposed design includes a dual pitched roof and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

The proposed 3 bedroom dwellings on Plots 2 and 3 would each have maximum footprint dimensions of 5.1m in width x 10.0m in depth, would measure 5.4m at eaves height and 8.6m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gable and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

The proposed 2 bedroom semi-detached dwellings would each have maximum footprint dimensions of 8.3m in depth x 5.5m in width, would measure 4.2m at eaves height and 7.0m at ridge height from ground level. The proposed design includes a dual pitched roof with side facing gable and front and rear facing dormers, and a small protrusion on the front elevation with windows serving the living room at ground floor and a bedroom at first floor.

An Arboricultural Survey and Assessment, an Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey and a Design Statement were submitted in support of the application.

In the Design Statement it is stated that this site has 24 garages of which 22 are void and throughout the Arnold area there are 168 garages available of which only 75 (45%) are being occupied (rented) with the remaining (55%) being void. A list of factors is presented with reasons for loss in occupation (and subsequent rental income) of the garages:

- "Tenants no longer wish to rent the garage spaces;
- The garages are falling into a state of disrepair and are financially unviable;
- The garages are subject to vandalism and magnets for anti-social behaviour as a result of first point;
- The costs to repair all garages including removal of asbestos are too high;

- Some vacant garages having been broken into are now attracting fly tipping. Based on the factors above it was decided that the land could be put to a better use and solve a number of these social issues whilst adding to the government's needs for new housing."

Furthermore it is stated that the residents have been consulted and involved in the design process and that 3 other garage sites in the area will be refurbished and upgraded to standards.

The Arboricultural Survey and Assessment has revealed the existing trees and shrubs are of low landscape value and that the RPA for the protected tree T8 extends under the garage footprints and into the access road to the site. The demolition of the garages and the potential breaking out of hardstanding would have the potential to damage the root system of the tree. Appropriate mitigation measures would be essential during demolition and construction.

Details regarding materials to be used in the exterior elevations, means of surfacing of the unbuilt portions of the site and means of enclosure have been submitted as part of this application.

The Protected Species Survey has revealed that there were no potential roosting features identified, the potential for nesting birds to be present within the garages is likely to be low, there was no evidence of badger activity and the sites are considered to be unsuitable for other protected species such as reptiles and amphibians. A number of recommendations are provided.

Consultations

The Highways Authority – There are no highway concerns subject to a condition.

Severn Trent – No objection to the proposal; A condition regarding submission of drainage plans before commencement is recommended and an informative.

Nottinghamshire Wildlife Trust – Generally satisfied with the methodology and conclusions of the Ecology Survey. The recommendations given in the report could be secured through planning conditions. It is recommended that any new fencing includes features to enable hedgehogs to move freely through the gardens, such as holes at the base of fencing (13cm x 13cm approx.) or being raised a similar distance off the ground.

Arboricultural Officer – A Tree Protection Plan following the recommendations as set out within BS5837:2012 would be required.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a condition.

The applicant's attention is drawn to an informal planning guidance document which

has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties were notified and a Site Notice posted and letters of representation were received in relation to the application and other proposals in the locality which appear elsewhere on the agenda:

- 4 letters containing concerns about the application site and general concerns about other garage sites proposed to be developed in the area;
- 110 letters containing general concerns about the proposal to develop the garage sites in the area;
- A petition “Against Affordable Housing” signed by 94 residents with general concerns about all the garage sites proposed to be developed in the area, including the application site;
- 4 petitions (signed by 512 residents) that could not be recorded due to missing addresses; and
- 1 letter that could not be recorded due to missing address.

The concerns raised can be summarised as follows: -

- Overlooking impact onto adjacent properties;
- Noise disturbance during the day;
- Excessive noise, pollution and more vehicles during construction works;
- Fundamental errors contained in the plans;
- Anti-social behaviour around the garage areas including car theft and burning of vehicles;
- The consultation held by Gedling Homes was poor;
- The increase of traffic generated will increase the risk of injury to children (Arnbroom Primary School);
- The proposals would result in additional barriers for disabled people, people with young children and others, therefore the proposals are discriminatory and illegal;
- The current drainage system is already inadequate, frequent flooding in the area – the proposal would make the situation even worse;
- Certain protected species will be detrimentally impacted, including protected species present within Bestwood Country Park;
- Some of the residents that have electrical cars will not have direct access to their properties to charge the vehicles;
- Some protected trees will be felled as part of the developments;
- Overlooking impact onto adjacent rear gardens and intrusive views into living areas;
- Overshadowing impact into rear gardens where residents grow vegetables;
- The developments do not provide an equivalent number of parking spaces to the garages that will be demolished – will lead to road congestion and potential accidents;
- Severe impact on people’s lives and the potential of making elderly residents

- prisoners within their own homes;
- The sites are not suitable for development;
- A flood risk assessment should be undertaken due to flooding;
- A full environmental impact assessment should be undertaken;
- The demolition of the garages will lead to asbestos elements being damaged and particulates spread in the air;
- A method of demolition should be undertaken;
- Parking restrictions should be improved in front of the school;
- A secure parking area should be provided, prior to any works starting, for existing garage tenants, a number equal to the garages to be demolished, close to the tenants' homes, and for disabled people.

A full re-consultation has been undertaken following submission of revised drawings and no letters of representation were received as a result up to this date. However, if any letters of representation are received before the Committee date the concerns raised will be reported verbally at the Planning Committee meeting.

Planning Considerations

In my view the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Trees, vegetation and protected species;
- Land Contamination;
- Other issues.

The following policies are relevant in the consideration of this application:

- NPPF paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- ACS Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- RLP Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold, in an area where other garage sites are available to be used by the local residents.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure,

including the curtilage of the developed land and any associated fixed surface infrastructure.’ This excludes ‘land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.’

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site together with the other garage sites present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, “a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand”. It is also stated that 22 of the 24 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded.

I note the comments received from local residents with regards to the existing tenants that need the garages, however, in my opinion the applicant’s solution to offer replacement garages represents a mitigation measure that addresses the existing need for provision of garages in the area.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site by providing a mix of new homes and therefore promoting inclusive and mixed communities. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion.

Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by a mix of property types and sizes on varying plot sizes. I also consider that the application site is of sufficient width and depth to occupy the 5 dwellings with the layout proposed without appearing cramped or over intensive. I also note the layout includes maintaining the existing pedestrian access to the block of flats whilst providing satisfactory garden depths to serve the proposed dwellings.

Given the mixture of types and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene.

I consider, given the two-storey properties adjoining the application site on the southern side and the bungalows on the eastern side, the scale of the properties would be in keeping with the existing properties on Maidens Dale.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development,

is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be visually acceptable in the streetscene and in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. I also note from the revised drawings submitted that the proposed dwelling on Plot 1 would not have windows on the side elevation and the distance to the adjoining property would be approximately 22.0m. Given the plot orientation, the proposed design and scale of the dwelling on Plot 1 it is my opinion the proposed development would not result in a significant undue overbearing, overlooking or overshadowing impact onto the adjacent residential properties.

I note the distance from the proposed dwelling on Plot 3 to the adjoining block of flats would be approximately 10.0m, however, given the plot orientation and relationship with the adjoining block of flats, I am satisfied the proposed dwelling on Plot 3 would not result in a significant undue impact on the adjacent residential properties. I would recommend however, should planning permission be forthcoming, a condition be attached requiring the first floor window on the side elevation to be obscure glazed and top opening only.

I note the pair of semi-detached dwellings would not have windows on the side elevations and given the plot orientation, the proposed tree retention, garden depths and relationship with the adjoining properties, I am satisfied the proposed dwellings would not have a significant undue impact on any adjoining properties.

Given the above I consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new dwelling with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The requirement for a 3 bedroom dwelling in built up areas is 2 off-street parking spaces. The proposed scheme includes 7 off-street parking spaces to serve all five dwellings – 1 for each 2 bedroom dwelling, 2 for each 3 bedroom dwelling. I am therefore satisfied that the design layout is sufficient to satisfy the requirements

of the SPD.

I am mindful about the comments received from local residents with regards to the existing situation where on-street parking causes narrowing of the highway; however the proposal would provide off-street car parking and the proposal would not therefore compound the existing levels of on-street car parking. I also note the Highways Authority has not raised an objection as the development would be served from an existing access point, as such I am satisfied the proposal would be acceptable from a highway safety viewpoint.

Trees, Vegetation and Protected Species

I am mindful about the comments received from the Arboricultural Officer and also about the assessment of the trees given in the Arboricultural Survey, as such; I recommend a pre-commencement condition be attached to any planning permission requiring a Tree Protection Plan as set out within BS5837:2012.

With regards to the impact on protected species, I note the comments received from Nottinghamshire Wildlife Trust. Following receipt of revised drawings showing adequate holes for hedgehog movements incorporated in the proposed design of the means of enclosure, and the recommendations given in the Ecology Survey, I am satisfied the proposal would not result in an undue impact on any protected species. I would recommend, should planning permission be forthcoming, the recommendations given in the Ecology Survey should be implemented. This matter may be controlled by way of a planning condition.

I note the comments received from local residents with regards to the impact the proposal would have on the existing wildlife including protected species present in Bestwood Country Park, however, given the significant distance from the application site to the country park and the findings of the Ecology Survey, I am of the opinion the proposal would have no undue impact on the wildlife of Bestwood Country Park.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination and air pollution, as such; I suggest a condition be attached to any planning permission.

Other Considerations

Concerns have been raised by local residents regarding the cumulative impact of the proposal to re-develop some of the garage sites on the wider area. Each application must however be considered on its merits and in this particular case, replacement garage provision is proposed.

With regards to flooding, I note that Severn Trent have raised no objection to the proposal subject to a condition and an informative, as such; I am satisfied the proposal would not result in any flooding issues.

I am mindful about the comments regarding the demolition of the existing garage

blocks; however this matter would be dealt with under Building Regulations. Should planning permission be forthcoming I would suggest attaching an informative advising the applicant to contact the Building Control section within the Borough Council.

I note the comments received from the Scientific Officer with regards to air pollution. Therefore I suggest attaching an informative to any planning permission in order to encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the application form, site location plan and Design Statement, received on 11th March 2016, Arboricultural Survey and Assessment and Extended Phase 1 Habitat Survey and Preliminary Protected Species Survey received on 15th June 2016, and revised plans, drawing no's SK20.010 rev C received on 17th June 2016, SK20.010-01 rev C received on 14th July 2016, and SK90.010 rev H, received on 21st July 2016.
3. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number SK.90.010 Rev H. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.

5. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape scheme shall include only native species of local provenance and ornamental species that attract wildlife as recommended in section 6.3.2 of the Ecology Survey. The recommended bird boxes presented in section 6.4.1 of the Ecology Survey shall be integrated in the landscape scheme. Once approved, the landscape scheme 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.
6. The window to the first floor bathroom on the side elevation of the hereby approved dwelling on Plot 3, as shown on drawing no. SK 20.010 rev C, shall be obscure glazed to a minimum level of Pilkington Level 4 at all times following the first occupation of the dwelling. Any opening unit should only be to hung.
7. Before development is commenced a Tree Protection Plan, as set out within BS5837:2012 including any special measures appropriate with safe tree retention for the proposed works, shall be submitted to and approved in writing by the Borough Council.
8. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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 that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. The site may be contaminated due to previous activities on site.
5. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain

Policies Saved 2014).

7. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable in the streetscene and it is in keeping with the scale and character of the area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

Demolition works should not be undertaken during the bird breeding season (1st March to the 31st August inclusive). If this cannot be avoided, an ecologist will need

to search for active bird nests immediately prior to works commencing.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

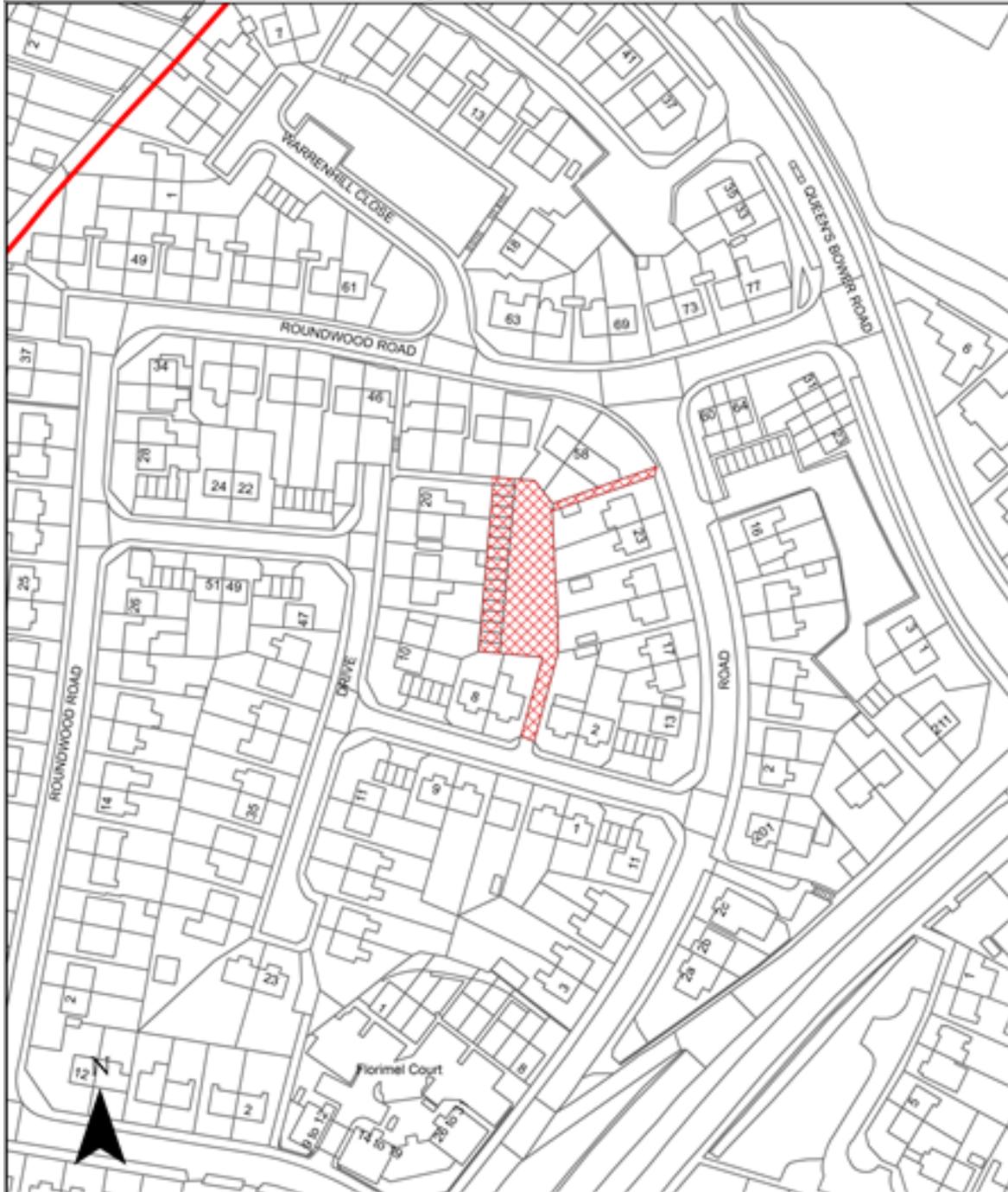
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.



Application Number: 2016/0443
Garage Site, Moyra Drive, Arnold, Nottinghamshire.

Location:



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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Report to Planning Committee

Application Number:	2016/0443
Location:	Garage Site, Moyra Drive, Arnold, Nottinghamshire.
Proposal:	SITE 24 Demolition of existing garages and construction of 4 no.1 bed flats of 2 storeys in two blocks.
Applicant:	Gedling Homes
Agent:	Arcus Consulting LLP
Case Officer:	Elizabeth Campbell

Background

This application is referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

This is one of eight garage sites being redeveloped by Gedling Homes but this site at Moyra Drive, to the west of Queen's Bower Road, is remote from the other seven sites which are to the east of Queen's Bower Road. This site has been given the number Site 24.

This site is to the rear of residential properties on Moyra Drive, Roundwood Road and Oxborough Road. These are two storey semi - detached properties. Vehicular access is gained off Moyra Drive via a 3.4m wide 25m long tarmac road which opens onto a garage court with 16 garages along the bottom of the gardens of 10-20 (even nos.) Moyra Drive. The garage block is a single storey brick construction with concrete bases and fibre corrugated sheet roofing.

Five properties have vehicular access from the garage court to the bottom of their gardens. Gardens are enclosed with 2m high close boarded fencing otherwise.

Arnold Parish Footpath No 53 runs along the northern edge of the site along the side boundary of 20 Moyra Drive and between 25 Oxborough Road and 58 Roundwood Road.

The application site is located within the built up area of Arnold.

Relevant Planning History

None

Proposed Development

The proposal is to demolish the garages and provide, in two blocks towards the northern and southern sections of the site and across the site, four one bedroomed flats with five parking spaces between. The blocks, which would be double pitch so as to keep the height below that of the surrounding dwellings, would be rendered with brick feature panels on the rear elevations and projecting brick features on the front elevations. The roofs would be clad in slate grey roof tiles. The rear elevations, which back onto existing dwellings, are solely windows lighting bathrooms or corridors and they are between 6 and 9m from the boundary and enclosed to provide amenity space for the residents.

The public footpath along the northern edge of the site would be unaffected by the proposal.

The scheme has been revised several times to secure a satisfactory design and a development which would not have a significant impact on the residents of the existing houses around the site. The latest plan (revision G) was received on 20th July 2016.

A design statement has been submitted in support of the proposal. Of relevance are the following points:-

- Gedling Homes manages 168 garages as part of their portfolio of dwellings in this area of Nottingham
- Over a period of time it has become apparent that a large number of these garages are no longer used, with no immediate sign that they will become occupied due to a lack of demand. At Moyra Drive, of the 16 garages 11 are “void units”
- The garages are of a brick construction with corrugated sheet roofing, which is likely to be asbestos based
- It is considered that the garages are empty because tenants do not wish to rent, the garages have fallen into a state of disrepair, partly because their location makes them subject to antisocial behaviour and now where the cost of repair is financially unviable. Some vacant garages have been broken into and are attracting fly tipping.
- The proposal will solve some local social issues and add to the Government’s and Borough’s need for affordable housing especially in the Bestwood area, for 1,2 and 3 bed accommodation
- Local residents have been consulted and existing vehicular accesses have been retained. Tenants of existing garages will be offered alternative accommodation in the vicinity.
- A designated parking space will be allocated to each new unit with a space for visitors
- Gedling Homes has secured funding for a mix of general needs housing. The House and Communities Agency (HCA) is limited to the mix of housing and funding could be lost if this is not achieved
- This site has been designed to maintain existing access points to the rear of properties on Moyra Drive and Oxborough Road.

Consultations

Notts County Council (Highway Authority) – The proposal is to construct 4no dwellings on land currently used for 16 garages.

In current standards this would require the access width to be 5.25m in width to allow 2no cars to pass side by side. However the site is currently being used for 16 garages which would generate more car movements than 4x 1bed flats.

Therefore the Highways Authority would have no concerns to the proposal, either as submitted originally or as revised, subject to a condition that the car parking spaces are lined out and available for use prior to occupation of the flats, to ensure there is adequate off-street car parking and to reduce the possibility of on street parking

In response to the concerns raised by neighbours, living either side of the access, to the latest revised plan on the grounds of danger to family and disturbance from extra lighting the Highway Authority has commented that at the moment “all 16 garages could come into use at any time”

Notts County Council (Notts CC) (Area Rights of Way Officer) – Whilst not an objection would require that Arnold Parish Footpath, which runs along the northern boundary of the site, is not affected or obstructed in any way, that Notts. CC should be consulted re any surfacing or gating issues and that path users should not be impeded or endangered in any way.

Severn Trent – No objections to the proposal. A condition, regarding submission of drainage plans before commencement, is recommended.

Public Protection – The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills. The applicant/developer then will need to have a contingency plan should the construction phase reveal any contamination. This matter may be controlled by way of a standard condition.

The applicant’s attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point per dwelling; to allow future residents to charge electric/hybrid vehicles into the future.

Adjoining Properties have been notified in respect of the original plans, the first amendment (to the one objector to the original plan) and the latest revised plans (to all neighbours consulted originally) and a Site Notice posted. One letter of representation was received against the initial plans on the grounds of invasion of privacy, loss of security, increased stress and loss of sunlight. However the plans have been significantly changed by the re-orientation of the development and the division of the accommodation into two blocks and no objections have been received from this neighbour to subsequent revisions. With respect to the latest revision two strong objections have been received from the residents living either side of the access on the grounds of:

- Increase in traffic on a very narrow access road. There have been numerous accidents, which is why a gate was erected – this has since been broken and the site is now open
- Disturbance from new street lights
- There are no safety features to protect families living either side of the access.

Planning Considerations

In my opinion the main planning considerations in determining this application are:

- The principle of development;
- The design, scale, mass, layout of development;
- Impact on residential amenity;
- Car parking and highway safety;
- Land Contamination
- Impact on the Public Footpath

The following policies are relevant in the consideration of this application:

- Nation Planning Policy Framework (NPPF) 2012 paragraphs 47-55 (Delivering a wide choice of high quality homes);
- NPPF paragraphs 56-68 (Requiring good design);
- Aligned Core Strategy (ACS) adopted by Gedling Borough in September 2014 Policy 8 (Housing Size, Mix and Choice);
- ACS Policy 10 (Design and Enhancing Local Identity);
- Replacement Local Plan (RLP)(certain policies saved 2014) Policy ENV1 (Development Criteria);
- RLP Policy H7 (Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes).

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

The Principle of Development

The site is located within the existing built up area of Arnold. The proposal is for the demolition of the existing garage block and residential development of 4 units in two blocks.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value. The NPPF's definition of brown field land is 'previously developed land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens, parks, recreation grounds and allotments.'

At the heart of the NPPF there is presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay.

Whilst the NPPF advises that previously developed land should be re-used

effectively, the proposal for residential re-development of the site would result in the loss of garages which were originally designed to serve the residential properties in the immediate area. The application site, together with the other garage sites, present in the area amount to a total of 168 garage spaces. However, as it is stated in the Design Statement, “a large number of the garages have become void with no immediate sign/demonstration that they will become occupied in the future due to the lack of demand”. It is also stated that 11 of the 16 existing garages within the application site are void and that the tenants who occupy a garage will be offered a replacement garage in the area where the garage blocks would be refurbished and upgraded. It may be noted that on Moyra Drive, there are 14 other garages, with access straight off the highway, although it is not known how many of these are “void”.

In light of the above, given the proposed residential use of the site and the high demand for new housing, I am of the opinion the proposal represents an effective use of a previously developed site. As such, I am of the opinion the principle of the development would be in line with the advice contained within the NPPF.

The Design Scale, Mass, Layout of Development

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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

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

Policy 10 – 2 of the ACS sets out the criteria that development will be assessed including: - plot sizes, orientation, positioning, massing, scale, and proportion. Criterion a, c. and d. of Policy ENV1 and criterion a. and c. of Policy H7 of the Replacement Local Plan (certain policies saved 2014) are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. This policy states inter alia that permission will be granted for residential development, within the urban area provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

I note the site is located within the existing built up area of Arnold when referred to the Proposals Map, the site being adjoined on all sides by other residential properties.

I note that the surrounding area is characterised by two storey semi-detached properties. The latest revised plans show 4 units in two blocks, which are of a similar size and height to the surrounding dwellings and the layout proposed will not appear cramped or over intensive and sited sufficiently far from these dwellings.

Given the type and sizes of properties in the immediate vicinity and the size of the application site I consider that the development is in keeping with the character of the area. I also consider that the incorporation of contemporary design principles, such as render, with brick feature panels, would add to the architectural mix in the area.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 and H7 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. I am also of the opinion the proposed dwellings would be in keeping scale and character with the area and the wider locality.

Impact on Residential Amenity

Criterion f) of Policy 10 of the ACS refers to the impact on the amenity of nearby residents.

Criterion b) of RLP policy ENV1 states that Planning permission will be granted for development provided it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of traffic generated.

I note that the objection to the original plans has been met by re-orientating the development and dividing it into two blocks. It is recommended to prevent light disturbance a condition could require low level lighting. It may be noted also that the residents, who have and access to their back gardens are being allowed to retain this.

I conclude that given the separation distances to the neighbouring properties and plot orientation the proposed development would not have a significant undue

overbearing, overlooking or overshadowing impact on any adjacent properties. I therefore consider the proposal to be in accordance with the aims of policy ENV1 of the RLP and policy 10 of the ACS.

Highway Safety

I note the comments from the Highway Authority and, subject to the suggested condition, I am satisfied that the proposed development would have no undue impact on highway safety.

With respect to the objection to neighbours either side of the access it is accepted that the access is substandard. However this access already serves 16 garages and 5 residents have access to the rear of their properties. It is considered therefore that access to 4 dwellings should be an improvement. It is noted that the Highways Authority has no concerns.

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD a new unit with 2 bedrooms in an urban location would require off street car parking provision for 1 vehicle. The proposed scheme includes 1 off-street parking space for each unit plus one visitor space. I am therefore satisfied that the design layout is sufficient to satisfy the requirements of the SPD.

Land Contamination

I note the comments received from the Scientific Officer with regards to land contamination, I suggest a condition to be attached to the planning permission.

Arnold Parish Footpath No 53

I note that there is no objection subject to the footpath not being affected or obstructed in any way or users endangered or impeded or gating and surfacing issues being discussed with the County Council. This is covered in a recommended informative.

