



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

# Agenda

## Planning Committee

Date: **Wednesday 21 June 2017**

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Time: **6.00 pm**

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

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For any further information please contact:

**Lyndsey Parnell**

Senior Democratic Services Officer

0115 901 3910

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# 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

## **AGENDA**

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1. **Apologies for Absence and Substitutions.**
2. **To approve, as a correct record, the minutes of the meeting held on 17 May 2017.** 5 - 12
- Planning Committee Protocol.**
3. **Declaration of Interests**
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## **MINUTES PLANNING COMMITTEE**

**Wednesday 17 May 2017**

Councillor John Truscott (Chair)

In Attendance:           Councillor Barbara Miller           Councillor Gary Gregory  
                                  Councillor Michael Adams       Councillor Marje Paling  
                                  Councillor Pauline Allan        Councillor Paul Stirland  
                                  Councillor Chris Barnfather    Councillor Paul Wilkinson  
                                  Councillor Alan Bexon           Councillor Henry  
                                  Councillor Bob Collis           Wheeler  
                                  Councillor Kevin Doyle         Councillor John Parr  
                                  Councillor David Ellis         Councillor Muriel Weisz

Absent:                    Councillor Meredith Lawrence and Councillor Colin Powell

Officers in Attendance: M Avery, L Widdowson, C Goodall and S Oleksiw

### **10           APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Lawrence and Powell. Councillors Parr and Weisz attended as substitutes.

### **11           TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 19 APRIL 2017.**

#### **RESOLVED:**

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

### **12           DECLARATION OF INTERESTS**

The Chair declared a collective non-pecuniary interest on behalf of all members of the committee in application numbers 2017/0224 and 2017/0334 as Gedling Borough Council was the owner of the site under consideration.

### **13           APPLICATION NO. 2017/0143- ARNOLD POLICE STATION, 101 HIGH STREET, ARNOLD.**

Demolition of existing structures (Arnold Police Station) for the erection of a 3 pump (6 filling position) Petrol Filling Station, canopy,

underground storage tanks, and reconfiguration of the site access/egress.

The Service Manager, Development Services introduced the application.

**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 submitted plans, Planning Statement, Noise Assessment, Transport Statement received on the 31st January 2017, drawing no: 200\_01, 200\_03, 300\_01, 500\_01, 500\_02, 500\_03, 900\_05. Geo-Environmental Appraisal submitted on the 13th March 2017. Revised plans submitted on the 30th March 2017 drawing no: 9780\_002, 300\_02 C, 200\_04 C, 200\_02 C. Revised Proposed Site Sections drawing no: 400\_01 C and Environmental Risk Assessment dated 6th April 2017.
3. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings shown for indicative purposes on drawing 978-002 are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
4. No part of the development hereby permitted shall 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 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.
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 by the Local Planning Authority. 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. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
3. In the interests of Highway safety.
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
5. To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

### **Reasons for Decision**

The proposals are visually acceptable, result in no undue impact on neighbouring properties and are acceptable from a highway safety viewpoint. The proposals therefore accord with the policies contained within the Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework 2012 and the Aligned Core Strategy.

### **Notes to Applicant**

Severn Trent Water advises that there is a public sewer located with 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 advert 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 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 at [www.gedling.gov.uk](http://www.gedling.gov.uk). 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 gross internal area of new build is less 100 square metres.

The proposal makes it necessary to apply for Advertisement Consent separately under the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the display of advertisements as indicated on the approved plans drawing no.300\_02.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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.

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.

**14 APPLICATION NO. 2017/0224 AND 2017/0334- ARNOT HILL HOUSE, ARNOT HILL PARK, ARNOLD.**

Rear access ramp in brick and concrete with metal railings and timber handrail.

The Service Manager, Development Services gave a verbal update to Members and explained that an additional recommendation in respect of granting full planning permission had been omitted from the original report.

**RESOLVED:**

- 1) 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 submitted revised plans and Heritage Statement received on the 28th April 2017, drawing no.: G17/AHH/DAR001.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

### **Reasons for Decision**

In the opinion of the Local Planning Authority the proposal, as amended, will not significantly detract from the setting of the listed building or its special architectural and historic interest. It is considered therefore that the development, on balance, is in accord with the National Planning Policy Framework, The Gedling Borough Aligned Core Strategy and the Gedling Borough Replacement Local Plan (certain policies saved 2014).

### **Notes to Applicant**

The Local Planning Authority has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework by researching the history of the property with officers and tradespeople, who are able to carry out the work and agreeing an amended scheme, which is acceptable to the applicant, the local Planning authority and its heritage advisers.

## **2) To GRANT FULL 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 submitted revised plans and Heritage Statement received on the 28th April 2017, drawing no.: G17/AHH/DAR001.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

## **Reasons for Decision**

In the opinion of the Local Planning Authority the proposal, as amended, will not significantly detract from the setting of the listed building or its special architectural and historic interest. It is considered therefore that the development, on balance, is in accord with the National Planning Policy Framework, The Gedling Borough Aligned Core Strategy and the Gedling Borough Replacement Local Plan (certain policies saved 2014).

## **Notes to Applicant**

The Local Planning Authority has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework by researching the history of the property with officers and tradespeople, who are able to carry out the work and agreeing an amended scheme, which is acceptable to the applicant, the local Planning authority and its heritage advisers.

## **15 APPLICATION NO. 2017/0370- 99 ARNOT HILL ROAD, ARNOLD.**

Single Storey Rear Extension.

### **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 materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.
3. The development hereby permitted shall be completed in accordance with the submitted plans received on the 24th March 2017, drawing no: AMC-01 & AMC-02.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).

3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 and H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

The proposals are visually acceptable, result in no undue impact on neighbouring properties and are acceptable from a highway safety viewpoint. The proposals therefore accord with the policies contained within the Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework 2012 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 at [www.gedling.gov.uk](http://www.gedling.gov.uk). 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 gross internal area of new build is less 100 square metres

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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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### **PLANNING ENFORCEMENT REFERENCE 0035/2016- FLETTON COURT, OLD BRICKYARD, CARLTON**

#### **RESOLVED:**

That the Service Manager, Development Services be authorised to serve a Breach of Condition Enforcement Notice requiring the developer to complete the development in accordance with the approved plans and conditions, and issue any necessary enforcement proceedings through

the courts, in conjunction with the Director of Organisational Development & Democratic Services.

**17 PLANNING ENFORCEMENT REFERENCE 0081/2016- LAND TO THE REAR OF CROMWELL CRESCENT, LAMBLEY**

**RESOLVED:**

To note the report.

**18 PLANNING ENFORCEMENT REFERENCE 0185/2016- 772 MANSFIELD ROAD, WOODTHORPE**

**RESOLVED:**

That the Service Manager, Development Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts in conjunction with the Director of Organisational Development & Democratic Services to secure the removal of the unauthorised extension.

**19 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the report.

**20 FUTURE PLANNING APPLICATIONS**

Noted.

**21 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.30 pm

Signed by Chair:

Date:

## **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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**Report to Planning Committee**



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. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Serving People Improving Lives

Date: 05/06/2017

## **Report to Planning Committee**

<b>Application Number:</b>	<b>2016/0124</b>
<b>Location:</b>	<b>Land At South Of 64 Woodchurch Road Bestwood Nottinghamshire</b>
<b>Proposal:</b>	<b>Residential development comprising seven dwellings with associated roads and driveways, hard and soft landscaping, means of enclosure and services.</b>
<b>Applicant:</b>	<b>Priory Holdings</b>
<b>Agent:</b>	<b>PP Building Design Ltd</b>
<b>Case Officer:</b>	<b>Christina Dinescu</b>

### **1.0 Site Description**

- 1.1 The application site relates to an area of land measuring approximately 0.47 hectares situated towards the end of Woodchurch Road to the south and west of no.64 Woodchurch Road. The application site is predominantly woodland, covered by Woodland Tree Preservation Order G31. Access to the site is by way of private road extending from an adopted section of Woodchurch Road. The private access road also gives access to several other properties. There is a registered Right of Way running along the southern boundary of the site, Bestwood St Albans Parish Path No.9 which leads to Emmanuel Church, a Grade II\* Listed Building.
- 1.2 The site was previously in the ownership of Gedling Borough Council and outline planning permission was granted for the erection of four dwellings in 1985. These plots were subsequently sold with plot 4 including a substantial area of woodland. Subsequently, Outline Planning Permission was granted for residential development on the woodland area of the site in 2006 with all matters reserved.
- 1.3 The site is occupied by overgrown self-seeded woodland trees, scrub and hedging. The site gently slopes upwards to the north, with a total rise of 2 metres over a length of 115 metres.
- 1.4 The area is characterised by a mixture of older properties and more recently erected detached dwellings of varying sizes, styles and heights. The immediate adjoining neighbours benefit from landscaped frontages.

### **2.0 Relevant Planning History Page 18**

- 2.1 Outline planning permission was granted for the erection of four dwellings in 1985 – application ref. These plots were subsequently sold with plot 4 including a substantial area of woodland. Plot 3 (now 62 Woodchurch Road), Plot 4 (now 64 Woodchurch Road), Plot 1 (now 63 Woodchurch Road), and Plot 2 (now 60 Woodchurch Road) have all been built.
- 2.2 Outline planning permission was granted in August 2007 for the erection of residential development on the woodland adjacent to no.64 Woodchurch Road. All matters except for means of access were reserved for subsequent approval – application ref. 2006/0343.
- 2.3 Outline planning permission was granted in June 2010 to replace the extant outline permission (reference 2006/0343) in order to extend the time limit for implementation of a proposal for residential development on site – application ref. 2010/0329.
- 2.4 Outline planning permission was granted in July 2013 to replace the extant outline permission (reference 2010/0329) in order to extend the time limit for implementation of the proposal for residential development on site – application ref.2013/0507.

### **3.0 Proposed Development**

- 3.1 Full Planning Permission is sought for a residential development comprising of seven detached dwellings, associated roads and driveways, hard and soft landscaping, means of enclosure and services.

- 3.2 Proposed dwellings

6no. of the proposed dwellings would have gross internal floor areas of approximately 150sq/m including the integral garages.

1no. proposed dwelling would have gross internal floor areas of approximately 275sq/m with a detached garage of 35sq/m.

The heights, scale and footprints of the proposed dwellings are proposed to be in keeping with the existing pattern of development in the area with facing materials proposed as traditional brick with slated pitched roofs and casement windows.

The dwellings would have accommodation comprising a living room, study, family living-dining-kitchen, utility and coats-toilet on the ground floor, four + bedrooms, bathroom and en-suite's on the first floor.