Air Quality

I note the comments of the Scientific Officer in respect of air pollution, and recommend an informative to be attached to the planning permission. The informative would encourage the developer to consider mitigation in the form of electric vehicle charging infrastructure.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

GRANT PLANNING PERMISSION, 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 built in accordance with the the application form, Design Statement and Site 24 existing site and location plan (drawing no. Job 3680 00.024) received on 18th March 2016 and the Site 24 proposed site and location plan (drawing no. Job 3680 100.024) received on 20th July 2016.
3. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Borough Council and once the Borough Council has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Borough Council, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council.
4. The apartments shall not be occupied until the car parking spaces have been lined out, as identified on the submitted plan - drawing no Job 3680 100.024, received on 20th July 2016. These car parking spaces shall be retained for this purpose for the life of the development.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscape scheme 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.
6. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected prior to the first occupation of any of the flats hereby approved and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of any proposed external lighting which shall include siting of the proposed lighting columns or bollards. The proposed lighting shall then be installed in accordance with these details

for the life of the development.

8. 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. Once approved the scheme shall be implemented in accordance with the approved details before the development is first brought into use and retained for the life of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The site has had a history of industrial land uses (in this case, garages); there is then a risk that excavations may reveal material which may be contaminated by historic dumping of materials or spills.
4. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
8. To ensure that the development is provided with satisfactory means of drainage as well as to reduce the risk of creating a flooding problem and to minimise the risk of pollution.

Reasons for Decision

In the opinion of the Borough Council the principle of the residential development is acceptable, it results in no significant undue impact on the amenity of neighbouring properties or the wider area. The proposed development would be visually acceptable and in keeping scale and character with area and the wider locality. The proposal therefore accords with the National Planning Policy Framework (2012), Policies 8 (Housing Size, Mix and Choice) and 10 (Design and enhancing Local Identity) of the Aligned Core Strategy (September 2014), policies ENV1 (Development Criteria) and H7 (Residential Development on Unidentified Sites within

the Urban Area and the Defined Village Envelopes) of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and the Supplementary Planning Document "Parking Provision for Residential Developments" (May 2012).

Notes to Applicant

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The Arnold Parish Footpath No 53 runs alongside the northern boundary of the site. The availability of this footpath must not be affected or obstructed in any way by the proposed development unless this is subject to an appropriate diversion or closure order. The Area Rights of Way Officer at Nottinghamshire County Council (tel no. 0115 977 4559) must be consulted regarding any surfacing or gating issues and path users should not be impeded or endangered in any way by the development, during construction or on its completion.

The applicants attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how we might help decrease levels by incorporating mitigation measures into scheme design as standard. (See<http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>) We would also ask therefore, that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow residents/visitors to charge electric/plug-in hybrid vehicles whilst at the site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

Positive and Proactive 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. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

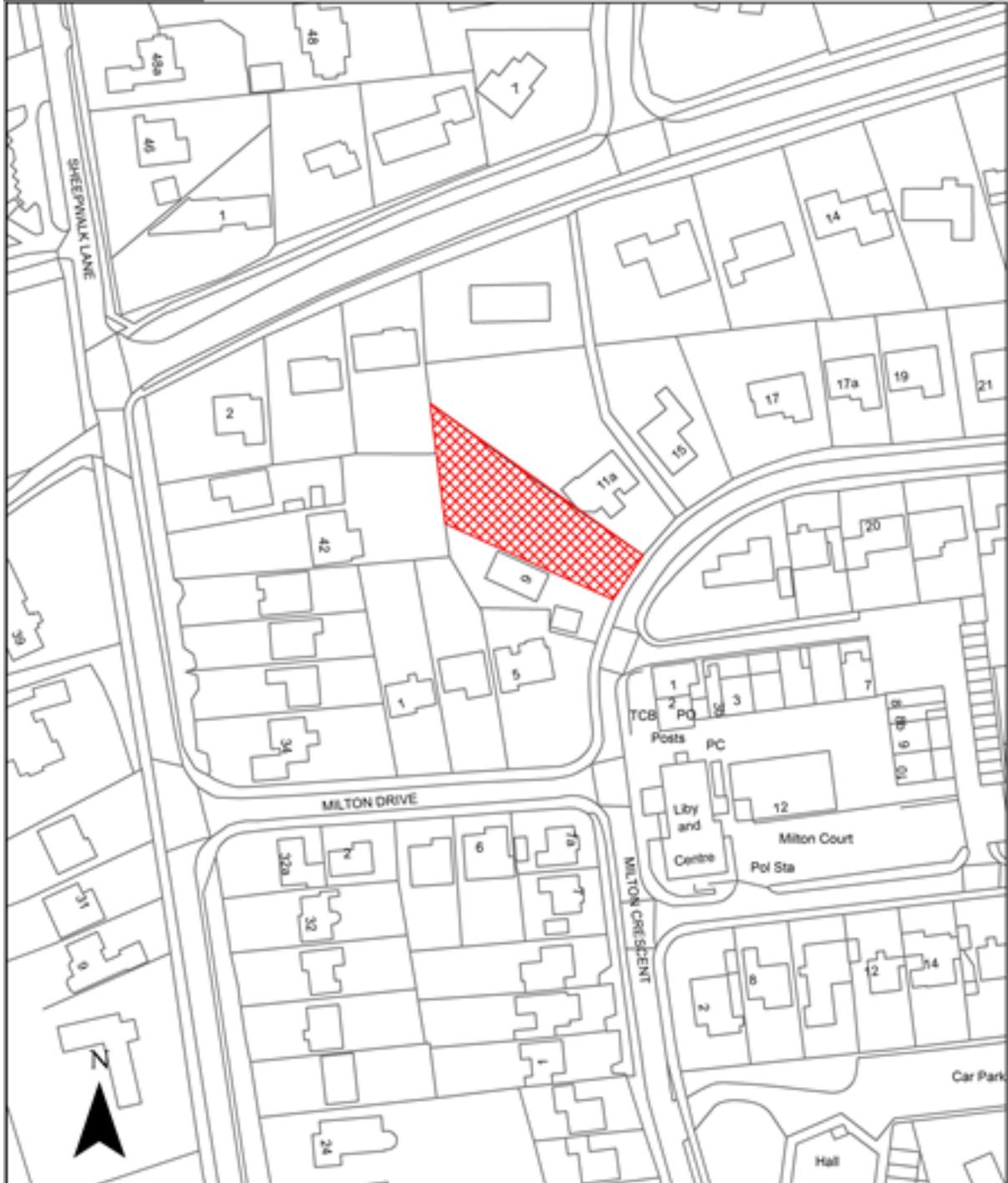
The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Borough Council's website. The proposed development has been assessed and it is the Borough Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

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. 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.



Application Number: 2016/0558
11 Milton Crescent, Ravenshead, Nottinghamshire, NG15
Location: 9BA.



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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Report to Planning Committee

Application Number:	2016/0558
Location:	11 Milton Crescent, Ravenshead, Nottinghamshire, NG15 9BA.
Proposal:	New build dwelling
Applicant:	Mr R McIntosh
Agent:	Mr Rick Cobham
Case Officer:	Cristina Dinescu

Background

This application is being referred to the Planning Committee at the request of the Delegated Members Panel.

Site Description

The former dwelling at No. 11 Milton Crescent has been demolished. However it previously comprised a two-storey detached dwelling. The site is located within the established residential area of Ravenshead.

The application site is adjoined by other detached properties at no.11A and 9 Milton Crescent. No.9 Milton Crescent is a chalet bungalow that has a detached double garage with a front facing gable at the front of the property, set back from the highway boundary by some 5.0m. The property also has a side facing dormer serving a bathroom at first floor. No.11A Milton Crescent is a two-storey dwelling that has a single storey side extension with flat roof sited towards the application site. The extension has high level and fixed windows that appear to be obscurely glazed.

The boundary treatment consists of a laurel hedge and low height wooden fence with concrete pillars on the boundary with the public highway and with the property at No.11A Milton Crescent up to where the detached garage was, a high wooden fence with concrete pillars on the boundary with the property at No.9 Milton Crescent.

Several mature trees are present in the rear garden and some conifer trees are present along the boundary with the property at No.9 Milton Crescent.

Relevant Planning History

2015/0960 – Planning Permission was granted to demolish the existing dwelling and detached garage and erect a new two-storey dwelling with detached garage at the

front.

Proposed Development

The proposal seeks Planning Permission to construct a four bedroom two-storey dwelling with a detached double garage positioned at the front of the property.

The proposal is a re-submission of the approved development under ref. no. 2016/0960.

The proposed dwelling would be L shaped with maximum width of 14.5m and depths of 7.6m and 12.0m. It would be set back from the highway boundary by some 18.4m. The maximum height to eaves would be 4.8m and the maximum ridge height would be 7.9m from ground level.

The detached double garage would be set back from the highway boundary by some 2.0m and would have maximum footprint dimensions of 6.0 x 6.0m and eaves and ridge height of 2.4m and 4.3m respectively from ground level.

The dwelling design would incorporate a hipped roof with split ridge line and front facing gables. The detached garage design would incorporate dual pitched roof with a front facing gable. Access to the garage would be sideways from the existing access point and driveway.

Consultations

Nottinghamshire County Council (Highway Authority) – The proposed dwelling will utilise an existing access point which presently serves the existing dwelling. Therefore the Highways Authority would have no concerns, subject to conditions.

Ravenshead Parish Council – Objection against the proposal on the following grounds:

- Whilst there is site space for the development proposed, building right up to the boundaries of the plot is unacceptable and considered unnecessary. Building without neighbour access provision will prevent execution;
- Proposed dwelling designed too close to the neighbouring properties, which would block out light and cause unacceptable loss of amenity;
- Inappropriate plans as those presented do not show the location of the neighbouring properties;
- The height of the proposed structure would be out of character with the existing streetscene.

Adjoining Neighbours have been notified and a Site Notice was posted and 3 letters of representation were received as a result. The concerns raised can be summarised as follows:

- The siting and the size of the proposed dwelling is different from the one approved in 2015;
- The proposed dwelling would overbear and overshadow the four windows of the adjoining property;
- Out of character with the other houses on Milton Crescent;

- The site block plan is incorrect;
- Replacement hedges should be planted if the existing hedge is removed;
- Incorrect measurements and misleading plans;
- The proposed dwelling would block access to neighbours to maintain their properties;
- Removal of en-suite fan;
- Amended plans should be submitted;
- The house should be reduced in height;

Following receipt of revised drawings, a 7 day re-consultation has been undertaken and 2 letters of representation were received as a result. The concerns raised can be summarised as follows:

- Previous comments still valid with regards to overbearing and overshadowing impact;
- It is unclear from the revised plans where the position of the proposed dwelling would align with the first floor bathroom window and lounge window;
- The lounge window is not obscured by the existing fence;
- The revised plans should include dimensions;
- The distance to the neighbouring properties should be increased;
- The streetscene is misrepresenting the proposed dwelling in relation to the neighbouring properties;
- Increase in footprint by more than 50%;
- A diagram is provided showing the proposed dwelling would be out of scale with the adjoining properties;
- The detached garage would be out of keeping with the streetscene and will interrupt the aspect of the Crescent;
- All properties have open frontages therefore the proposed gate would be out of character;
- No dimensions are being given for the proposed basement;
- A full and detailed sunlight and daylight report should be submitted.

Planning Considerations

The main planning considerations in the determination of this application are the scale and design of the proposed dwelling, the impact on the appearance of the site and the wider area, any undue impacts on the amenity of neighbouring properties, any highway safety implications and off-street parking provision.

At national level the National Planning Policy Framework (March 2012) chapters 6 and 7 are relevant in considering this application: -

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

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

- Policy 8 - Housing size, mix and choice; and
- Policy 10 - Design and Enhancing Local Identity.

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

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

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

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

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

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

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

Design and layout are also considered in criterion a. and b. of Policy H7 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

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

(May 2012).

Design

I note that the design of the new dwelling includes hipped roof with split ridge line and front facing gables. I also note from the proposed site layout plan that the proposed dwelling would be sited at 18.4m from the front boundary and set back from the building line formed by the existing adjoining properties, and that the plot has an irregular shape with a narrow frontage and a wider rear. I am therefore satisfied the application site is of sufficient size to accommodate the proposed dwelling within the site layout proposed without appearing cramped or over-intensive.

I am mindful about the comments with regards to the streetscene submitted and block plan without dimensions, however, given that the application site is on a curved section of road and the plot splays, I am satisfied the streetscene does provide details regarding height, design and relationship achievable with the adjoining properties as the provided drawings are drawn to recognisable scales. I am also of the opinion, given the proposed distance from the highway boundary, the proposed dwelling would not be perceived as higher than the adjoining properties and it would be visually acceptable in the streetscene in keeping character with the wider area.

I am mindful about the comments received with regards to the proposed basement; however written confirmation has been received from the agent that the basement is omitted from the application.

With regards to the existing hedge and trees present along the front and side boundary, written confirmation has been received from the agent that the hedge and trees would be retained. Given the presence of other trees located in close proximity to the boundary of the site in neighbouring gardens should planning permission be forthcoming, I would recommend attaching a pre-commencement condition requiring a Method Statement, a Roof Protection Area (RPA) plan and Tree Protection Plan as set out within BS5837:2012 be provided.