- 3.3 Vehicle Access

The proposal involves the widening of the existing private road to the south of the site, with associated accesses for four new dwellings: a turning head would give access to the private driveway serving the larger dwelling, and a further two new dwellings would be served from a private drive extending from the end of the private road currently serving no's: 79, 81 and 83 Woodchurch

Road. The proposed road improvements would be constructed in accordance with Highway Authority guidelines.

Each dwelling is served by a garage, and hardstanding for the parking of 2 additional vehicles. The hardstanding would be in a hard-bound material or block paving drained within the site.

Access for fire appliances and refuse vehicles would be available from the existing (widened) private road.

### 3.4 Amenity

Each dwelling would be provided with a private rear amenity area enclosed by timber close-boarded panelled fencing and native species hedgerows between the new dwellings.

### 3.5 Landscaping and Boundary Treatments

The landscaping strategy would seek to retain the character of the existing land: the submitted Arboricultural survey indicates few existing trees of landscape value and the intention would be to clear and plant with new native specimens, and new native species hedging to plot boundaries, to retain continuity between the tree-lined Woodchurch Road, and the grounds of Emmanuel Church.

## 4.0 Consultations

### 4.1 Bestwood Parish Council

The Parish Council wish to express concerns raised by residents regarding the proposed development.

- Issues have been raised with regards to legal covenants between NCC, Gedling Borough Council and the Church.
- Concerns have been raised with regards to the footpath at the end of properties on Church View Close. Residents would incur expense as they would have to replace the trees that are present at the bottom of their gardens once the trees within the application site are felled.
- Concerns over the felling of the woodland that has a Tree Preservation Order covering the site.
- Concerns over the impact on ecology and wildlife.
- Concerns over the increased level of traffic.
- Neighbouring residents would be overlooked creating a less rural, less pleasant environment.
- Impact on the value of neighbouring dwellings.
- Concerns over the difficulty for refuse services and location of bins.
- Residents have raised concerns about the width of Woodchurch Road
- Concerns over the impact on construction traffic.
- Potential impact on existing Right of Way.
- Development would impact on the tranquillity of the area.

In light of the concerns raised the Parish Council object to the proposal.

#### 4.2 Nottinghamshire County Council (Highway Authority)

The applicant has attempted to find the owner/ship of the private drive without any success; therefore they are not the owners of the road. If the ownership is unknown a maintenance agreement cannot be placed on this road or even adopted. It should be noted that the plans submitted are not to adoptable standard therefore the road will always remain Private.

- For private developments with six building frontages or more, it is required under Sections 219 to 225 of the Highways Act to serve a notice on the applicant with an assessment of the full cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontage's interests.
- The cost of the APC notice will reflect the full cost of the proposed street works likely to be required to complete the works to an adoptable standard and must be paid in cash and not by bond. The requirement for an APC notice can only be removed by entering into a S38 agreement to have the road adopted. However as stated above, the road layout is not to adoptable standards and the ownership unknown, therefore cannot be adopted.
- However, just as the APC would be served and money paid or retained, the Highway Authority are not indicating any future intention to adopt and maintain the street works at public expense.

The applicant should remember the implications both for himself and house purchasers if the roads are not adopted, for example:

- Future maintenance liabilities;
- Public liabilities;
- Street cleansing;
- Lack of pedestrian facilities;
- Lack of / or poor standard of lighting, drainage and so on;
- Nottinghamshire County Council have no powers under the Highways Act; and
- The police have no powers to remove obstructions.

Poorly maintained private areas can also detract from the quality and appearance of a development.

What is currently proposed is not considered suitable for adoption in terms of width or ownership unknown.

Essentially due to the APC being served the developer would be required to lodge a cash bond for the full value of constructing the road to an adoptable standard. It is unlikely the Highway Authority would release this bond unless the road was brought up to an adoptable standard. The developer should be made aware of the implications and liabilities that would be placed on them should they proceed.

It is noted that a refuse vehicle would not enter the private road, therefore the bin store should be placed in the location as per plan ref: 09/041-1C.

If the above requirements are adhered to the Highways Authority would raise no objections to the PRIVATE drive arrangement.

#### 4.3 Nottinghamshire County Council (Nature Conservation) –

The Extended Phase 1 Habitat Survey (BJ Collins, May 2016 indicates that:

- The site is an area of semi-natural broad leaved woodland dominated by sycamore, deemed to be common and widespread habitat;
- A single standing dead tree within the woodland was assessed as having low potential for roosting bats; during a single bat emergence survey (to accord with best practice guidelines), no bats were seen to emerge from the tree; a precautionary approach is recommended;
- The site was considered to have excellent potential value for nesting birds and foraging bats (although no survey for the latter has been carried out)
- No impact is predicted on amphibians or reptiles, and precautionary measures are proposed in relation to badger and hedgehog

By way of mitigation, the Survey report recommends the following, which should be secured through conditions:

- Amenity planting should comprise native species, to mitigate for the loss of woodland habitat; the submission of a detailed landscaping scheme should be secured, to include species mixes and establishment methods (noting that native hedgerows should be c.60% hawthorn, and include species such as blackthorn, hazel, dog-wood and holly)
- Lighting should be sensitive to nocturnal wildlife (i.e. bats), and developed in accordance with paragraph 6.2.1 of the Extended Phase 1 Habitat Survey report;
- Vegetation clearance should take place outside of bird nesting season, which runs from March to August inclusive;
- Precautionary methods in relation to mammals as set out in paragraph 6.2.3 of the Extended Phase 1 Habitat Survey should be adhered to;
- Access routes for hedgehogs should be retained across the site through the provision of gaps in garden fences as described in paragraph 6.2.3 of the Extended Phase 1 Habitat Survey report
- Integrated bird and bat boxes (the former targeting house sparrow and starling) should be incorporated into the fabric of the proposed dwellings, with further details supplied prior to commencement;
- A precautionary method for the removal of the standing dead tree with low bat roosting potential should be produced prior to the commencement of development.

#### 4.4 Nottinghamshire County Council (Lead Local Flood Authority) -

No drainage plans were submitted with the application. No comments.

#### 4.5 Nottinghamshire County Council (Rights of Way Officer)

The application impacts on Bestwood St Albans Parish Path No.9, which runs alongside the southern boundary of the site as shown on the attached working copy of the definitive map. This is shown as private road on the developers plan but in fact only has public rights for pedestrians.

The planners must be satisfied that the developer has private vehicular rights along the footpath as shown for plots 1 – 7 otherwise a criminal offence under Section 34 of the Road Traffic Act 1988 may be committed by unauthorised motor vehicle users, alternatively the developer may wish to bring this section of road up to adoptable standards with a S38 agreement. The current adopted highway extent is shown as extending to the existing access to no.64 Woodchurch Road.

This Office requires that the availability of the above path(s) is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That we are consulted in any re-surfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

Any required path closure or diversion application should be made via consultation with the Rights of Way Office.

#### 4.6 Severn Trent

No comments received to date, and if any comments are received they will be reported verbally at Planning Committee.

#### 4.7 Nottinghamshire County Council (Arboricultural Officer) –

The woodland is in very poor condition with a distinct lack of management leading to many trees requiring to be made safe.

Historically, the woodland seems to be of a similar age and diversity to the adjacent country park, where majority of the trees would have been clear felled during the Second World War effort in the 1930's. This has resulted in the woodland becoming dominant with naturalised species such as sycamore trees which generally are not as diverse compared to native tree species and not fitting with the local landscape.

The tree survey submitted is based on the previous BS5837:2005 standards, but essentially the core details obtained from this survey should be sufficient.

If the LPA require up to date information regarding the two trees identified to be retained, the points below should be requested:

1. Tree protection plan to graphically show on a plan the location of tree and root protection barriers in accordance to BS5837:2012.
2. Arboricultural Method Statement to give guidance on aspects of the proposed works which may have an Arboricultural impact to retained trees and show how they are mitigated in accordance within BS5837:2012.

3. Details of any special engineering works and surfacing required in the vicinity of trees in accordance within BS5837:2012.

#### 4.8 Scientific Officer –

The applicant's attention should be brought to the 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 decrease levels by incorporating mitigation measures into scheme design as standard. Therefore it is requested that the developer considers the commitment to incorporate provision of EV charging points to allow residents to charge electric/plug-in hybrid vehicles.

#### 4.9 Education –

No requirements for s106 contributions for education.

- 4.13** Neighbouring residents were notified and a Site Notice posted and 44 letters of objection were received and a petition containing 24 signatories. The comments can be outlined as follows: -

##### 4.13.1 Residential Amenity

- Disturbance during the construction of the development from dust, smoke, noise and flying debris due to high winds;
- Overlooking Impact on neighbouring residential properties;
- Increase in noise impact from the increase in residents in the area;
- The development would negatively impact on the views of existing residents;

##### 4.13.2 Covenants / Private Legal Matters

- The Council risks costs against them should permission be granted through litigation;
- The Highway Authority are unable to adopt the section of Private Drive leading to the development as they would need permission from the land owner or title holder and there is no legal title holder listed for this section of road;
- Should there be any accidents following a positive recommendation from the planning department the Council and any members of staff would be held responsible personally, corporately and criminally;
- The applicant is claiming ownership of this part of Woodchurch Drive, Gedling Borough Council should consider the matter of legitimate and lawful ownership of this area of land;
- The access road does not belong to the applicant;
- Various private covenants and legal agreements have been referred to that would prevent the development of the land in question;
- The original covenant that covered no.64 Woodchurch Road only permitted 1 dwelling to be built on this plot which has already been undertaken;
- There is a restrictive covenant that would prevent an additional dwelling on the plot that was developed originally as no.64;

##### 4.13.3 Access, Traffic and Highway Safety

- At the edge of no.64 Woodchurch Road there is an un-adopted road that is so narrow it can only accommodate 1 car, if more buildings are allowed it would increase risk as there would be more traffic on this section of un-adopted road;
- Questions have been raised over the number of properties that are allowed to be accessed from a Private Drive. It has been stated that only 5 properties are allowed from Private Drives. This development is above the permitted 5 properties that are permissible from a Private Drive;
- No.64 Woodchurch Road has a large tree opposite where the road narrows to such a degree as to only allow vehicles to pass in single file. This danger would only be increased with the addition of higher levels of traffic;
- The new development only provides hardstanding for 1 – 2 cars and most households require more. As statistics show that some of these households would have 3 -4 cars which would result in a displacement of vehicles onto the private drive where it is proposed to be widened. This would adversely impact on the existing properties opposite;
- If the road is not widened to highway standard with full, kerbed pavement one side, street lighting and surface water drainage management it could impede access to any emergency vehicles;
- Increased traffic would impede pedestrians using the footpaths to the church;
- The visibility splay is needed to both sides of the private drive as there is potential for highway safety issues;

#### 4.13.4 Design and Layout

- The proposed new buildings are at significant variance to the present buildings, thereby making the whole area different in structure, unsightly and uneven;
- The housing density is very high in relation to plot 1 to 6;
- The neighbouring dwelling would look directly over the proposed bin store;

#### 4.13.5 Nature / Wildlife / Trees

- Significant environmental impacts due to the removal of trees including: flooding, and global warming;
- The Green Belt zone would be lost;
- There are bats roosting on the site;
- The developer is required to ascertain the environmental and ecological impact on the building project. If this requirement has not been met the developer would be committing a criminal offence;
- Loss of habitat for birds, bats and other woodland creatures;
- The woodland is protected by a Tree Preservation Order;
- There has been no flora or fauna survey undertaken and the Wildlife Trust should be consulted;
- The loss of trees could impact on the safety of neighbouring properties on Church View Close increasing the wind to these properties due to the loss of the tree canopy currently provided by the Woodland;

#### 4.13.6 Flooding and Drainage

- The drainage system in the area is just adequate for a few houses, more houses would exacerbate this problem;

- There is a serious flooding issue at the bottom of Bestwood Lodge Drive, particularly between Danes Close and Hanworth Gardens;

#### 4.13.7 Culture / Heritage

- The proposed development would have a significant adverse impact on the character and setting of the Grade II\* Listed, Emmanuel Church, Historic England should have been consulted;
- There would be a negative impact on the Conservation Area;

#### 4.13.8 Other Considerations

- Concerns raised with regards to the building process and the danger that this poses to children whom play in the area;
- Overcrowding – having more houses on the proposed piece of land would significantly overstretch the amenities in the area;
- The waste disposal area may be a health risk adjacent to plot 1;
- Concerns raised over the requirements of the previous outline permission that was granted and the discharge of the attached conditions;
- Gedling Borough Council has failed to notify a reasonable number of houses of the development for comment;

### **5.0 Planning Considerations**

#### 5.1 Assessments of Planning Considerations

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.3 The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:

6. Delivering a wide choice of quality homes;
7. Requiring good design.

5.4 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, 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 the area and the way it functions.

- 5.5 Gedling Borough Council Aligned Core Strategy (GBACS)(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.
  - Policy 10 – Design and Enhancing Local Identity
- 5.6 Appendix E of the GBACS refers to the saved policies from Adopted Local Plans. The following policies contained within the Gedling Borough Replacement Local Plan (GBRLP) (Certain Policies Saved 2014) are relevant:
- ENV1 – Development Criteria.
  - H7 – Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes.
  - H8 – Residential Density.
  - H16 – Design of Residential Development.
- 5.7 Criterion a. c. and d. of Policy ENV1 of the Replacement Local Plan are 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.
- 5.8 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. 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.
- 5.9 Policy 10 of the ACS also looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and the Replacement Local Plan policies.
- 5.10 In respect to car parking, regard should be had to the Borough Council’s Supplementary Planning Document ‘Parking Provision for Residential Developments’ (May 2012).
- 5.11 The Publication Draft Local Planning Document (LPD) for Gedling Borough was submitted for examination in October 2016. The Secretary of State appointed an Inspector to determine whether the plan is sound and complies with all legal requirements. 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).

5.12 Following publication it is recommended that moderate weight can be given the LPD. Relevant policies in the LPD include:

- LPD 4 Surface Water Management; and
- LPD 32 Residential Density

5.13 In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- Principle of development
- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Transport and connectivity
- Water resources, flood risk and drainage
- Heritage and archaeology
- Other material considerations

Each of the above aspects is considered in detail below.

## **6.0 Principle of development**

6.1 I note, as outlined under section 2.0 above, that the application site currently under consideration has benefitted from outline planning permission for residential redevelopment since 2006. Therefore, I consider that planning permission should be granted unless other material planning considerations or any changes in Planning Policy for the area indicate otherwise.

6.1 The National Planning Policy Framework attaches great importance to sustainable development. It states: *“Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision”* (NPPF - ministerial foreword). This is further confirmed in paragraph 14 which states that - *“at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.”* One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met.

6.2 The GBACS sets a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,045 homes to be located within and adjoining the Nottingham built up area. In order to meet this target the

GBACS adopts a strategy of urban concentration with regeneration. This means the following hierarchy will be used to identify sites:

- Within or on the edge of the built up area of Nottingham.
- Adjacent to the sub regional centre of Hucknall.
- Key villages (Bestwood, Calverton and Ravenshead).
- Other villages.

6.3 The proposed development therefore accords with the highest priority site in the housing hierarchy, being within an established urban residential area within the built-up area of Bestwood.

6.4 Given the above I am of the opinion that the principle of residential development in this location is acceptable. Whilst I consider that the principle in this location is acceptable this needs to be balanced against other material planning considerations relating to the application site including the Tree Preservation Order that covers the site and other material matters. The material planning considerations that need addressing relate to the following:

- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Highway Safety, Car Parking Provision and Rights of Way
- Water resources, flood risk and drainage
- Heritage and archaeology
- Other material considerations

## **7.0 Ecology / Trees**

7.1 I note that the application site has no statutory designation as a Local Wildlife Site or as a Site of Importance for Nature Conservation; however, I would note the site is located within established woodland with the potential for an adverse impact on biodiversity and ecology.

7.2 I would note however, that the application site is covered by existing Woodland Tree Preservation Order (G31). In considering the issues relating to the Woodland TPO and the nature conservation on the site I have been mindful of the comments and advice received from the County Council's Forestry Officer. In particular, the woodland is in very poor condition with a distinct lack of management leading to many trees requiring to be made safe. The woodland has become dominated with sycamore trees which generally are not as diverse compared to native tree species and do not fit in with the local landscape character for the area.

7.3 Given that the Forestry Officer has confirmed that the majority of the trees within this woodland could be removed without the formal consent of the authority, bearing in mind their status as dead, dying or dangerous, I am of the opinion that a refusal of this planning application on the loss of trees covered by the TPO would be difficult to defend at appeal. I also note that the principle of the development was already established through outline planning permissions since 2006 where the adopted Local Plan Policies remained the same.

- 7.4 The relevant planning policies that need to be considered in relation to ecological matters are set out in Policy 17 of the ACS and Section 11 of the NPPF.
- 7.5 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.
- 7.6 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.
- 7.7 I note the comments from the County Council's Nature Conservation Practitioner and the recommendations with regards to mitigation that has been recommended and highlighted in the submitted Phase 1 Habitat Survey. I also note that the submitted landscape and tree planting scheme includes provision of native species trees with heights of 2.5 metres. Notwithstanding the details submitted which highlights a schedule of native tree planting, given the recommendations in the Phase 1 Habitat Survey and the recommendations of the Nature Conservation Practitioner I consider, should planning permission be forthcoming, a condition should be attached to any approval requiring a detailed landscape plan to be submitted to incorporate the recommendations set out in the Phase 1 Habitat Survey. I consider that a detailed landscape and planting scheme would secure satisfactory mitigation to biodiversity and ecology as a result of the development and would enhance the woodland character of the area.

## **8.0 The impact on neighbouring amenity**

- 8.1 Individual houses have been arranged within the site so as to minimise the opportunity for direct overlooking, particularly from upper floor windows. The layout of the site as a whole has oriented properties to minimise the potential for overlooking and overshadowing. I note that the rear garden boundaries of the proposed properties would adjoin the existing side boundary with no.64 Woodchurch Road; I also consider that the distance from the rear elevations of these properties (approximately 16 metres) would be at a sufficient distance from the rear amenity of no.64 to not have an undue overlooking impact on the private amenity of this property. I also note, given the orientation of the sun, and that no.64 Woodchurch Road would be to the south of Plot 7, that there would be no undue overshadowing impact on the amenity of this property.
- 8.2 I note that the dwelling proposed to Plot 7, as indicated on the site layout plan, would incorporate upper floor windows in the southeast elevation facing no.64 Woodchurch Road. I note that 1 window would serve an en-suite and one would be a second window serving bedroom 5. Given the location of these

windows and the proximity to the neighbouring rear boundary it is recommended that a condition be attached to any approval requiring these windows to be obscure glass and top opening to prevent any undue overlooking impact on neighbouring amenity. I also note that the entrance hall incorporates a void area with clear glass that forms a feature of this elevation and would provide light into the hallway and the landing area. I note at first floor level, adjacent to this glass, the area remains a void and the landing at the top of the stairs would be located 4.5 metres from this window. However, I would note that planning permission would not be required to insert a new floor area over this void and the potential for this new relationship to give rise to undue overlooking of no.64. I also consider that a large expanse of clear glass at first floor level could give the impression of an undue overlooking impact particularly at night time should lights be on. I therefore consider that, should planning permission be forthcoming, attaching a condition requiring the glazing above the entrance hall to be obscure glass to prevent any impression of overlooking impact from the proposal would be reasonable in this instance.

- 8.3 I note the comments received with regards to the nearby neighbouring property overlooking the bin store, however, I am satisfied; given the distance to the proposed bin store (approximately 13 metres) from the property opposite, and that a side elevation with no primary windows would face it, that there would be no undue visual impact on neighbouring amenity. Should planning permission be forthcoming it is recommended that a condition is attached to any approval requiring precise plans and elevations of the proposed bin store to be submitted in order to secure an appropriate design for the facility.
- 8.4 I am satisfied that the proposed development would not result in any material overbearing impact on neighbouring residential amenity due to the scale of the properties and their relationship with neighbouring dwellings. It is therefore considered that the indicative details deposited with the application accord with the NPPF, Policy ENV1 of the RLP and Policy 10 of the GBACS.

## **9.0 Masterplan and design**

- 9.1 Policies ENV1, H7, H8 and H16 of the Replacement Local Plan require development to be of high standard of design. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance and defensible space and well considered layouts and landscaping.
- 9.2 I note the comments received with regards to the density and design of the proposal. I also note that the surrounding area is defined by traditionally designed detached, two-storey properties set within large plots.
- 9.3 The proposal is to provide 7 homes on a site of 0.47 hectares, equating to a residential density of approximately 14 dwellings per hectare. Policy H8 of the RLP states: 'on site of 0.4 ha and above, planning permission will not be granted for residential development with a net density of less than 30 dwellings per hectare unless physical constraints are demonstrated'. Whilst I

note that the residential density is significantly below the requirements of Policy H8, I consider that the density proposed is more consistent with the pattern of residential development in the immediate area which is characterised by large detached properties within large plots. I also consider that the large amenity areas proposed would assist in achieving a comprehensive landscaping scheme of native planting to the boundaries to help achieve a tree-lined character to this section of Woodchurch Road and the approach to Emmanuel Church when the proposed tree planting scheme is implemented and the vegetation matured.