I am mindful about the comments received from Ravenshead Parish Council, however the revised drawings show the proposed dwelling to be set in from the side boundaries and the revised block plan shows the application site with the proposed dwelling and detached garage in relation to the former dwelling and the adjoining properties.

Neighbouring Amenity

I note the comments received from neighbours with regards to the undue impact on neighbouring residential amenity. However in my opinion the proposed dwelling would not result in a significant undue overbearing, overshadowing or overlooking impact onto any adjoining property, given the plot orientation, the proposed roof design and distances to adjoining properties.

I would recommend a condition be attached, should planning permission be forthcoming, that the first floor bathroom window on the side elevation towards the

property at no.11A Milton Crescent to be obscurely glazed and top opening only.

Highway Safety

I note that the proposed plans show the dwelling to utilize the existing access and driveway and also a detached double garage with access to side. Given that the Car Parking Supplementary Planning Document (SPD) requires new dwellings with 4 bedrooms or more in rural areas to have provision for 3 off-street parking spaces, I am of the opinion the proposal would comply with the requirements of paragraph 4.2 of the Borough Councils parking SPD.

I am mindful that the Highway Authority have raised no objection to the proposal subject to conditions, I therefore consider there would be no highway safety implications in allowing this application.

Conclusion

Having regard to the above considerations I am of the opinion that the proposal is in accordance with Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and Saved Policy ENV1 (Development Criteria) and Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan and advice contained within the National Planning Policy Framework 2012.

Accordingly I recommend that planning permission be granted.

Recommendation:

Grant Planning Permission subject to conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be carried out in accordance with the application form and site location plan received on 26th April 2016, revised plans, RC/RM/02/06/16/02 and RC/RM/02/06/16/01, received on 5th July 2016, and e-mail received on 11th August 2016.
3. The dwelling shall not be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
4. The dwelling shall not be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated

discharge of surface water from the driveway/parking/turning area(s) 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.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of surfacing of the unbuilt on portions of the site. Once approved the development shall be constructed in accordance with these approved details.
6. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained. Once approved, the landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
7. Before development is commenced a Method Statement, an RPA plan and a Tree Protection Plan, as set out within BS5837:2012, shall be submitted to and approved in writing by the Borough Council. Once approved the means of protection shall be retained until the completion of all building operations unless otherwise agreed in writing by the Borough Council.
8. The window to the first floor bathroom on the north side elevation, as shown on drawing no. RC/RM/02/06/16/01, shall be obscure glazed to a minimum level of Pilkington Level 4 and prior to the first occupation of the hereby approved dwelling. Any opening units shall only be top hung.

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 reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
5. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
6. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).

7. To ensure a satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
8. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the proposed development is of an acceptable size and design in this setting and would have no significant undue impacts on the visual appearance of the streetscene or on neighbouring amenity and there are no highway safety implications. The proposal therefore accords with Policy 8 (Housing Size, Mix and Choice) and Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy (September 2014), Saved Policy ENV1 (Development Criteria) and Policy H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes) of the Gedling Borough Replacement Local Plan and advice contained within the National Planning Policy Framework 2012.

Notes to Applicant

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

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

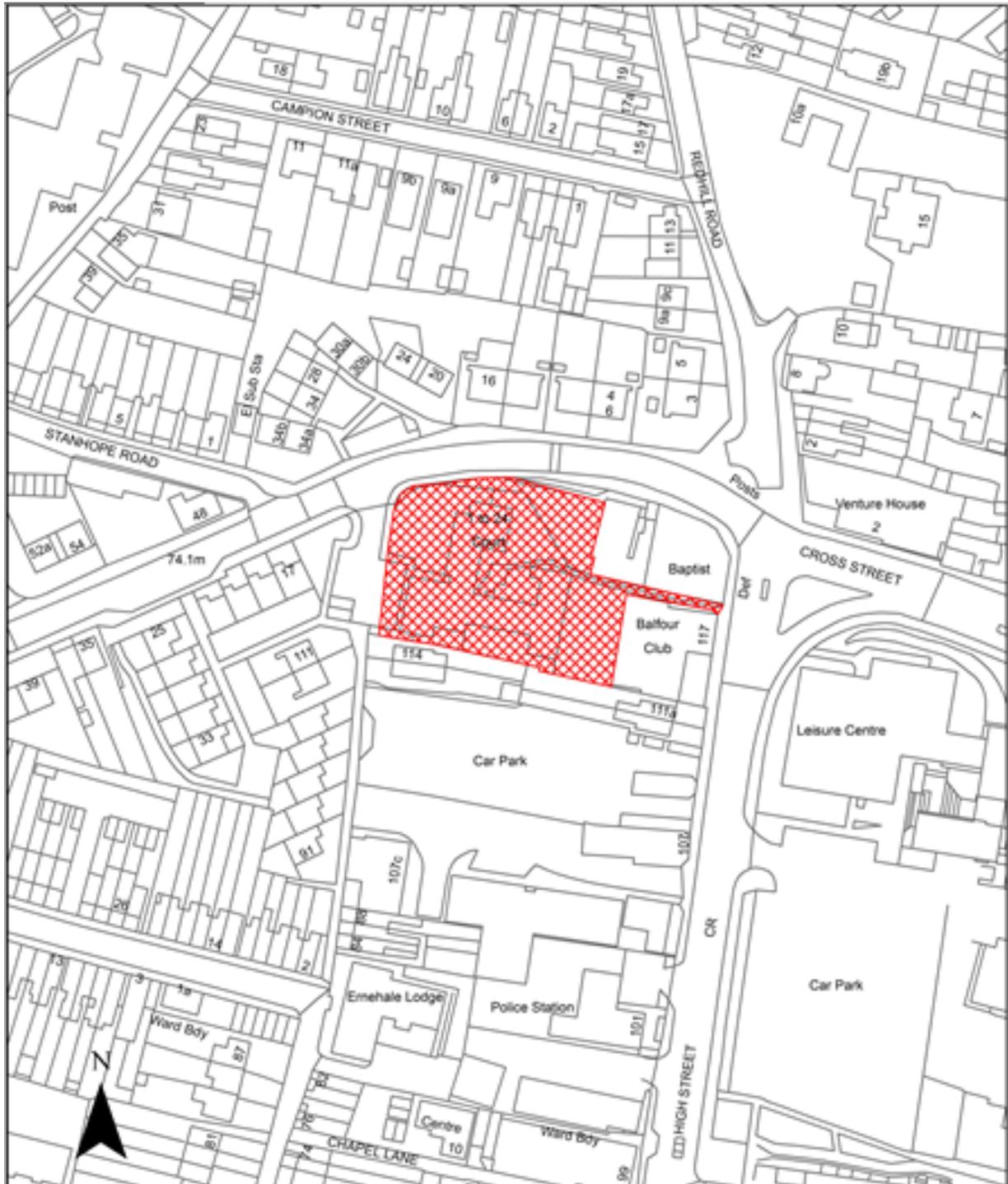
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice

which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil



Application Number: 2016/0624
Location: Ernehale Court, Cross Street, Arnold, Nottinghamshire, NG5 7BZ.



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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026
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Report to Planning Committee

Application Number: 2016/0624

Location: Ernehale Court, Cross Street, Arnold, Nottinghamshire, NG5 7BZ.

Proposal: Demolition of the former sheltered accommodation named 'Ernehale Court' for 6 New Build 2B4P 2 Storey Houses and 12 New Build 1B2P Apartments over 3 Storeys

Applicant: Gedling Homes

Agent: Arcus Consulting

Case Officer: Nick Morley

Site Description

The application site comprises Ernehale Court, a predominantly two-storey brick and timber block which previously provided sheltered accommodation, but which is now vacant. It is located on the edge of the secondary shopping area for Arnold Town Centre.

To the east of the site is the Cross Street Baptist Church and the Balfour Conservative Club, which has a flat roofed extension adjoining the eastern boundary of the site. To the south, west and north are residential houses and flats on High Street, Furlong Street and Cross Street.

Access is via a short, unadopted cul-de-sac, known as Furlong Street, which is in the ownership of the applicant, Gedling Homes. As Cross Street rises from the signal controlled junction with High Street, the first part of the site adjacent to the Baptist Church is raised between approximately 1 to 2 metres above the highway and there is a retaining wall alongside this part of the highway.

There is an existing footpath from the site to High Street, passing between the Baptist Church and the Balfour Conservative Club.

The site contains a number of mature trees, none of which are protected.

Proposed Development

Full planning permission is sought to demolish Ernehale Court and erect 6 two-bedroom houses and 12 one-bedroom flats, with associated communal facilities, to be let on an affordable rent basis.

The existing development comprised 24 bedsits, which were unpopular and had become financially unviable.

The new dwelling units would be constructed to meet Nationally Described Space Standards and would utilise a fabric first approach to achieve a good level of sustainability.

The proposed flats would be contained within a flat-roofed, three-storey block, with a rectangular plan form and a maximum height of 12.4 metres, apart from a single storey element to one side comprising the communal entrance and other shared facilities.

The houses would consist of a pair of semi-detached houses fronting Furlong Street and a block of four houses to the rear of the site, facing towards Cross Street and the Baptist Church.

The proposed dwellings would be two-storeys in height, with eaves heights of 5.5 metres and ridge heights of 9 metres.

Details of the proposed materials to be used on the external elevations of the proposed development and the proposed means of enclosure and surfacing have been specified on the submitted drawings.

In addition to the submitted drawings, the application is supported by the following:

- Design & Access Statement
- Extended Phase 1 Habitat Survey & Preliminary Protected Species Assessment
- Arboricultural Survey & Impact Assessment
- Drainage Strategy

Following negotiations, revised plans have been submitted showing the proposed flats located at the junction of Cross Street and Furlong Street and a row of 4 houses sited to the rear of the site, where the flats were originally proposed.

The new vehicular access from Cross Street has been removed from the revised layout and vehicular access will be gained solely from the existing access from Cross Street. A revised 'Existing Site and Location Plan' has also been submitted, showing the existing access within the applicant's control.

Each of the proposed dwellings would have one designated off-street parking space and there are 6 visitor parking spaces to serve the proposed development.

Revisions have also been made to the proposed means of enclosure adjacent to the Balfour Conservative Club. These show a separate access to the whole of the rear of the Club, enclosed by a 1.95 metres high fence, with a keypad access controlled pedestrian gate.

Consultations

Local Residents & Businesses - have been notified by letter, a site notice has been posted and the application has been publicised in the local press.

I have received 1 letter of representation from a local resident, who has made the following comments with regard to traffic and parking:

- Concern is expressed that although off-street parking is provided for the occupants of the proposed development, visiting friends and family are likely to park at the front of the premises, therefore restricting access to the properties on Furlong Street.
- Residents of Furlong Street are not all physically mobile and rely on transport from family, friends and taxis, which will not be able to park if these spaces are taken away.
- Vehicles used by Gedling Homes also need to use these spaces when calling to undertake emergency or repair work to their properties on Furlong Street and Cross Street.
- Emergency vehicles also need to be able to park.
- Concern is also expressed about the safety of pedestrians, mobility scooters and children going to and from the local school.

The Balfour Conservative Club has raised concerns about the revised plans, regarding the security of their building due to its low flat roof and the proposed open layout at the back of their property.

Gedling Homes is requested to consider slight changes regarding access to the back of the Balfour Conservative Club, as at the moment anyone could quite easily gain access onto the flat roof.

Nottinghamshire County Council (Highway Authority) – raised no objections in principle to the original proposals, subject to a number of recommendations and the imposition of appropriate conditions.

Revised Plans

The Highway Authority notes that the development has been re-designed and that a new vehicle access is no longer proposed directly onto Cross Street. Instead, the site is to be served off Furlong Street, which is an un-adopted road.

The Highway Authority considers that Furlong Street is satisfactory to serve the replacement accommodation, and that the proposed provision of off-street parking to serve the development is adequate. This is due to the close proximity of the site in relation to Arnold Town Centre, and on the basis of the proposed accommodation classification as affordable/supported living.

Taking into account the above, the Highway Authority has no objections in principle to the proposal, subject to the imposition of conditions regarding the provision of the

proposed visibility splays, vehicle access, parking and turning areas.

Nottinghamshire County Council (Forestry Officer) – no objections, subject to all the retained trees being protected in accordance with the arboricultural report. The Forestry Officer is also satisfied that the replacement planting proposal will offset the loss trees which were categorised as having low amenity value.

Nottinghamshire Wildlife Trust (NWT) – is pleased that an Extended Phase 1 Habitat Survey Report forms part of the application and highlights the section in the report which states that a bat activity survey of the existing building would be required to determine the presence or absence of bat roosts. This would include a full internal survey of the building and one dusk emergence or dawn re-entry bat survey.

The NWT recommends that these surveys are undertaken before the application is determined, in accordance with Circular 06/2005.