- 9.4 I note that the proposal incorporates detached two-storey properties with front facing gables and bay windows on the front elevations. It is my opinion that the traditional design of the proposed dwellings facing onto Woodchurch Road would be in keeping with the design and scale of dwellings in the area and would not detract from the architectural characteristics of the surrounding area. I also consider that the inclusion of landscaped frontages which set the properties back from the highway would be reflective of a distinctive feature of the residential properties in this area. I would also note that the proposal incorporates a landscaping scheme that includes the planting of 2.5 metre high, 6 – 8 cm stem girth, replacement native species trees within the landscaped frontages and the side boundaries of the plots. Whilst I consider the loss of the woodland would alter the character of the application site, the wider area is defined by residential development which incorporates street trees and landscaped frontages. I consider that the replacement planting and landscaping scheme would help assimilate the proposal within the existing streetscene and would help retain the distinctive tree lined character of this end of Woodchurch Road.
- 9.5 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 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. Notwithstanding the details of materials submitted with this application I consider that attaching a condition to any approval requiring detailed samples of the materials to be submitted and approved by the Borough Council would assist in securing appropriate external facing materials for the development.
- 9.6 In my opinion, the proposed development would meet the relevant design elements of Policy 10 of the ACS/PV in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

#### **10.0 Highway Safety, Car Parking Provision and Rights of Way**

- 10.1 I note the comments received with regards to highway safety, the ownership of the private drive, the number of properties that can legally be accessed from a private drive and car parking provision.

- 10.2 When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 7 residential units within a 'built-up area' with allocated car parking provision in excess of 3 spaces per dwelling when including the integral garages. When referring to the Parking Provision for Residential Development Supplementary Planning Document (SPD) the developments allocated provision would result in no additional demand for unallocated spaces (on-street car parking) given that the development provides at least 3 off street car parking spaces for each dwelling. The development therefore accords with the SPD.
- 10.3 I also note that the Highway Authority have been consulted on this application and have not objected to the proposal on highway safety grounds or for the new development of 7 houses being accessed from a private drive.
- 10.4 I note the comments with regards to the Section 219 to 225 of the Highways Act and the requirements of the Advanced Payments Code (APC) to provide a cash bond for the road for future adoption. I consider this to be a matter to be resolved between the developer and the Highway Authority and would not be material to the grant of this planning permission, however; I would attach an informative should planning permission be forthcoming, advising the applicant of the implications and requirements of the Highways Act – APC.
- 10.5 I note that the first 55 metres of the private drive within the application site would be brought up to an adoptable standard allowing 2 vehicles to be able to pass, however, I also note that the Highway Authority is unable to adopt this section of highway given that there are private legal matters relating to the ownership of the land and that there is an area outside of the applicants ownership that is narrow. The widening and improvement of the existing private drive would in my opinion be an improvement to the existing situation and would leave only 4 properties at the end of the existing narrow section of the private drive with the rest of the properties being served from a private drive that accords with the requirements of the Highway Authorities Design Guide.
- 10.6 Given that the Highway Authority have not objected to the proposal on highway safety grounds and that the matters relating to ownership are private legal matters, I am satisfied, the development can be achieved without any significant adverse impact on Highway Safety. Whilst I note the comments relating to more than 5 dwellings being served from a private drive I also note that the Highway Authority have not objected to this arrangement. I therefore do not consider that the additional dwellings being proposed to be served from the private drive would warrant a refusal of this application.
- 10.7 I note the comments with regards to the location of the bin store and the difficulty for refuse services to collect the bins. However, I also note that the Highway Authority have not objected to the location of the bin store provided it is placed in the location as shown on the submitted plans.
- 10.8 I note the comments from the Rights of Way Officer and should planning permission be forthcoming I would suggest attaching an informative to any approval advising that should the path be affected or obstructed in any way by

the proposed development then appropriate closure orders or diversion orders should be sought. The surfacing of the unbuilt on portions of the site would be secured by condition and the Rights of Way office would be consulted should the surface of the path be proposed to be altered.

## **11.0 Water resources, flood risk and drainage**

- 11.1 I note that the application site is located within Flood Zone 1 and is therefore considered to have a low level risk of fluvial flooding. Given that the application site is not over 1 hectare and does not impact on an area at risk of flooding or existing water courses the Environment Agency were not required to be consulted for this development.
- 11.2 Policy LPD 4 – Surface Water Management requires all development proposals to include measures to pro-actively manage surface water including the use of appropriate surface treatments and Sustainable Drainage Systems in order to minimise the risk of flooding on the development site without increasing flood risk elsewhere.
- 11.3 Paragraph 100 of the NPPF states that: Local Plans should take into account climate change and use opportunities offered by new development to reduce the causes and impacts of flooding.
- 11.4 Paragraph 103 states: ‘When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere’
- 11.5 I note the comments with regards to localised flooding in the area, and I also note that the Lead Local Flood Authority was consulted and responded with no comments. Given that the development is a complete redevelopment of woodland and the potential for increased surface water run-off as a result of the proposed development, I consider it would be appropriate, in line with the requirements of LPD 4, to secure details of appropriate Surface Water Drainage by way of condition. In terms of foul drainage, Severn Trent Water have not made any comments, therefore there are assumed to be no issues with connecting to foul drainage systems. The connection to foul drainage systems would however be a Building Regulations matter.
- 11.6 In my opinion, given the site is low risk of flooding and subject to acceptable surface water drainage plans being approved the development is acceptable in terms of water resources, flood risk and drainage.

## **12.0 Heritage and archaeology**

- 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.
- 12.2 I note the comments received with regards to the consultation of Historic England. However, given that the site is not within a Conservation Area and that the development is not considered to have an adverse impact on the setting of the Grade II\* Emmanuel Church I am satisfied that appropriate

consultation has been undertaken in this instance. I would also note that the Grade II\* Listed Lych Gate has been dismantled and relocated to the entrance facing Church View Close (reference: 2008/0380 and 2008/0381).

- 12.3 The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset; may affect the ability to appreciate that significance; or, may be neutral.
- 12.4 It is my opinion the development would not adversely affect the setting of any Listed Buildings or Locally Listed Buildings given the significant distance to Emmanuel Church (approximately 34 metres to the northwest corner of the application site) and the Lych Gate. The impact on these heritage assets would be localised to the approach and the development would, in my opinion, not directly impact any important views or vistas leading to the Listed Buildings. I would note that there is a registered right of way adjacent to the application site that leads to the rear entrance to Emmanuel Church. I would also note that the original configuration of the footpath would remain the same and the boundaries to the application site would be improved with native species planting to retain the tree lined approach to the church. It is my opinion, given that the current setting of the church is predominately defined by existing mature trees and the residential nature of the surrounding area, the distances to the church, and the proposed landscaping scheme; the impact on the setting of Emmanuel Church could be assessed as neutral and the benefits that would arise from the proposal would outweigh any harm in this instance.

### **13.0 Public Open Space**

- 13.1 I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution by way of a S106 planning obligation, should members agree with the recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

### **14.0 Other considerations**

- 14.1 I note the representations received with regards to private covenants contained within the deeds of neighbouring dwellings and the ownership of the private drive being unknown. However, matters relating to covenants remain private legal matters and are not material planning considerations when determining planning applications. I therefore, given the correct declarations have been made on the application form; do not consider that there are private legal matters that would warrant the refusal of this application.
- 14.2 I note the comments received with regards to the impact on the value of nearby residential properties, however, when considering planning applications matters relating to property value are not material planning considerations.

14.3 I also note the comments received with regards to the liability of the Borough Council and its Officers should a favourable decision be reached. However, I am satisfied that the correct procedures have been followed in accordance with the Town and Country Planning Development Management Procedure 2015 and that current National / Local Guidance and Policies have been fully considered.

## **15.0 Conclusion**

15.1 I consider that, on balance, and taking into account the benefits that would be generated as a result of this proposal, it would constitute a 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 above, I consider that it has been demonstrated that, on balance, the planning impacts have been addressed and have therefore been made acceptable, or that such impacts are outweighed by the benefits of the scheme.

**16.0 Recommendation: To GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority for the financial contributions towards Public Open Space; and subject to the following conditions:**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be constructed strictly in accordance with the following approved and revised plans submitted with the application drawing numbers: Design and Access Statement (Feb 2016 [Amendment B: 15-11-16]); Site Location Plan (09/041 LOCN: Rev B); SITE LAYOUT showing landscape (09/041: Rev C); Alternative Site Layout - April 2016 - (09/041 Rev C); House Types A and B: Plans and Elevations (09/041 - 2); House Plot 7; Plans and Elevations (09/041 - 3); Extended Phase 1 Survey: (BJ Collins, May 2016); Tree Survey: Job.no: 3354\_Tree Survey; and Tree Protection Measures - Residential development Woodchurch Road, Bestwood.
3. No part of the development hereby permitted shall be brought into use until the private car parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 09/041 Rev C. The parking 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 of cars.
4. No part of the development hereby approved shall be brought into use until the shared private drive is provided in accordance with the approved plan, drawing no: 09/041 - 1 Rev C. The private drive shall then be retained in accordance with the approved plans for the life of the development.

5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council drainage plans for the disposal of surface water shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the life of the development, unless otherwise agreed in writing by the Local Planning Authority.
6. Before development hereby approved is first commenced, precise details, elevations, and materials of the proposed bin store shall be submitted to and approved in writing by the Borough Council. The development shall be implemented and maintained in accordance with the approved details for the life of the development.
7. Before development hereby approved is first commenced full details of both soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority. The proposed landscape works shall incorporate the mitigation measures recommended within The Extended Phase 1 Habitat Survey (BJ Collins, May 2016). The detailed landscape plans and particulars shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, roadways, and the frontages of properties such as driveways and footpaths to front doors and (d) a programme of implementation. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 7, 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.
9. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the bricks and tiles to be used in the external elevations of the proposed development. Once approved the development shall be carried out strictly in accordance with these details, unless otherwise agreed in writing by the Borough Council as the Local Planning Authority.
10. Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to the Local Planning Authority and approved in writing, which shall: (i) graphically show on a plan the location of tree and root protection barriers; and (ii) give guidance on aspects of the proposed works

which may have an Arboricultural impact to retained trees and show that they are mitigated in accordance with BS5837:2012.

11. The upper floor windows shown on the front elevation of plan no.09/041 - 3, serving the rooms labelled (i) en-suite, (ii) Bedroom 5, facing no.64 Woodchurch Road shall be obscure glazed to a minimum of Pilkington Level 4 and shall be top hung opening windows at all times, unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
12. The windows on the southeast, Front Elevation serving the entrance hall and the void; Plot 7 (09/041 - 1C (Site Layout showing Landscaping), as shown on plan no:09/041 - 3 (House Plot 8 Plans & Elevations); shall be obscure glazed to a minimum of Pilkington Level 4 at all times, unless otherwise agreed in writing by the Borough Council as Local Planning Authority.

### **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. In the interests of Highway safety.
5. To ensure that the development is provided with satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
6. For the avoidance of doubt.
7. To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
8. To ensure a satisfactory development and that the landscaping of the development accords with the requirements of Policy ENV1 and ENV2 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and Policy 17 of the Aligned Core Strategy.
9. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure satisfactory development, in accordance with the aims of Policy 17 of the Gedling Borough Council Aligned Core Strategy.

11. In order to protect the privacy of the adjoining dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2016)
12. In order to protect the privacy of the adjoining dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2016)

### **Reasons for Decision**

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 the opinion of the Borough Council, the proposed development accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impacts that can be mitigated through further details and particulars secured by condition.

### **Notes to Applicant**

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 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.

I bring your attention to Bestwood St Albans Parish Path No.9 which runs along the southern boundary of the site. The availability of the footpath should not be affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The Rights of Way Office should be consulted in any re-surfacing or gating issues. You are advised that potential path users in the area should not be impeded or endangered in any way.

Your attention is brought to the recommendations of the Highway Authority. The plans submitted are not to an adoptable standard therefore the road will always remain Private. For private developments with six building frontages or more, it is required under Sections 219 to 225 of the Highways Act to serve a notice on the applicant with an assessment of the full cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontage's interests. The cost of the APC notice will reflect the full cost of the proposed street works likely to be required to complete the works to an adoptable standard and must be paid in cash and not by bond. The requirement for an APC notice can only be removed by entering into a S38 agreement to have the road adopted. However as the road layout is not to

adoptable standards and the ownership unknown, it cannot therefore be adopted. However, just as the APC would be served and money paid or retained, the Highway Authority are not indicating any future intention to adopt and maintain the street works at public expense.

Your 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 to decrease levels by incorporating mitigation measures into scheme design as standard. (see: <http://gedling.gov.uk/planningbuildingcontrol/planningpolicy/emerginglocalplan/supplementaryplanningdocuments/>). It is therefore requested commitment to incorporate provision for an EV (electrical vehicle) charging point per dwelling; to allow future residents to charge electrical/hybrid vehicles into the future. 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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

No removal of hedgerows, trees or shrubs which have the potential to support nesting birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before clearance works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework (March 2012).

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.

Your attention is brought to the implications of the private drive for future occupiers if the roads are not adopted. (i) Future maintenance liabilities; (ii) Public liabilities; (iii) Street cleansing; (iv) Lack of pedestrian facilities; (v) Lack of / or poor standard of

lighting and drainage; (vi) Nottinghamshire County Council have no powers under the Highways Act; (vii) The police have no powers to remove obstructions.

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# Report to Planning Committee

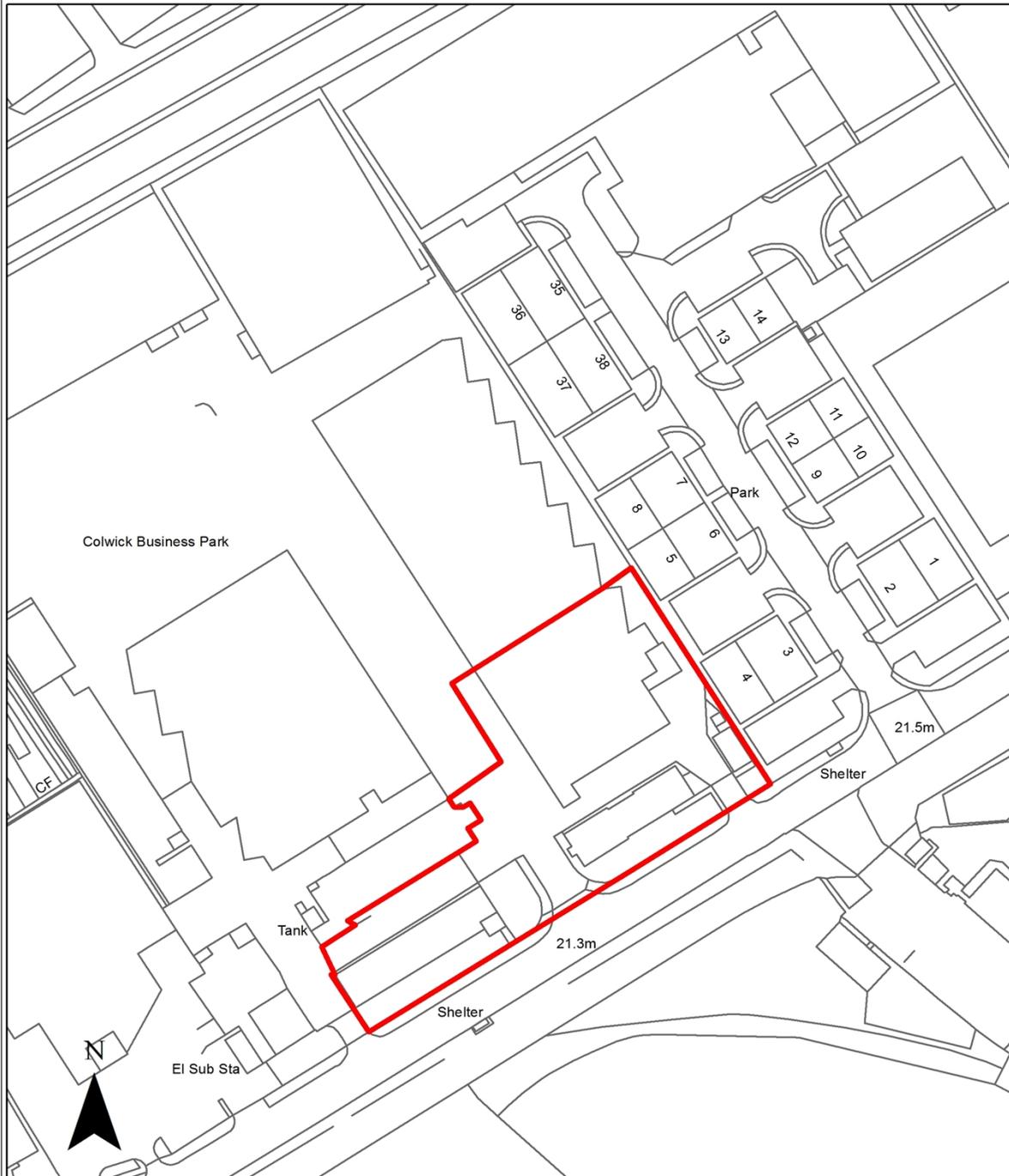
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Application Number 2017/0475

Location

Road No 2

Colwick, 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**

<b>Application Number:</b>	2017/0475
<b>Location:</b>	Road No 2 Colwick Nottinghamshire NG4 2JR
<b>Proposal:</b>	Demolition of two existing two storey office buildings, partial demolition of existing block of light industrial/warehouse buildings. Construction of new 3 storey office buildings and associated parking and landscape works.
<b>Applicant:</b>	Radford Holdings Ltd
<b>Agent:</b>	PP Building Design Ltd
<b>Case Officer:</b>	David Gray

**1.0 Site Description**

- 1.1 The application site is located to the north of Private Road No. 2 within the Protected Employment Site of Colwick Industrial Estate, as indicated on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014). The premises are currently in use as Hillary's Blinds. The application site has an irregular shape with a site area of some 5,132 sq m (0.51 Hectares). The frontage of the site, facing on to Private Road No.2, measures some 116 metres. The main access to the site is located centrally on the frontage with a secondary access to the north eastern end splitting the site into two distinct areas.
- 1.2 The western part of the site is accommodated by a two-storey B1 office building. To the north of the office building there is macadam surfaced car parking area beyond which is the southern façade of an adjacent industrial building. The application site currently accommodates 39 existing off street car parking spaces.
- 1.3 The southern part of the eastern side of the site also contains a two-storey B1 office building similar in size to the one on the western side. There is an area of soft landscaping to the south of this building, fronting onto Private Road No.2.
- 1.4 To the north west of the site there are existing single storey and two storey industrial units within the Colwick Business Park. Land to the opposite of the site is also in industrial use.
- 1.5 Topographically the site remains relatively level throughout.

1.6 The site is in an area at risk of Flooding as identified on the RLP Proposals Map.

## **2.0 Relevant Planning History**

2.1 In July 2015 Full Planning Permission was granted for the demolition of existing two storey office buildings, partial demolition of light industrial / warehouse buildings. Construction of a new 3 storey B1 office building and associated parking and landscape works. Ref: 2014/1180.

## **3.0 Proposed Development**

3.1 This Section 73 application is seeking a variation of condition 2 (approved drawings) and the amendment of conditions 3 – 13 with respect to the additional details sought by conditions attached to planning permission 2014/1180.

3.2 The development relates to the demolition of two existing office buildings, partial demolition of light industrial / warehouse buildings. Construction of a new 3 storey office building with associated parking and landscaping works.

3.3 The proposed 3 storey office block would be sited to the northeast of the existing main site entrance. The maximum footprint dimensions of the office block would be some 56 metres x 33 metres.

3.4 The accommodation within the proposed office building would be distributed over three floors as follows:

- Ground Floor: 1,519 sq m
- First Floor: 1,519 sq m
- Second Floor: 1,519 sq m
- Total: 4,557 sq m

3.2 The amendments seek to replace the approved plans and drawings as follows: -

- The external cladding panels have been changed to Kingspan Microrib from Euroclad panels. The amendment seeks to soften the industrial appearance of the proposed building;
- The building height from ground floor to parapet of the roof is proposed to be reduced by 0.6 metres;
- On the Southwest and Southeast elevations within the ribbon windows, spandrel panels with glazing and insulation have been added, reducing the overall glazing helping to reduce heat loss;
- 1no. additional window to each floor on the Northeast elevation;
- The introduction of external lighting on the façade;
- The removal of rainwater good from the external elevations, these will now be internal;
- The car parking layout next to the small industrial unit has been altered and a car parking space relocated.
- The original curved entrance door which has now been squared to match the features of the remaining building;
- The additional of an external data centre.

3.3 A landscape plan has been submitted showing details of car parking storage and EV Charging points.

#### **4.0 Consultations**

4.1 Nottinghamshire County Council (Highway Authority) – This application relates to the external appearance and landscaping and does not impact on the highway.

4.2 Rights of Way Officer – The application may impact on Carlton Footpath No22, which runs alongside the southern boundary of the site. The Rights of Way Office would require that the availability of the footpath is not affected or obstructed in any way by the proposed development.

4.3 Environment Agency (EA) – No objection to variation of the FFL to be set no lower than 21.78 AOD as per the email from SR Architects to Gedling Borough.

4.4 Severn Trent Water – No objections received.

4.5 Public Protection (Scientific Officer) – Public Protection are satisfied with the contents and findings included within the Phase 1 Desk Study Report (Geodyne Ltd. Ref. D34084).