Additional recommendations given in the report regarding the use of native species, tree protection, nesting birds and enhancements are supported and should be secured through suitably worded conditions.

Environment Agency – no comments, as the site is low risk.

Economic Development - supports this application. The number of new dwellings meets the Borough Council's threshold for the developer to provide an employment and skills delivery plan to create training, work experience and work opportunities on site for the term of the build. Economic Development would need the investment value of the development to calculate the number of activities to be included within the delivery plan.

Revised Plans

There are no objections to the revised plans.

Strategic Housing - welcomes the proposal to develop 6 two bedroom social rented general needs houses and 12 one bedroom supported flats, as these will help to meet an identified housing need in the Borough and the affordable housing mix is appropriate for the area.

Revised Plans

There are no objections to the revised plans.

Public Protection *Air Quality*

Whilst the proposed development is unlikely to impinge on the Air Quality Management Area (due to the scale of the development), Public Protection would ask that the applicant is mindful of Section 124 of the NPPF; in particular sustaining ‘...compliance with and contribute towards EU limit values...’. Public Protection would recommend an informative is placed on the decision notice to encourage the

applicant to consider mitigation in the form of electric vehicle charging infrastructure.
Revised Plans

Having reviewed the changes to the layout, Public Protection confirms that it has no further comments above and beyond those made previously.

Planning Considerations

In addition to the over-arching planning policy and sustainable development considerations, the main planning considerations in relation to this application are the design of the proposed development and how it relates to the existing streetscene; the impact of the proposed development on highway safety; and the impact of the proposed development on residential amenity.

The proposal also raises other planning issues in relation to ecological and arboricultural considerations.

Relevant Policies & Background Information

National Planning Policies

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- NPPF Section 4: Promoting Sustainable Transport (paragraphs 29–41)
 - NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
 - NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)

With regard to decision-taking, the following section of the NPPF is most relevant to this planning application:

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

Local Planning Policies

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area.

It is considered that the following policies of the ACS are most relevant to this planning application:

- ACS Policy A: Presumption in Favour of Sustainable Development

- ACS Policy 1: Climate Change
- ACS Policy 2: The Spatial Strategy
- ACS Policy 8: Housing Size, Mix and Choice
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 14: Managing Travel Demand
- ACS Policy 17: Biodiversity

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant to this planning application:

- RLP Policy ENV1: Development Criteria
- RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the Parking Provision for Residential Developments SPD (2012) and the 6C's Design Guide, which deals with highways and transportation infrastructure for new developments, are relevant.

Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Section 10 of the NPPF, Policies A, 1, 2 and 14 of the ACS and Policy H7 of the RLP.

Section 4 of the NPPF states at paragraph 32 that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up and whether safe and suitable access to the site can be achieved for all people. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 of the NPPF goes on to state that developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between cyclists and pedestrians;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

Section 10 of the NPPF steers new development to areas with the lowest probability of flooding.

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use. It also states, amongst other things, that development will be supported that avoids areas of current and future flood risk.

Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

Policy 14 of the ACS states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

Policy H7 of the RLP sets the approach for dealing with residential development within the urban area and states that planning permission should be granted, subject to a number of specific criteria, which are assessed in detail under the Design Considerations.

Principle of Development

Policy 2 of the ACS promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area.

I note that this is a previously developed residential site, which is located on the edge of the secondary shopping area for Arnold Town Centre.

As such, I am satisfied that the proposed development accords with the aims of Policy 2 of the ACS and Policy H7 of the RLP.

Sustainable Design

I note that the new dwellings would be constructed to meet national space standards and would also utilise a fabric first approach to achieve a good level of sustainability.

The Design and Access Statement states that as part of a Housing Corporation initiative, the proposed properties would incorporate some or all of the following technologies:

- PV Cells
- Smart Meters
- Low water usage sanitary fittings
- Low energy light fittings
- Composting bins to houses
- External rainwater collection butts

Permeable paving would be used for the parking bays, parking areas and around the proposed dwellings. In addition, the landscaped areas would be constructed from organic soft landscaping materials to give at least 100% on site SUDS in this area.

The design of the properties would comply with Life Time Homes standards where possible, which would incorporate design features and allow the building to make life as easy as possible for as long as possible. It also aims to provide accessible and adaptable accommodation for all ages and needs, including a simple alteration (which is built into the construction) to allow a lift to be installed between the house floors.

The proposed properties would seek to achieve a green rating in Buildings for Life, which allows for a good quality housing design which can improve social well-being and quality of life by reducing crime, improving public health, easing transport problems and increasing property values.

Transport & Access

I note that the Highway Authority considers that Furlong Street is satisfactory to serve the replacement accommodation, and that the proposed provision of off-street parking to serve the development is adequate. This is due to the close proximity of the site in relation to Arnold Town Centre, and on the basis of the proposed accommodation classification as affordable/supported living.

Dedicated cycle storage would be provided to the front of the apartment block main entrance for up to 8 cycles and secured cycle storage facilities would be provided for all the proposed dwellings.

Level and disabled access is proposed to all the proposed dwellings and throughout the site where required to external openings. New street lighting columns would be installed to illuminate the new pedestrian and vehicular access ways.

All the proposed dwellings have designated bin storage space and there would be a communal waste storage area to serve the proposed flats.

Accessibility

The site is in a sustainable location for affordable rented housing, being situated close to local facilities within Arnold Town Centre and with good public transport links to Nottingham city centre.

Flood Risk

I note that the Environment Agency has no objection to the proposed development, as the site is at low probability of flood risk, falling within Flood Zone 1. It therefore avoids areas which have been identified as being of current and future flood risk.

In conclusion, I am satisfied that the proposed development can be considered to be accessible and sustainable in accordance with Sections 4 and 10 of the NPPF, Policies A, 1, 2 and 14 of the ACS and Policy H7 of the RLP.

Design Considerations

The relevant planning policies which need to be considered in relation to the design of the proposed development are set out in Sections 6 and 7 of the NPPF, Policies 8

and 10 of the ACS and Policies ENV1, H7 and T10 of the RLP.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

Policy 8 of the ACS requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the layout; density and mix; impact on the amenity of nearby residents and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials. Policy ENV1 also states that development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles.

Policy H7 of the RLP sets the approach for dealing with residential development within the urban area. It states planning permission should be granted provided the development:

- a. It is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. It would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- c. It is not contrary to other policies in the Local Plan.

Policy T10 of the RLP states that in considering proposals for new development, reference will be made to the Highway Authority's design and parking guidelines.

The application site is within the main built up area of Arnold and would not result in the loss of buildings or features which make an important contribution to the appearance of the area.

The proposed layout has been revised so that the three-storey flats make a contribution as a landmark feature within the streetscene, as well as reducing the

impact that their scale and bulk would have had on residential properties directly to the south of the site.

The streetscene along this part of Cross Street is characterised by relatively large buildings, including Arnold Library, Arnold Leisure Centre and Bonington Theatre and Cross Street Baptist Church. Both the library and leisure centre have flat roofs.

There would be good natural surveillance from the houses and flats over the visitor parking areas and landscaped areas of the site. This will help to reduce opportunities for crime and the fear of crime, disorder and anti-social behaviour in accordance with the aims of Policy 10 of the ACS and Section 17 of the Crime and Disorder Act 1998.

I am satisfied, therefore, that the proposed development has regard to the appearance of the area and would make a positive contribution to the public realm and create an attractive, safe, inclusive and healthy environment for its residents.

I note that Strategic Housing welcomes the proposed development, as the social rented general needs houses and 12 supported flats will help to meet an identified housing need in the Borough and that the affordable housing mix is appropriate for the area. In my opinion, the proposed development would provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

The revised layout has removed the need to create an additional vehicular access from Cross Street and provides 12 off-street parking space within the site for residents and visitors of the proposed development, which the Highway Authority considers to be adequate for proposed development.

It is considered, therefore, that the design of the proposed development would be in accordance with Sections 6 and 7 of the NPPF, Policies 8 and 10 of the ACS and Policies ENV1, H7 and T10 of the RLP and the 6C's Design Guide and that a departure from the Parking Provision for Residential Development SPD is justifiable in this instance

Highway Considerations

The relevant planning policies that need to be considered in relation to highway matters are set out in Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Development SPD.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states,

amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets.

Whilst I appreciate the comments made by a local resident with regard to traffic and parking, I note that the Highway Authority has no objections to the proposed development, subject to the imposition of appropriate conditions.

Whilst the overall parking provision for the proposed development does not fully meet the Borough Council's Parking Provision for Residential Developments SPD, I consider that allowing a departure from this would be appropriate in this instance, given that the flats are for supported living accommodation and the close proximity of Arnold Town Centre.

In addition, the Highway Authority has indicated that, in the unlikely eventuality that the flats were to be put on the general housing market at some point in the future, it would be unlikely to have any objections in principle. This is because the site is in close proximity to Arnold Town Centre and its numerous facilities; it is near to a vibrant bus corridor; and is also within easy walking distance of public car parking facilities.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Policies ENV1 and T10 of the RLP and that a departure from the Parking Provision for Residential Development SPD is justifiable in this instance.

Amenity Considerations

The relevant planning policies that need to be considered in relation to residential amenity are set out in Policy 10 of the ACS and Policy ENV1 of the RLP.

Policy 10 of the ACS states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACS.

Apart from traffic and parking, which has been addressed above, I note that there have been no representations from local residents regarding any other impacts from the proposed development on their residential amenities.

However, the revised layout which shows the proposed three-storey flats re-located from the rear to the front of the site, has reduced the potential for any undue overbearing and overlooking impacts on the residential properties directly to the south. The proposed development would also result in a more open aspect for these

properties, due to the close proximity of the existing two-storey building to this boundary.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy 10 of the ACS and Policy ENV1 of the RLP.

Ecological Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 11 of the NPPF and Policy 17 of the ACS.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 17 of the ACS states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

Whilst the bat surveys had not been undertaken at the time of writing, the applicant's agent has confirmed that this work has been put in hand so that the necessary surveys are completed within the current year's window. In the circumstances, I am satisfied that the imposition of an appropriate condition to secure the submission of these surveys and the implementation of any mitigation measures will be sufficient.

The Extended Phase 1 Habitat Survey recommends that a suitably designed planting scheme, including native trees and shrubs of local provenance, would introduce ecological features to the proposed development and enhance the immediate surroundings for use by native fauna.

The Survey notes that removal of trees, shrubs and long vegetation may have the potential to adversely affect nesting birds and recommends that clearance works should be conducted outside of the bird breeding season, between October – February inclusive. If this is not practicable, a nesting bird survey must be carried out by a qualified ecologist prior to clearance works.

The Survey also recommends that the installation of a number of bird boxes on the proposed houses would enhance the availability of suitable nesting opportunities for breeding birds post-development.

The above recommendations can be secured by the imposition of appropriate conditions.

I am satisfied, therefore, that the proposed development would protect existing areas

of biodiversity interest and provide new biodiversity features.

As such, I consider that the proposed development would accord with the aims of Section 11 of the NPPF and Policy 17 of the ACS.

Arboricultural Considerations

The relevant planning policy which needs to be considered in relation to trees is set out in Policy 10 of the ACS.

Policy 10 of the ACS states broadly that development must have regard to the local context, including valued landscape/townscape characteristics.

Only one significant mature tree to the rear of the Balfour Conservative Club was proposed to be retained as part of the original layout, but this would now be removed as a consequence of the revised layout. However, I note that none of the trees to be removed are protected and that replacement tree and shrub planting is proposed throughout the development, which can include native trees and shrubs of local provenance to establish new biodiversity features.

Whilst some of the existing trees are prominent with the streetscene, I am satisfied, on balance, that the loss of these trees would not have an unduly adverse impact on important views and vistas and that the proposed replacement planting will develop to benefit the development and the immediate area.

As such, I consider that the proposed development would not be contrary to the aims of Policy 10 of the ACS.

Other Issues

I appreciate the concerns raised by the Balfour Conservative Club about potential unauthorised access onto the flat roof of their building, which is approximately 2 metres high at this point. This matter was raised with the applicant's agent, who has submitted revisions to the proposed means of enclosure adjacent to the Balfour Conservative Club which address these concerns.

Conclusion

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

In my opinion, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

Recommendation:

GRANT PLANNING PERMISSION 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 permitted shall be constructed and implemented in accordance with the following approved plans and documents: Proposed Apartment Elevations (Sk 90.003 Rev C), Proposed Apartment Plans (Sk 20.005 Rev A) and Drainage Strategy (MA10346), received on 13th May, 2016; Proposed House Plans and Elevations, Plots 1 and 2 (Sk 20.009) and Proposed House Plans and Elevations, Plots 3 - 6 (Sk 20.010), received on 26th July, 2016; and Proposed Site Plan (Sk 90.003 Rev F), received on 12th August, 2016.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the type of bricks to be used in the external elevations of the proposed flats. Thereafter the development shall be carried out in accordance with approved materials, unless otherwise prior agreed in writing by the Borough Council.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of cycle stands to serve the proposed flats. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council, and shall be retained for the lifetime of the development.
6. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The landscape plan shall incorporate the recommendations made in section 6.2 of the LSC Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree or shrub or seeded area, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or

defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.

7. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a scheme for the provision of bird boxes on or within the fabric of a proportion of the houses; bird boxes should target species such as house sparrow and swallow. The scheme shall be implemented in accordance with the approved details before the development is first brought into use, unless otherwise prior agreed in writing by the Borough Council, and shall be retained for the lifetime of the development.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a bat activity survey of the existing building, as specified in section 6.3 of the LSC Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment, and any recommended mitigation measures. Any mitigation measures shall be implemented in accordance with the approved details.
9. No removal of trees or shrubs shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences, unless otherwise prior agreed in writing by the Borough Council.
10. No part of the new access driveway and parking area hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of any obstructions exceeding 600 mm in height for the lifetime of the development.
11. No part of the development hereby permitted shall be brought into use until the vehicle access, parking and turning areas are provided in accordance with the approved plans, unless otherwise prior agreed in writing by the Borough Council, and shall be retained for the lifetime of the development.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to allow a proportionate approach to minor material amendments.
3. To seek to ensure that the construction of the site provides appropriate

employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).

4. To ensure that the materials to be used in the external elevations of the proposed flats are satisfactory, in accordance with the aims of Policies ENV1 and H7 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that cycle stands are provided and that the details are satisfactory, in accordance with the aims of Section 4 of the National Planning Policy Framework, Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that the landscaping of the proposed development accords with Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To enhance biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
8. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To minimise any potential impacts on biodiversity in accordance with Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
10. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

Notes to Applicant

The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard. (See: <http://www.gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>)The Borough Council would also ask that the developer considers the commitment to incorporate provision for an EV (electric vehicle) charging point(s); to allow employees and/or clients/visitors to charge

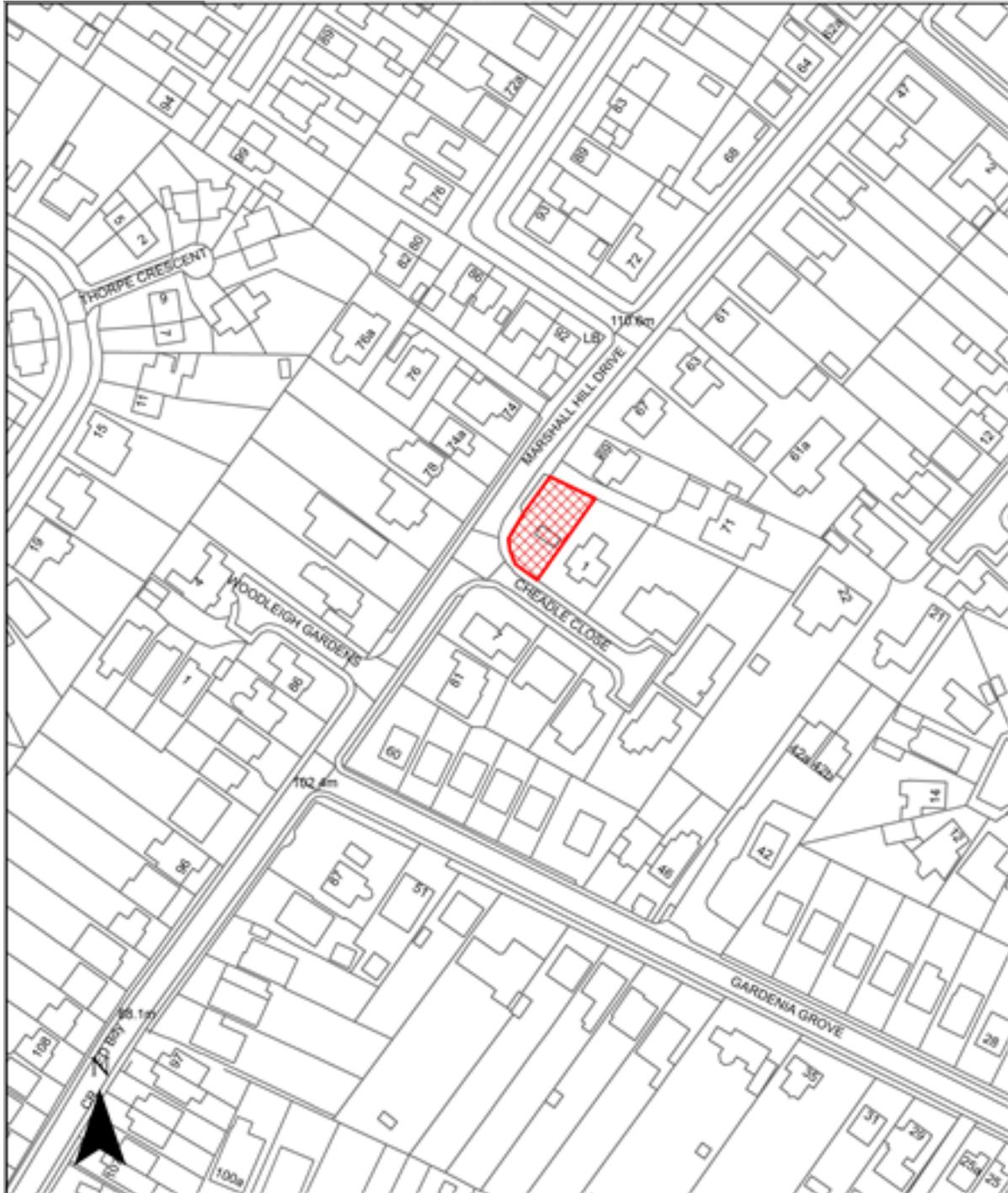
electric/plug-in hybrid vehicles whilst on site. Reference can be made to guidance produced by IET Code of Practice for EV Charging Equipment Installation for details of charging points and plugs specifications.

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. 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.

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses; providing details of issues raised in consultation responses; requesting clarification and additional information in response to issues raised and providing updates on the application's progress.



Application Number: 2016/0639
Location: 1 Cheadle Close, Mapperley, Nottinghamshire, NG3 6FR.



NOTE:
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Report to Planning Committee

Application Number:	2016/0639
Location:	1 Cheadle Close, Mapperley, Nottinghamshire, NG3 6FR.
Proposal:	Proposed New Dwelling on Land Adjoining 1 Cheadle Close.
Applicant:	Miss Ev Casimiro
Agent:	Mr Dino Labbate
Case Officer:	Alison Jackson

Site Description

The application site relates to land which is currently within the curtilage of no. 1, Cheadle Close a two storey detached property. The land currently forms part of the side garden area of this property. There is an existing garage on the site that serves the dwelling. The site is situated on a corner plot with Marshall Hill Drive. On the other side of Cheadle Close, opposite the application site is a dormer bungalow. To the other side of the application site is an access drive leading from Marshall Hill Drive to a bungalow. No. 69, Marshall Hill Drive is a two storey detached property with a garage to the side.

Proposed Development

Planning permission is sought for the erection of a dwelling on land adjacent to 1, Cheadle Close.

The proposed dwelling is relatively modern in design incorporating different elements in terms of the layout and differing heights of the dwelling. The dwelling is also proposed to be constructed in various different materials these being brick work, render, timber cladding and slate walling. It is also proposed that there will be a significant amount of glazing to the dwelling.

The proposed dwelling includes an integral garage with a driveway area to the front. The access is proposed from Cheadle Close.

A garden area and landscaping are proposed to the rear and frontage of the dwelling.

Consultations

NCC Highway Authority – no objections subject to the vehicular access being provided and off road car parking being provided.

Local residents have been notified by letter and a site notice has been posted – I have received three letters of representation as a result, the contents of which are summarised below:

- Loss and lack of car parking.
- Properties are too close to each other.
- The dwelling is too high.
- Loss of light.
- Out of keeping with the area.
- The property is too large and too tall.
- Highway safety issues.
- Misleading information within the Design and Access Statement.

Planning Considerations

The main considerations in the determination of this planning application are whether the proposal is an acceptable form of development on the site, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising.

The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core principles set out in the guidance states at paragraph 17:

Planning should: ‘proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs’.

In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes (paragraphs 47 – 55)
7. Requiring Good Design (paragraphs 56 – 68)

When delivering sustainable development paragraph 19 states:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

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

and appropriate landscaping.

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS.

- Policy 10 - Design and Enhancing Local Identity.

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

- Policy ENV1 – Development Criteria.
- Policy H7 – Residential Development on Unidentified Sites within the Urban Area and Defined Village Envelopes.
- Policy H16 – Design of Residential Development.

The site currently forms the garden area to 1, Cheadle Close and whilst this is therefore not classed as previously developed land, development is not precluded subject to the proposal being in keeping with the character of the area.

In my opinion the proposed dwelling whilst fairly modern in design is an acceptable form of development in this area and will not be visually detrimental to the surrounding area. The dwelling is also proposed to be detached property which reflects the style of houses in the immediate vicinity.

I am satisfied that the proposed development of the site does not result in an over intensive use of the site.

I am satisfied, given the siting of the dwelling and its relationship with neighbouring properties there would be no undue impact on neighbouring properties in terms of any overbearing, overlooking or overshadowing impacts.

Whilst I note that there are ground and first floor main habitable room windows to the side elevation of no. 1, Cheadle Close, I am satisfied given the design of the proposed dwelling adjacent to no. 1 together with the fact that only a door and a first floor en-suite window are proposed to the side elevation of the dwelling adjacent to no. 1 there will be no undue overbearing, overshadowing or overlooking impact onto no.1.

I would suggest however that should planning permission be granted conditions are attached requiring the submission of boundary treatments to be approved adjacent to the side elevation of no. 1 and requiring the first floor en-suite window adjacent to no. 1 to be obscure glazed with any opening units to be top hung only at all times.

To the rear elevation of the proposed dwelling, I note that doors with a Juliette balcony are proposed to serve the master bedroom at first floor level. I am satisfied given the distance and oblique angle to no. 1 and the adjacent properties, there will be no undue overlooking impact from this window onto the neighbouring properties.

I note that the Highway Authority has raised no objections to the proposed development of the site subject to standard conditions. Given this I am satisfied that the development of the site is satisfactory and would result in no undue impact on highway safety.

I am satisfied that there is adequate provision of off road car parking on the site to serve the proposed dwelling as the development proposes a garage and one car parking space on the driveway. This provision of car parking is in accordance with the Council's car parking SPD which requires two off road car parking spaces to be available to serve the dwelling.

I note that with the proposed development of the application site, off road car parking will be removed to serve no. 1, Cheadle Close. With this in mind I consider that should planning permission be granted a condition would need to be attached to any grant of planning permission requiring details of off road car parking to serve no. 1 Cheadle Close to be submitted for approval and once the details approved the off road car parking area provided.

Whilst there are some trees and other vegetation on the site and these would be lost as part of the development of the site, I am satisfied that there is nothing on the site that is worthy of a tree preservation order. I note however that the plans show fairly extensive landscaping to be undertaken at the site which will enhance the appearance of the site.

Accordingly, I recommend that planning permission be granted.

Recommendation:

GRANT PLANNING PERMISSION: 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 shall be undertaken in accordance with the details as set out within the application forms, the Design and Access Statement and the plans including drawing numbers 001, 002 revision C, 003 and 004, received on the 17th May 2016.
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 dwelling. Once these details are approved the dwelling shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. Before development is commenced there shall be submitted to and approved

in writing by the Borough Council precise details of the means of enclosure of the site. Once these details are approved the development shall be carried out in accordance with the approved details. The proposed means of enclosure shall be erected before the dwelling is first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of surfacing of the unbuilt on portions of the site. Once these details are approved the development shall be carried out in accordance with the approved details and be completed in accordance with the approved details before the dwelling is first occupied.
6. No works permitted under Class A, B, C, D and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as Local Planning Authority.
7. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
8. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.
9. No part of the development hereby permitted shall be brought into use until the driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway, parking and turning area to the public highway in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. The first floor side elevation window adjacent to 1, Cheadle Close serving the en-suite shall be obscure glazed to a minimum of Pilkington Level 4. This window unit shall be obscure glazed for the life of the development. Any opening units to this window shall only be top hung in accordance with precise details (including details of restrictors to be fitted to the opening elements), to be submitted to and approved in writing by the Borough Council as Local Planning Authority. Development shall be undertaken in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
11. Before development is commenced there shall be submitted to and approved

in writing a scaled plan showing the provision of two off road car parking spaces to be provided on the frontage of 1, Cheadle Close, (the land outlined in blue on the site location plan hereby approved). The car parking spaces shall be provided in accordance with the approved details, prior to the commencement of the development of the hereby approved dwelling. The car parking spaces shall thereafter be retained for the life of the development.

12. Before development is commenced there shall be submitted and approved by the Borough Council precise details relating to the landscaping of the site. This shall include the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscaping scheme 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.