Verification of the gas protection measures confirmed by email on 16<sup>th</sup> May 2017 should be sought by condition (previous condition 7).

4.6 Health and Safety Executive – Using the HSE's Planning Advice for Developments near Hazardous Installations (PADHI+) standing advice software tool for use by Planning Authorities: The HSE 'DDA - Does Not Advise Against' the development.

4.7 Lead Local Flood Authority – Provided the development is provided in accordance with the Drainage Plans, no objections.

4.8 Neighbouring Properties were notified and Site Notice and 3 letters of representation were received as a result. The comments can be outlined as follows: -

- The scale and size of the 3 storey office building is not in keeping with the surrounding area;
- The building would not fit in with the streetscene;
- The current noise from Hillarys Blinds is already having a negative effect on the amenity of neighbouring residential properties due to the movement of skips and deliveries;
- The site is occasionally used illegally by car enthusiasts and it is considered that the development would be improved if gates were incorporated into the scheme;
- Should the development give rise to increase number of staff then this would increase traffic along Mile End Road;
- The new building would overshadow nearby residential properties;

- The height of the proposal would compromise the privacy of residents on Stratford Close and Crosslands Meadows.

## **5.0 Planning Considerations**

- 5.1 Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if it is decided that the original condition(s) should continue.
- 5.2 Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended.
- 5.3 The principle of the proposal has been previously approved and supported under planning approval 2014/1180. Therefore; the main planning considerations in the determination of this application are whether there are any adverse minor material amendments to:
- Visual impact of the development,
  - Impact on the amenity of residential properties,
  - Highway safety.
- 5.4 Also for consideration is whether the details submitted in relation to:
- Materials;
  - Landscaping;
  - Contamination;
  - Flood Risk Mitigation; and
  - Surface water run-off;
- are satisfactory for the discharge of the details required by the conditions attached to planning approval: 2014/1180.

## **6.0 Design**

- 6.1 Policy 10 of the Aligned Core Strategy requires all new development to be designed to make a positive contribution to the public realm and sense of place; create an attractive, safe, inclusive and healthy environment; reinforce valued local characteristics; be adaptable to meet evolving demands and the effects of climate change; and reflect the need to reduce the dominance of motor vehicles.
- 6.2 Replacement Local Plan Policy ENV1 (a) reflects this guidance requiring that proposals should be 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.
- 6.3 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.

- 6.4 I note the representation received with regards to the proposal being of a scale (3 Stories) that would dominate the area and the skyline.
- 6.5 I also note that the location of the development is within the existing Colwick Industrial Estate / Business Park and the surrounding area is defined by light industrial and storage and distribution premises varying in height from 1 to 2 stories. It should also be noted that the proposals would reduce the overall scale and massing of the previously approved building.
- 6.6 Whilst I note the representation received, it is my opinion that the proposed development is of a scale and design that would not overly dominate the area given the industrial setting of the site, the overall height of 13.8 metres, and the distance of over 100 metres to the rear boundary of the nearest neighbouring resident.
- 6.7 It is my opinion that the proposal sits well within the context of the existing business park and the design of the premises would create a gateway to an existing business park that would improve the character of the area. I consider that the development, with the materials proposed, represents a high standard of contemporary design that has taken into account the local surroundings. I also consider the mix of materials incorporating white insulated render and curtain walling would have a visual appearance that could have a positive influence on the surrounding area.
- 6.8 I am therefore of the opinion the proposed design and layout of the proposal does satisfy the guidelines set out in Policy 10 of the ACS and the guidelines contained within the NPPF. It is my view that that the new development would sit well within its context and the proposal has taken this opportunity to improve the character and quality of the area and the way it functions.
- 6.9 I note that the requirements of planning permission 2014/1180, conditions 12 and 13, required the submission of soft and hard landscaping works, to include hard surfacing materials, vehicle and pedestrian access and circulation details, bin store details, column lighting and bollard style luminaries to parking areas, planting plans, and a schedule of maintenance.
- 6.10 I have carefully considered the scheme of landscaping works submitted consisting of hard and soft landscaping, bicycle store, bin store and clearly defined pedestrian routes separated from vehicular routes. I am satisfied that landscaping scheme has been designed to ensure that there is a safe circulation for pedestrians and vehicles with clearly defined pedestrian and vehicle areas. I am also satisfied that the scheme accounts for all the requirements of the pre commencement conditions 12 and 13 attached to planning permission 2014/1180.
- 6.11 It is my opinion the proposed design and layout does satisfy the guidelines set out in Policy10 of the ACS and the guidelines contained within the NPPF. It is my view that the new development would sit well within its context and the

proposal has taken this opportunity to improve the character and quality of the area and the way it functions.

## **7.0 Impact on the amenity of neighbouring residents**

- 7.1 I note the representations received with regards to the potential undue impact on neighbouring residents in relation to overshadowing, overbearing and overlooking. It is my opinion given the substantial distance of over 100 metres to the nearest private residence; the proposed development would not result in any undue overlooking impacts on neighbouring residential amenity.
- 7.3 I note that the immediate adjoining premises are all light industrial buildings with few openings; I am therefore satisfied that the proposal would have no undue overbearing or overshadowing impact on the immediate vicinity. Given the scale, design and layout of the proposed development and the distances to neighbouring dwellings I am satisfied that the proposed development would have no undue impact on the amenity of neighbouring residents.
- 7.4 Given that it is considered the proposal would have no undue impact on the amenity of neighbouring residents the proposed development would accord with the requirements of policy E3 and policy ENV1 (b) which relate to protecting the amenity of adjoining development.

## **8.0 Flood Risk and Drainage**

- 8.1 I note that the site is located in an area at risk of flooding and that the Environment Agency has raised no objections to the submitted Flood Risk Assessment and Flood Mitigation measures. I also note that the Lead Local Flood Authority have indicated that the surface water drainage scheme is acceptable. I am therefore satisfied that the details required by pre commencement conditions 4 and 5 attached to planning permission 2014/1180 have been acceptably addressed and that these conditions can be varied for the development to be provided in accordance with these details.

## **9.0 Contamination and Health and Safety**

- 9.1 I note that the Health and Safety Executive 'do not advise against' the development and as such, I am satisfied that there would be no Health and Safety implications as a result of the development being within the Outer Zone (OZ) of the HSE consultation zone around the Total Oil Refinery Ltd Colwick Industrial Estate.
- 9.2 I note the comments from Public Protection and as such I am satisfied that the proposed development would not result in any adverse contamination risks and appropriate mitigation has been demonstrated. I do however acknowledge the requirement for a Verification report (that demonstrates the effectiveness of the remediation carried out) particularly in relation to gas protection measures should still be submitted to and approved in writing prior to occupation of the development.

## **10.0 Highway Implications and Parking Provision**

10.1 I note the comments from the Highway Authority that do not raise any specific objections to the proposed development in planning terms. The Highway Authority considers that the traffic movements may be managed by encouraging more sustainable forms of transport. It is also noted that public transport, cycling and pedestrian facilities are in close proximity to the application site. It is my opinion that the car movements can be managed adequately by implementing a Travel Plan including a Car Parking Management Plan. Should planning permission be forthcoming I would suggest attaching the advised condition relating to the Travel Plan in order to promote sustainable travel.

## **11.0 Meeting the challenge of climate change**

11.1 Paragraph 93 of the NPPF states that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

11.2 I note that, following correspondence with the Scientific Officer it was recommended that that scheme should incorporate provision for an EV (electrical vehicle) charging point. I also note that the proposed landscape scheme has included the provision of an EV point. I am satisfied that the proposed development has taken the opportunity to address the need to meeting climate change by providing sustainable transport options for employees in line with the requirements of Paragraph 93 of the NPPF.

## **12.0 Conclusion**

12.1 Having considered the 2014/1180 planning permission, and the additional information and proposals in the s.73 Application (ref: 2017/0475), I am satisfied that there are no material planning considerations which would prevent the variation of conditions to account for the minor amendments to the design of the office buildings / associated landscaping and the further details to satisfy the requirements of the previous planning conditions.

**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 23rd July 2015.
2. The development hereby approved shall be constructed in accordance with: Discharge of Conditions Document (16156/DOC/1701); Proposed Bin Store Details (161156-A-7011); Proposed Hard Landscaping Details (1611596-A-7008); Proposed North East and North West Elevations (16156-A-4011 Rev: P02); Proposed South East and South West Elevations (161156-A-4010 Rev: P02); Proposed Roof Plan (161156-A-3004 Rev: P02); Proposed Second Floor Plan (16156-A-3003 Rev: P02); Proposed First Floor Plan (161156-A-

3002 Rev: P02); Proposed Ground Floor Plan (161156-A-3001 Rev: P02); Proposed Sections A-A& B-B (161156-A-4003 Rev: P02); Proposed Site Plan (161156-A-2001 Rev: P04); Typical Details (Job no: E143; Drawing No: 5005 Rev P01); External Levels 1 of 2 (Job no: E143; Drawing No: 5003 Rev P02); External Levels 2 of 2 (Job no: E143; Drawing No: 5004 Rev P02); Drainage Levels 1 of 2 (Job no: E143; Drawing No: 5001 Rev P02); Drainage Levels 2 of 2 (Job no: E143; Drawing No: 5002 Rev P02); Drainage Strategy (Job no: E143; Drawing No: 5000 Rev P02); External Lighting Layout and EV Charging Point (C17010-E-010).

3. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Emergency Plan (FRA), Document RHL/01, August 2014 compiled by Charnwood Property Consultants and Developers Ltd and also the Design and Access Statement entitled 'Proposed New Officers for Hillary's Blinds' Revision A, March 2015 compiled by Steve Riley Architect Ltd as revised by the emails dated 5th January 2016. Finished Floor Levels shall be 21.78 AOD with the provision of a flood resilient construction incorporated up to 0.68 metres above the floor level. Drawing No's: E143-CHG-00-XX-DR-003 and CBD Architects drawing no: 16156-A-4003.
4. The development shall be carried out strictly in accordance with the Contaminated Land Assessment (Geodyne ref. D34084: 28th March 2017).
5. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the gas membrane remediation to be carried out, as confirmed by email dated 16th May 2017) must be submitted and approved in writing by the Local Planning Authority.
6. No part of the development hereby permitted shall be more than 75% occupied before or until a Travel Plan including a Car Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan unless otherwise agreed in writing by the Local Planning Authority.

## **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 risk of flooding to the proposed development and future occupants and to reduce the possible consequences of an imminent flood event in line with the requirements of paragraph 93 of the NPPF.
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance

with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To promote sustainable travel

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development would result in no significant impact on neighbouring premises or the area in general. The proposed development would represent sustainable development as identified in the NPPF. The proposal is acceptable from a highway safety viewpoint, raises no flood risk issues, health and safety issues or contamination issues. The works therefore accord with Policies E3 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Saved policies 2008) and Policies 1 (Climate Change), 4 (Employment Provision and Economic Development) and 10 (Design and Enhancing Local Identity) of the Gedling Borough Aligned Core Strategy (2014).