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 that the materials to be used in the construction of the dwelling are appropriate, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
4. To ensure that the means of enclosure of the site are appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
5. To ensure that the materials are visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan (Certain Saved Policies 2014).
6. To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local plan (Certain Saved Policies 2014).
7. In the interests of highway safety.
8. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
9. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
10. To ensure that there is no undue overlooking impact onto neighbouring properties, in accordance with the aims of policy ENV1 of the Replacement

Local Plan (Certain Policies Saved 2014).

11. To ensure that there is adequate off road car parking to serve the existing dwelling and to prevent any detrimental impact on highway safety, in accordance with the aims of policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
12. To ensure that the site appears visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan (Certain Saved Policies 2014).

Reasons for Decision

The proposed development of the site would result in no undue impact on undue impact on neighbouring properties, the area in general and there are no highway safety implications arising from the proposal. The proposal therefore accords with policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough.

Notes to Applicant

Positive and Proactive Working 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.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

The proposal makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.

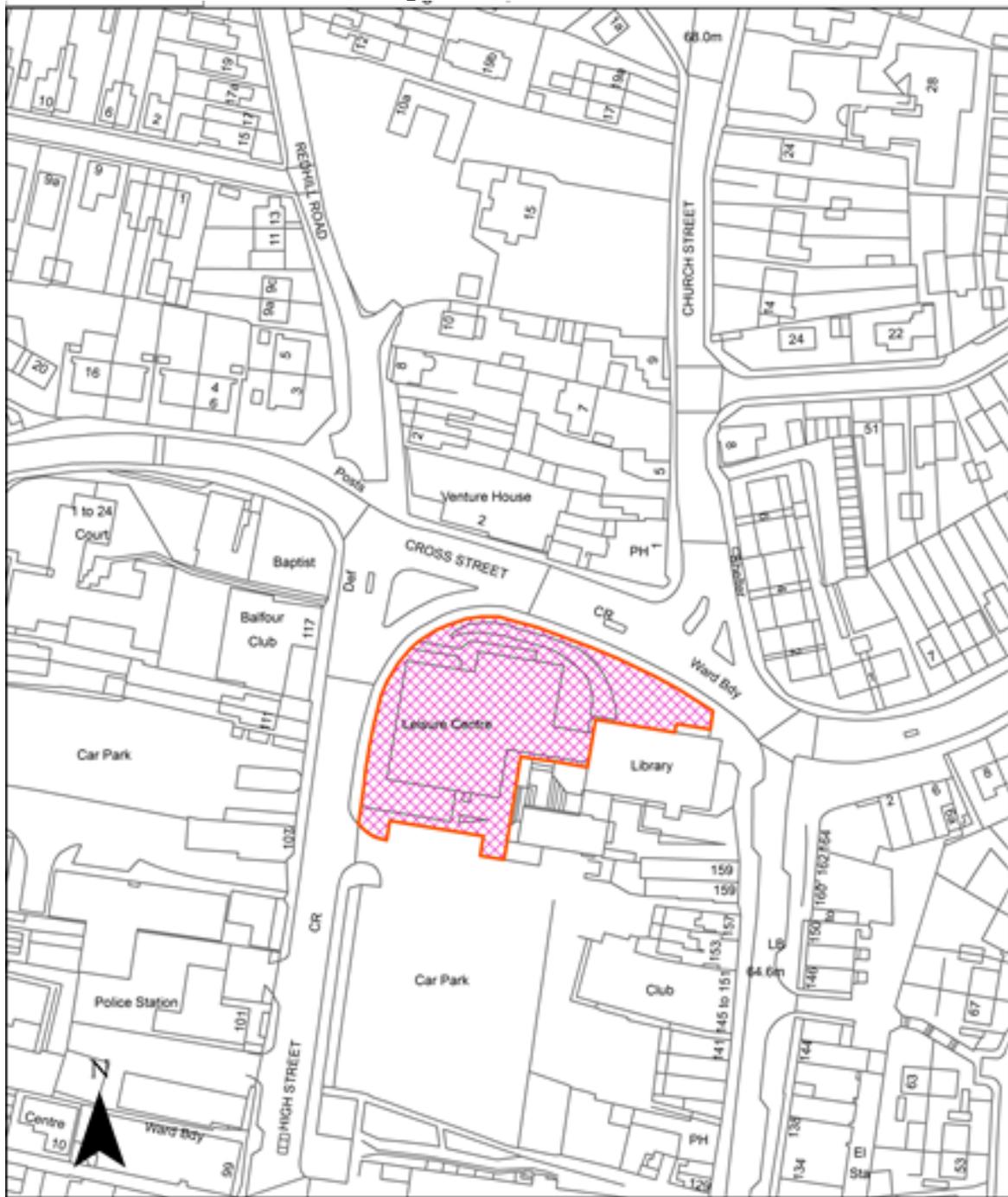
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. 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.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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Application Number: 2016/0738
Location: Arnold Leisure Centre, High Street, Arnold,
Nottinghamshire.



NOTE:
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Report to Planning Committee

Application Number:	2016/0738
Location:	Arnold Leisure Centre, High Street, Arnold, Nottinghamshire.
Proposal:	1 hanging illuminated box sign, 1 illuminated notice board and 2 boards.
Applicant:	Andy Hardy
Agent:	
Case Officer:	Deirbhile O'Mahony

Site Description

This application relates to the Arnold Leisure Centre, a flat roofed brick/sectional concrete building of approximately three storey height accommodating the public swimming pool and theatre. The Leisure Centre is situated at the junction of High Street and Cross Street on the periphery of Arnold Town Centre within the Secondary Shopping Area. The site is immediately adjoined to the east by the Arnold Library, a brick flat roofed building and to the south by a public car park linked to the Leisure Centre by pedestrian access. To the north of the site are residential properties and to the west a variety of business, leisure and residential premises.

Proposed Development

The proposal seeks Advertisement Consent for the following:

- x1 Illuminated hanging box sign;
- x1 Illuminated notice board;
- x2 Hanging boards.

The proposed Illuminated Hanging Box sign measures 3.6m in height, 0.4m in width, 0.1m in depth and it would be placed at a height of 2.4m above ground level. It would be internally illuminated and the illumination level would not exceed 300cd/m of overall sign.

The proposed Illuminated Notice Board measures 1.4m in height, 1m in width, 0.05m in depth and it would be placed at a height of 1.2m above ground level. It would be internally illuminated. The illumination level would not exceed 300cd/m of overall sign.

The no.2 Hanging Boards measure 2m in width, 1m in height, 0.05m in depth and it would be placed at a height of 1.2m above ground level.

Consultations

Adjoining Neighbours have been notified and a Site Notice was posed. No letters of representation were received as a result.

Nottinghamshire County Council (Highways Authority) – No objections.

Public Protection – Having reviewed the information regarding this application, there are no further comments.

Planning Considerations

The main considerations in determining this application are the visual impact of the proposed advertisements on the site itself and neighbouring properties amenity and highway safety.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 state that Local Planning authorities should consider applications in the interests of amenity and public safety. The National Planning Policy Framework (2012) (NPPF) is the relevant national policy guidance in the determination of this application.

Paragraph 67 of the NPPF states that:-

‘Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.’

The Institution of Lighting Engineers Technical Report No.5 – 3rd Edition (2001) is used to assess acceptable lighting levels and to calculate appropriate luminance levels for signs. In an area classed as E3 (Medium district brightness areas) (e.g. small town centres, urban locations) when the area to be illuminated is over 10m sq the appropriate luminance level is up to 600cd/m.

I am satisfied that the appearance of the signage would be visually acceptable within the streetscene and would be in keeping with the edge of town centre location.

In my opinion the location of the signs together with the luminance levels are acceptable in accordance with the Highways Authority Standing advice, I therefore consider that there are no highway safety implications arising from the proposal and I am satisfied that the proposed signage results in no undue impact on neighbouring amenity given its siting.

Accordingly I recommend that advertisement consent be granted.

Recommendation:

Grant Advertisement Consent.

Conditions

1. The development hereby approved shall only be carried out in accordance with the application form and drawing received on the 17th June 2016, unless otherwise agreed in writing by the Borough Council.
2. The illumination shall be as shown on the approved drawing, listed in Condition 1 above, and the means of illumination must not be intermittent, pulsing or flashing kind.
3. The consent to display advertisements is for a period of 5 years commencing on the date of this decision.
4. All advertisements displayed, and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Borough Council.
5. Any hoardings or similar structure, sign, placard, board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
6. Where any advertisement is required under the Regulations to be removed, the removal, thereof, shall be carried out to the reasonable satisfaction of the Borough Council.

Reasons

1. To define the permission, for the avoidance of doubt.
2. In the interest of highway safety.
3. To comply with the requirements of the Town and Country Planning [Control of Advertisements] Regulations.
4. To comply with the requirements of the Town and Country Planning [Control of Advertisements] Regulations
5. To comply with the requirements of the Town and Country Planning [Control of Advertisements] Regulations.
6. To comply with the requirements of the Town and Country Planning [Control of Advertisements] Regulations.

Reasons for Decision

In the opinion of the Borough Council the signage will result in no undue impact on the amenity of adjacent properties or the area in general and is acceptable from a highway safety viewpoint. The proposal is therefore in accordance with the National Planning Policy Framework (March 2012) and the 2007 Advertisement Regulations.

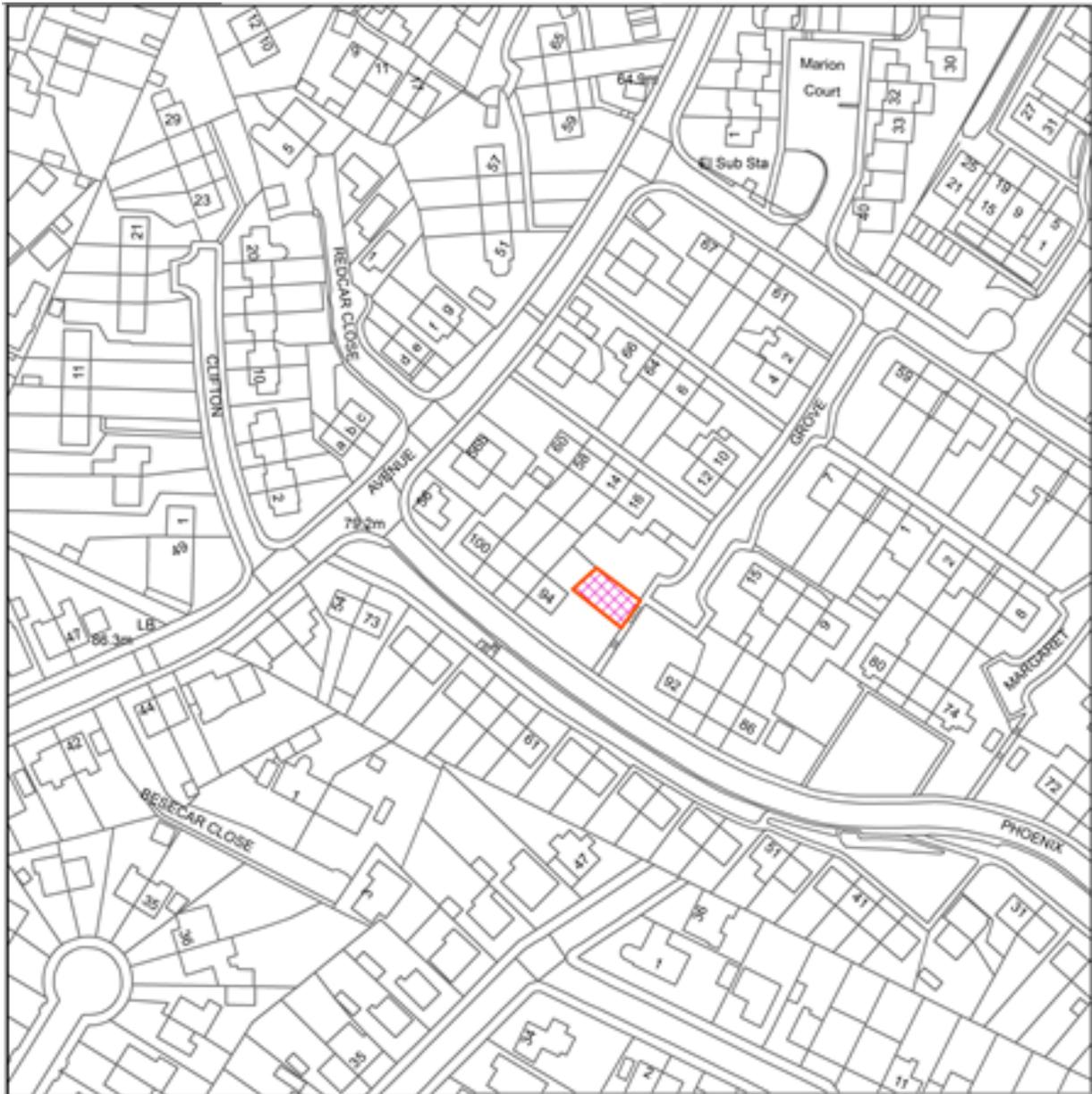
Notes to Applicant

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

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Application Number: 2016/0745
Location: Land To The Rear Of 94 Phoenix Avenue, Gedling, Nottinghamshire.