### **Notes to Applicant**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

I bring your attention to Carlton Footpath 22 which runs alongside the south eastern boundary and is the access road to the site. The availability of the footpath should not be affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. The Rights of Way Office should be consulted in any re-surfacing or proposed structure issues. Developers are also made aware of potential path users in the area who should not be impeded or endangered in any way.

For any new connection(s), into the public sewer or the reuse of an existing sewer connection(s), you will need to apply under Section 106 Water Industry Act 1991 as amended by the Water Act 2003. Severn Trent New Connection Team currently processes Section 106 applications and can be contacted on 0800 707 6600 for an application pack and guidance notes (or visit [www.stwater.co.uk](http://www.stwater.co.uk)). Applications to make such connections should be made separately from any application for adoption of the related sewers under Section 104 Water Industry Act 1991 as amended by the Water Act 2003.

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.

Advice regarding travel plans can be obtained from the Transport Strategy Section at Trent Bridge House, Fox Road, West Bridgford, Nottingham, NG2 6BJ, contact [transport.strategy@nottscc.gov.uk](mailto:transport.strategy@nottscc.gov.uk)

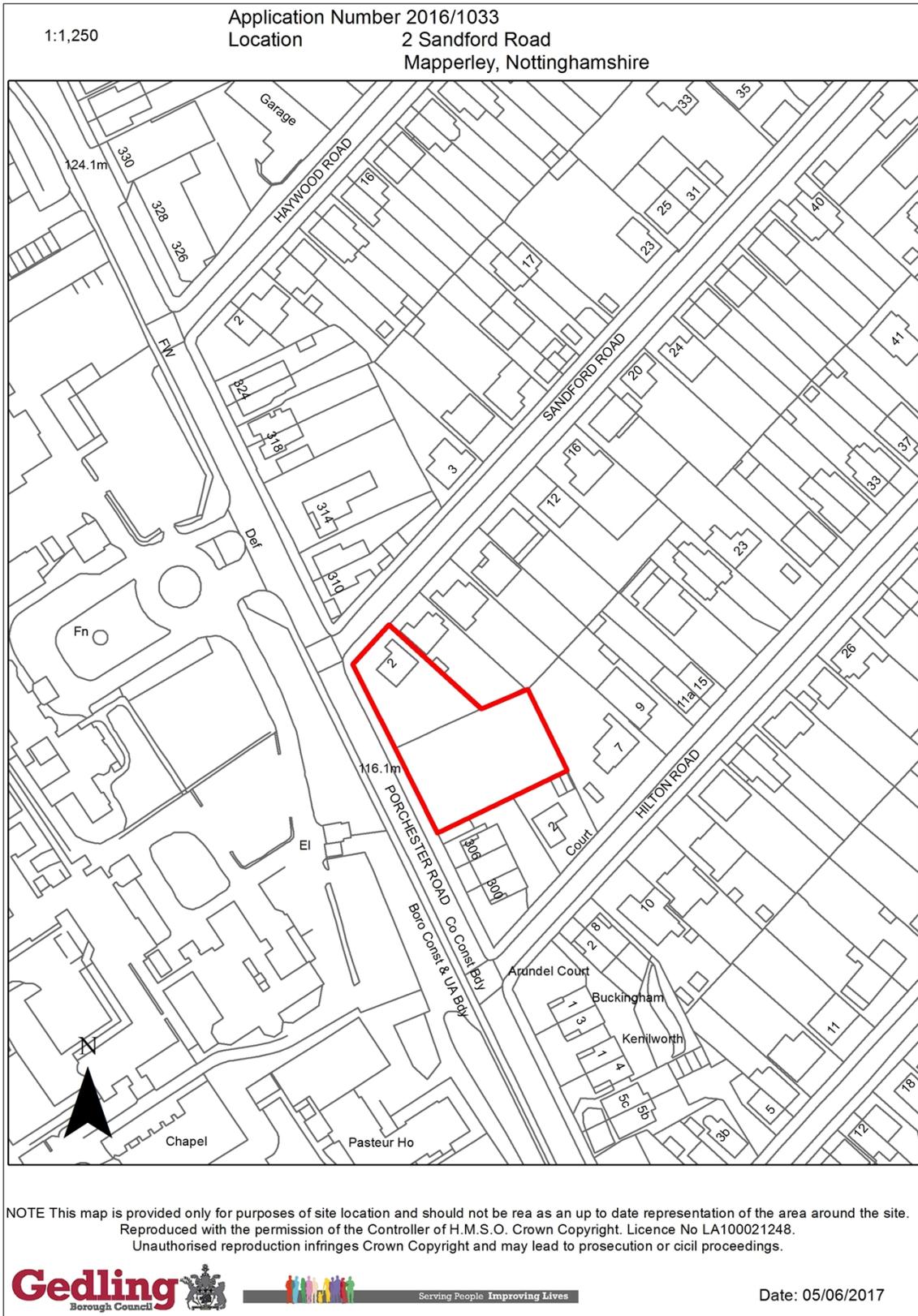
The development makes it necessary to alter the vehicular access arrangement over the footway of the private road no. 2. These works shall be constructed to the satisfaction of the owners of the road. You should therefore contact the owners as this is not highway maintained at public expense.

# Gedling

Borough Council



## Report to Planning Committee



## **Report to Planning Committee**

<b>Application Number:</b>	2016/1033
<b>Location:</b>	2 Sandford Road Mapperley NG3 6AR
<b>Proposal:</b>	Demolition of Existing Dwellings at 2 and 2A Sandford Road and Erection of Building to Provide 10no. Dwellings with Associated Access, Parking and Rear Amenity Space. Renewal of Planning Permission Ref: 2010/0936
<b>Applicant:</b>	Mrs L Parker
<b>Agent:</b>	M & O Architects
<b>Case Officer:</b>	Nick Morley

### **Background**

This application was considered by the Planning Committee on 22<sup>nd</sup> February 2017, when it was resolved to grant planning permission, subject to the applicant entering into a Section 106 Agreement with the County Council for a financial contribution towards primary education.

Planning permission for the same development was previously granted by the Borough Council under application no: 2010/0936, following completion of a Section 106 Agreement with the County Council for a financial contribution towards primary education (see Relevant Planning History below).

In its observations on the current application, the County Council commented that Planning Practice Guidance does not allow for contributions from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (see Consultations below). However, at the time of the above resolution, there was no clear evidence available that this application was below this threshold, and a contribution was again sought.

The Borough Council has recently been contacted by the applicant's solicitors, advising that they have asked their client's architect to confirm the Gross Internal Area of this development and that he has calculated it as 999.7 square metres.

This has been independently checked by the Borough Council's Community Infrastructure Levy Officer, who concurs that the Gross Internal Area falls just below the 1,000 square metres threshold.

In the circumstances, the application is now reported back to Planning Committee with an amended recommendation, deleting the requirement for the applicant to enter into a Section 106 Agreement for a contribution towards primary education.

### **Site Description**

The application relates to 2 and 2A Sandford Road, and the associated garden area, located on a corner plot of land at the junction of Sandford Road and Porchester Road. The property is split-level, with a single storey front elevation and two storey rear elevation. The lower rear ground level has been converted into a self-contained flat. At present, the existing building on the site is derelict and the garden area has been unmanaged for some time. The existing vehicular access to the site is off Sandford Road.

There is a significant change in levels between the boundary of the site with Porchester Road and the rear boundary with 7 Hilton Road, which is approximately 8 metres lower. The site boundaries consist of a mix of close-boarded fencing and hedges.

Residential properties adjoin the site at 4 Sandford Road and 7 Hilton Road, as well as two storey flats, with basement garaging to the rear, at Barclay's Court, and Lombard Court. Barclay's Court has a frontage onto Porchester Road and Lombard Court has a frontage onto Hilton Road. Lombard Court has ground and first floor apartments.

Trees protected by a Tree Preservation Order are located within the site adjacent to the boundary with Porchester Road.

### **Relevant Planning History**

In August, 2013, and after extension negotiations, the Borough Council resolved to grant planning permission under application no: 2010/0936 for 10 dwellings with associated access, parking and rear amenity space, subject to a Section 106 planning obligation with the County Council towards primary education. Following completion of the S106 planning obligation, the decision notice was issued on 17<sup>th</sup> January, 2014. This planning permission has now recently expired.

### **Proposed Development**

Full planning permission is again sought for the demolition of the existing dwellings at 2 and 2A Sandford Road and the erection of a single building to provide 10 dwellings, with associated access, parking and rear amenity space. This would result in the renewal of the previous planning permission no: 2010/0936.

The 10 dwellings would consist of 6 four bedroom dwellings, 3 three bedroom dwellings and 1 one-bedroom dwelling, taking into account that the study's proposed for some of the dwellings could easily be converted into bedrooms.

The proposed building would be of a contemporary design and would be split-level, in order to utilise the slope of the site between the boundary with Porchester Road and the boundaries to the rear. The front elevation of the building would be at a lower level to the adjoining highway on Porchester Road by a maximum of 2.5

metres. Approximately two-thirds of the front elevation facing Porchester Road would be two-storey, with dormer windows in the roof. This part of the front elevation would have approximate heights of 5.5 metres to the eaves and 8.25 metres to the ridge. The ridge of the proposed building would sit approximately 1.9 metres higher than the ridge of the neighbouring flats at Barclay's Court.

The height of the building would drop to single storey, also with dormer windows in the front elevation of the roof, towards the junction with Sandford Road and angling around this to the boundary with 4 Sandford Road. The front elevation to this section of the building would have approximate heights of 3 metres to the eaves and 6 metres to the ridge.

To the rear elevation, the proposed building would have a maximum height of 14.4 metres, when measured from basement level to the top of the roof, the central parts of which would be flat. The rear elevation would include angled oriel windows to the ground level of the dwellings with the vehicular access ramp and basement level parking below. Windows are also proposed to the first floor level of the dwellings and roof light windows to the rear facing roof slopes.

Proposed materials for the building include brickwork with timber clad sections to the front elevations, render to the rear elevations and tiles to the roof. Modern styled chimneys are proposed clad in metal panelling. The layout plans indicate 2 metres high boundary treatments, measured from the level of neighbouring properties, and soft planting to the perimeter of the rear grounds. A landscaped bank with new tree planting is proposed to the front of the building, with steps from the ground level of the building to pavement level on Porchester Road. Pedestrian access would also be available onto Sandford Road. Bin storage is shown to be housed within indents to the ground floor front elevations.