NOTE:
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Report to Planning Committee

Application Number:	2016/0745
Location:	Land To The Rear Of 94 Phoenix Avenue, Gedling, Nottinghamshire.
Proposal:	Change of use of land from open space to residential curtilage.
Applicant:	Mr John Daft
Agent:	
Case Officer:	Lewis Widdowson

Site Description

Located within the urban residential area of Gedling, the application site is an area of unused land to the rear of 94 Phoenix Avenue, adjacent to a public footpath connecting Phoenix Avenue to Mountbatten Grove. The site comprises of incidental open space and is currently in the ownership/control of the borough council. The site has a boundary with 94 Phoenix Avenue delineated by concrete and timber fencing and wooden boards of up to 2 metres in height and wooden picket fencing of approximately 1 metre in height. The site has a gradient with a steady incline from east to west.

Proposed Development

The application seeks planning permission for the change of use of land from incidental open space to residential curtilage. The applicant is owner/occupier of 94 Phoenix Avenue, and the change of use of this area of land would provide an extension to the garden area of the property.

The land measures approximately 90m² in area.

Consultations

Neighbouring properties were notified and a site notice was displayed – No letters of representation were received.

Nottinghamshire County Council Highways were consulted – No concerns or objections were raised.

Gedling Borough Council Parks and Street Care and Estates departments were

notified – No responses have been received. Any response received will be reported verbally at the meeting.

Planning Considerations

In my opinion, the main planning considerations in the determination of this application are the impact on residential amenity of neighbouring properties and visual impact of the proposal on the character and appearance of the locality. At the national level, the National Planning Policy Framework (March 2012) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development.

The following policies are relevant to the application:

National Planning Policy Framework:

Part 7 – Requiring good design

Gedling Borough Council Replacement Local Plan (Saved Policies 2008):

ENV1 – Development Criteria

Gedling Borough Council Aligned Core Strategy 2014:

Policy 10 – Design and Enhancing Local Identity

There is not considered to be any highways impact through the development as the proposal would not affect the existing highway network in the locality.

In accordance with Local Plan saved policies, development should be in keeping with the scale and character of the existing dwelling and its wider setting and should not cause unacceptable harm to the amenity of neighbouring residents.

The proposal would lead to the loss of a small area of incidental public open space, however, this would not have a harmful impact on the character of the area due to the steep gradient and small area of the site which means that it is of limited public benefit.

I am therefore satisfied that the increase of residential curtilage to 94 Phoenix Avenue would cause no harm to the character of the locality or be unduly detrimental to the visual amenity of the wider area.

In terms of impact upon residential amenity of neighbouring dwellings, there are no concerns that the change of use of land would be harmful to the amenity of neighbouring occupants by way of overlooking, overshadowing or overbearing development.

For the reasons set out above, I am satisfied the proposed development accords with Saved Policies ENV1 of the Gedling Borough Replacement Plan as well as the

NPPF. It is therefore recommended that planning permission is granted.

Recommendation:

Grant Planning Permission 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. This permission shall be read in accordance with the following plan: 'Land at Phoenix Avenue Gedling' received by the Local Planning Authority on 27 June 2016. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to the commencement of development, details of the proposed boundary treatments shall be submitted to and approved in writing by the Borough Council. The development shall be undertaken in 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 and to define the terms of this permission.
3. In the interest of visual amenity and in accordance with Saved Policy ENV1 of the Gedling Borough Replacement Plan.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties and amenities, and results in no unduly detrimental harm to the character and setting of the locality. The proposal therefore accords with Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and saved Policies ENV1 (Development Criteria) of the Gedling Borough Replacement Local Plan.

Notes to Applicant

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems

for which the Local Planning Authority had to seek a solution in relation to this application.

The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

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ACTION SHEET PLANNING DELEGATION PANEL 15th July 2016

2015/0826

Public Convenience Albert Avenue Carlton

Change of Use from former public toilets to producing and sale of food kiosk, reduce the size of the existing door and installation of a large window in the front of the building, and replace the roof. Installation of roller shutter door to front elevation.

The application is to be reconsidered at Delegation Panel following consideration of further information.

2016/0259

7 Gorman Court Arnold Nottinghamshire

New dwelling

The proposed development would have no undue impact on the residential amenity of nearby properties or the character and appearance of the streetscene.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0308

Land At 37 Burlington Road Carlton

Erection of two and half storey dwelling.

The application was withdrawn from the agenda.

2016/0420

2 Victoria Street Gedling NG4 3JE

Two Storey Annex

The application was withdrawn from the agenda.

2016/0563

30 Main Street Linby NG15 8AE

1900mm Stone Wall alongside Main Street. Dropped Kerb to be made onto Main Street.
Double Garage on Driveway.

The proposed development would have an undue impact on the character and appearance of the curtilage of a Grade II* Listed Building and on the Conservation Area of Linby.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0571

Newstead And Annesley Country Park Tilford Road Newstead

Wind turbine with a maximum height of 100m, associated infrastructure to include building and crane hardstanding.

The proposed change to the model of the wind turbine would not be significant in terms of scale (magnitude, degree etc) in relation to the original approval.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0573

Lodge Farm Oxtun Road Calverton

Retention of floodlighting to existing menage.

The proposed development would have no undue impact on the openness of the Green Belt or on neighbouring amenity.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0577TPO

Sherwood Croft Newstead Abbey Park Nottingham Road

Fell to stump three dead birch and one other snapped birch; fell declining birch to allow young rowan to grow and fell 7no beech trees adjacent to boundary but growing in Glenwood.

The proposed development would have no undue impact on the purpose of including the trees within the Group Tree Preservation Order and would not have an adverse impact on the visual amenity of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0597

104 Chapel Lane Ravenshead NG15 9DH

Two storey side extension, single storey rear extension, new garage to front

The proposed development would have no undue impact on the amenity of neighbouring residential properties of the character and appearance of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0639

1 Cheadle Close Mapperley NG3 6FR

Proposed New Dwelling on Land Adjoining 1 Cheadle Close, Mapperley, Nottingham, NG3 6FR.

The panel recommend that the application be referred to Planning Committee

David Gray - 18th July 2016

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ACTION SHEET PLANNING DELEGATION PANEL 22nd July 2016

2015/0826

Public Convenience Albert Avenue Carlton

Change of Use from former public toilets to producing and sale of food kiosk, reduce the size of the existing door and installation of a large window in the front of the building, and replace the roof. Installation of roller shutter door to front elevation.

The proposed development accords with retail policy & would have no undue impact on highway safety or the residential amenity of nearby properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0187

12 Woodland Grove Woodthorpe Nottinghamshire

The proposal is for a two storey domestic extension.

The proposed development would have no undue impact on the residential amenity of adjacent properties or the streetscene. Whilst visibility at the proposed access is sub-standard & there are two highway trees in close proximity, greater weight has been attached to the provision of off-street parking facilities on this residential cul-de-sac.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0558

11 Milton Crescent Ravenshead Nottinghamshire

New build dwelling

The proposed development raises complex & controversial planning issues in terms of its layout, design & impact on adjacent residential properties.

The Panel recommended that the application be determined by the Planning Committee.

2016/0692

1 Worcester Gardens Woodthorpe Nottinghamshire

Two storey side extension and first floor rear extension

The proposed development would have no undue impact on the residential amenity of adjacent properties, the streetscene or highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0698

Proposed 32 & 34 Norman Road Carlton

To demolish existing builders workshop. Erect 1 pair of semi detached 2 1/2 storey houses.

Application withdrawn from agenda.

2016/0699TPO

8 Bestwood Lodge Stables Bestwood Nottinghamshire

Large Horse Chestnut Tree in back garden - Tree Surgeon has suggested to remove the downward hanging secondary branches on the first level of branches. The branches from this first set of branches are drooping down very low and require work to assist with the light to the garden.

The proposed works would reduce the visual amenity of the protected tree.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

NM

27th July 2016

ACTION SHEET PLANNING DELEGATION PANEL 29th July 2016

2016/0329

Garage Site 2 Danes Close Arnold

SITE 2 - Demolition of existing garages and construction of 2 No 2 Bed semi-detached houses and associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0331

Danes Close Arnold Nottinghamshire

SITE 3 - Demolition of existing garages and construction of 2 No 2 Bed houses and 1 No 3 Bed house with associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0332

Garage Site 2 Falconers Walk Arnold

Site 6 - Demolition of existing garages and construction of 2 No 2 Bed semi-detached houses and associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0334

Garage Site 1 Bestwood Lodge Drive Arnold

SITE 7 - Demolition of existing garages and construction of 4 No 1 Bed apartments and associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0335

Arnold Nottinghamshire NG5 8NE

SITE 8 - Demolition of existing garages and construction of 3 No 2 Bed houses and 2 No 3 bed houses with associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0336

Garage Site 9 Hanworth Gardens Arnold

SITE 9 - Demolition of existing garages and construction of 2 No 2 Bed apartments and associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0338

Garage Site Maidens Dale Arnold

SITE 10 - Demolition of existing garages and construction of 3 No 2 Bed houses and 2 No 3 Bed houses and associated external works.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0443

Garage Site Moyra Drive Arnold

Demolition of existing garages and construction of 4 no.1 bed flats of 2 storeys in two blocks.

The proposed development raises a wide range of complex & controversial planning issues.

The Panel recommended that the application be determined by the Planning Committee.

2016/0595

Rose Cottage Goosedale Lane Bestwood

Take down existing temporary car port & metal storage container & construct new car port, provide an extension to rear of garage for workshop

The proposed development would be contrary to Green Belt policy & have a detrimental impact on the openness of the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

2016/0705

Vine House Main Street Linby

Internal remodel of an existing two storey domestic dwelling, including a ground floor extension towards the rear of the property to create an orangery and redesign of the front facade.

The proposed development would have a detrimental impact on the character & appearance of the Linby Conservation Area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

SS

NM

29th July 2016

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ACTION SHEET PLANNING DELEGATION PANEL 5th August 2016

2015/0566

86 Plains Road Mapperley Nottinghamshire

Outline Planning Application for the Construction of Two Detached Dwellings

The proposed development would be in keeping with the character of the area and would not have an adverse impact on highway safety.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following the completion of the paperwork.

2016/0308

Land At 37 Burlington Road Carlton

Erection of two and half storey dwelling.

The proposed development would be in keeping with the character of the area

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

2016/0544

Epperstone Park Hatcheries Epperstone By Pass Woodborough

Demolish and re-build same size and position of fish holding facility building.

The proposed development would not have a significant impact on the open character of the Green Belt.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision

2016/0551

47B Riverside Stoke Lane Stoke Bardolph

Construction of 3 bedroom house

Application withdrawn from agenda

2016/0627

170 Main Street Calverton Nottinghamshire

7ft high garden fence including a trellis at the top, to be erected to the rear boundary of the site and the retention of existing fencing along the side boundary of the site adjacent to The Pastures.

The proposed development would not have an adverse impact on the character of the area or the residential amenity currently enjoyed by the occupiers of adjacent properties.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

Parish to be notified following issue of decision.

2016/0697

Sarval Stoke Lane Stoke Bardolph

Demolition of current concrete framed building, and erection of new steel framed cladded process building.

Application withdrawn from agenda

2016/0713

48 Worrall Avenue Arnold Nottinghamshire

Re-application for detached dwelling on land at west elevation

The proposed development would be in keeping with the character of the area.

The Panel recommended that the application be determined under delegated authority.

Decision to be issued following completion of paperwork.

5th August 2016

Mike Avery, Planning Delivery Manager



Report to Planning Committee

Subject: Future Planning Applications

Date: 24 August 2016

The following planning applications or details have been submitted and are receiving consideration. They may be reported to a future meeting of the Planning Committee and are available for inspection online at: <http://pawam.gedling.gov.uk:81/online-applications/>

Alternatively, hard copies may be viewed at Gedling1Stop or by prior arrangement with Development Control.

<u>App No</u>	<u>Address</u>	<u>Proposal</u>	<u>Possible Date</u>
2014/0273	Land at corner Longdale Lane & Kighill Lane, Ravenshead.	Site for residential development.	21/09/16
2015/1009	Bestwood Lodge Hotel, Bestwood.	Granite memorial to 9th Duke of St. Albans.	21/09/16
2016/0306	Glebe Farm, Glebe Drive, Burton Joyce.	Outline application for up to 45 new residential dwellings.	21/09/16
2016/0414	Adjacent 64 Byron Street, Daybrook.	Erection of 21 residential apartments.	23/11/16
2014/1343	Westhouse Farm, Moor Road, Bestwood Village.	New single storey primary school.	21/09/16

Please note that the above list is not exhaustive; applications may be referred at short notice to the Committee by the Planning Delegation Panel or for other reasons. The Committee date given is the earliest anticipated date that an application could be reported, which may change as processing of an application continues.

Recommendation:

To note the information.