Remote-controlled electric gates are proposed to the front elevation of the building, close to the boundary with the neighbouring flats at Barclay's Court. The gates would be set back from the boundary with the highway by approximately 4 metres and would lead onto a ramp providing access to basement parking. The first 5 metres of the ramp would have a gradient of 1 in 20. Thereafter, the ramp would have a gradient of 1 in 12 and would emerge from, and sit parallel with, the rear elevation of the building before re-entering the building until it reaches the proposed ground level. The edge of the ramp would have a barrier wall measuring some 0.9 of a metre in height.

The proposed lower ground plan shows a total of 20 car parking spaces, 6 of which would sit adjacent to the ramp within the building footprint with the remainder to the car park which occupies the majority of space to the rear of the building. Motorcycle, bicycle storage and lock up units are also shown at basement level, as well as a lobby area providing staircase access to the dwellings. Lift access is also shown from basement level to the dwellings.

The Design and Access Statement states, inter-alia, that the surface finish of the proposed ramp would be such that drainage can be controlled to drain to the sides of the ramp. Ice would be controlled through the texture of the surface finish and the building management would include provision of a salt box to be spread, when required, by the management company. Lighting to the ramp is proposed at low

level within the barrier wall and would not be directed towards neighbouring properties or occupiers of the building.

A plan showing the proposed visibility splay relating to the vehicular access has been submitted.

An additional drawing showing the proposed west, north and south rear elevations, and a revised Design and Access Statement, have been submitted during processing of the application.

## **Consultations**

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 7 letters and emails from local residents, which make the following comments, after consultation in respect of the application as originally submitted and the additional information subsequently provided:

- The proposed retaining wall to the rear of Lombard Court, on Hilton Road, may be higher than the existing fence and the height of this should be limited, and no greater than 2 metres from the existing ground level.
- Concern is expressed that the height of the proposed car park would result in the ground floor apartment of Lombard Court becoming a basement flat with a loss of natural light to the garden and rear rooms. The proposed tree planting would exacerbate this impact.
- There would be reduced access for maintenance to the rear of the Lombard Court garages and other existing boundary treatments.
- Although the site is unkempt, there is currently a large area of land absorbing surface water, so the disposal of surface water from the extensive hard surfacing, which would replace the existing green area, is a concern. This should be into the mains drainage, as the ground is unsuitable for soakaways. There are no details on the submitted plans which show how foul sewage would be connected to the main sewer.
- The proposed development would involve the removal of well-established trees, some of which have Preservation Orders on them, which will reduce the sound-proofing effect these trees currently have for existing properties near Porchester Road.
- The proposed access to the rear involves the construction of an entrance which would have a wall alongside to guide vehicles into the rear car parking area. This wall reduces in height as it bends to the left. However, due to the lie of the land, this wall would be very imposing initially and rather ugly. It would come off Porchester Road at a height which is considerably greater than the height of the adjacent boundary fence to Lombard Court.

- The proposed car park entrance could cause a road safety hazard for drivers exiting onto Porchester Road from Hilton Road. This is already a challenging manoeuvre because traffic along Porchester Road is exceptionally busy, particularly during the morning and evening rush hours.
- Noise, disturbance and dust should be mitigated during construction and local residents should be compensated for any disturbance. How long would construction take and where would construction traffic access the site?
- The retaining wall between Lombard Court and Barclay Court is old and weak and would not stand up to any heavy construction adjacent to properties. Who would be responsible should any damage occur?
- The site is overgrown with Japanese Knotweed, which should be professionally treated and removed, to ensure that the roots do not spread.
- The Mapperley area is already over-developed with similar apartments, when family housing is required.
- The proposed development will overlook adjacent properties, leading to a loss of privacy and devaluation of property.
- There is a lot of wildlife in the land, including bats and birds, which should be taken into account.
- The grant of planning permission to the owner, rather than a developer, does not mean that anything will happen with this site, which has been an eyesore for many years. Gedling Borough Council should compulsorily purchase the land and develop it in a sensible manner.
- The development should be described as flats, not houses.
- The previous conditions regarding drainage, boundary treatments, retaining structures, lighting and soft landscaping should be re-imposed.

Nottinghamshire County Council (Highway Authority) – has no concerns, subject to the imposition of appropriate conditions regarding the proposed dropped vehicular footway crossing, re-instatement of the existing dropped kerb access on Sandford Road, visibility splays, vehicle access, access gradient, surfacing and drainage of the access and parking areas, and cycle parking.

A note is also recommended with regard to works on the public highway.

Nottinghamshire County Council (Forestry Officer) – agrees that the mature existing sycamore trees are of low significant quality, due to inherited physiological defects associated to sycamore trees.

However due to the size and number of sycamore trees, the trees still offer good amenity value, which is likely to be lost once development begins.

The proposed replacement planting of hornbeam is a suitable choice for the site, and it is recommended that the replacement trees continue to be protected as per the sycamore trees.

Comments are also made with regard to the safety of highway users, how the replacement planting is to be undertaken and measures to ensure the stability of the highway.

Nottinghamshire County Council (Strategic Planning) – outlines the National and County Planning Policy context and Strategic Planning Issues, and makes the following specific observations:

#### *Waste*

There are no existing waste sites within the vicinity of the site, whereby the proposed development could cause an issue in terms of safeguarding existing waste management facilities.

#### *Minerals*

The County Council does not wish to raise any objections to the proposal from a minerals safeguarding perspective.

#### *Public Health*

All development should take into account local health issues and minimise the negative impacts of the development on health, whilst also seeking to deliver health benefits where possible.

#### *Strategic Transport*

No strategic transport planning objections.

#### *Transport & Travel Services*

It is not envisaged that contributions towards local bus service provision will be sought, although it would be expected that all properties would have free introductory bus travel made available to them which, along with other sustainable travel measures, should be set out in a site Travel Plan.

However, in order to promote sustainable travel, bus stop improvements in the form of real time bus stop poles and displays, raised boarding kerbs and enforceable bus stop clearways are requested to two bus stops on Moore Road.

#### *Nature Conservation*

Given that the site is an area of informal greenspace supporting mature trees, and the proposal involves the removal of these and the demolition of a building, a Preliminary Ecological Appraisal should have been carried out to establish the presence or absence of protected species and to inform the need for any mitigation. In addition, advice on the form an appraisal should take, surveys and landscaping, has been provided.

#### *Developer Contributions*

The County Council will seek developer contributions in relation to its responsibilities in line with its adopted Planning Obligations Strategy.

Nottinghamshire County Council (Education & Libraries) – A development of 10 dwellings would yield 2 primary places and 2 secondary places.

Planning Practice Guidance does not allow for contributions from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres. However, unless there is clear evidence available that this application is below this threshold, the County Council would wish to seek a contribution of £22,910 to provide primary provision to accommodate the additional pupils projected to arise from the proposed development.

Following re-consultation on the new information which has been submitted regarding the Gross Internal Area falling below the relevant threshold, the County Council has confirmed that it has no objection to an amended resolution to grant planning permission without the need for the applicant to enter into a S106 Planning Obligation with the County Council for a contribution towards primary education

In terms of secondary education, based on current projections, the additional secondary places can be accommodated in the existing catchment academy.

In terms of libraries, contributions are only requested on schemes for 50 dwellings or more. As this application is below this threshold, the County Council would not be seeking a contribution for libraries provision.

Nottinghamshire County Council (Lead Local Flood Authority) – any comments received will be reported verbally.

Severn Trent Water – any comments received will be reported verbally.

Economic Development – is supportive of this application. The number of dwellings to be constructed will require a local labour agreement on the site to support training, employment and work experience activities during the term of build.

Public Protection – make the following observations:

#### *Land Contamination*

No comments

#### *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.

Nottinghamshire Police (Force Architectural Liaison Officer) – notes the provision of security gates to the access to the car parking area and recommends that the stairs and lift from the lower parking area are fitted with resident only access systems.

Attention is also drawn to relevant parts of the new Building Regulations and the Secured by Design Award.

### **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 impact of the proposed development on residential amenity and highway safety; the design and layout of the proposed development; the loss of protected trees; and the impact of the proposed development on the local ecology.

### **Most 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 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 plan-making and decision-taking, the following sections of the NPPF are most relevant to this planning application:

- NPPF: Ensuring viability and deliverability (paragraphs 173-177)
- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

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 10: Design and Enhancing Local Identity
- ACS Policy 12: Local Services & Healthy Lifestyles
- ACS Policy 14: Managing Travel Demand
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

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.

Since planning permission no: 2010/0936 was granted, the Local Planning Document Publication Draft (LPD) has been in preparation, published and now submitted for examination.

Paragraph 216 of the NPPF sets out that from the day of publication, weight may be given to relevant policies in emerging plans depending on how advanced the Plan is and whether there are extant objections. At the present time, it is considered that the following LPD policies may be given some limited weight:

- LPD 32: Amenity
- LPD 34: Residential Gardens
- LPD 39: Housing Development on Unallocated sites

### 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, Policy H7 of the RLP and Policies 34 and 39 of the LPD. The 6C's Design Guide is also relevant.

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 and Layout Considerations.

Policy 34 of the LPD states, amongst other things, that development involving the loss of residential gardens will not be permitted unless the development proposal would result in a significant improvement to the urban design of the area.

Policy 39 of the LPD, like RLP Policy H7, states that planning permission will be granted for development on unallocated sites within built up areas subject to amenity and 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 the application site is located within the urban area and consists of a derelict building with a large, unmanaged, garden area. In my opinion, this is a good scheme which would represent a significant improvement of a difficult site.

The application site is within the urban area and, as such, I am satisfied that the proposed development accords with the aims of Policy 2 of the ACS, Policy H7 of the RLP and Policies LPD 34 and 39.

#### *Accessibility*

I note that the Highway Authority has no objections to the proposed development and consider that the proposed off-street parking provision to serve the development is acceptable.

There are nearby bus stops on Porchester Road and Moore Road, which provide good public transport links to Nottingham City Centre.

I also note the comments of the County Council's Transport and Travel Services, regarding sustainable travel measures being set out in a site Travel Plan, but would advise that the 6C's Design Guide only requires the provision of a Travel Plan where over 80 dwellings are proposed.

### *Flood Risk*

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 reasonably accessible and sustainable in accordance with Section 10 of the NPPF, Policies A, 1, 2 and 14 of the ACS, Policy H7 of the RLP and Policies 34 and 39 of the LPD.

### Residential 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, Policy ENV1 of the RLP and Policy 32 of the LPD.

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.

Policy 32 of the LPD states, amongst other things, that planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, when assessed against various criteria such as overshadowing, overbearing and overlooking impacts.

I have given careful consideration to the potential impact of the proposal on neighbouring residential properties, particularly given the height of the proposal, the levels on the site and adjoining sites, the distances between properties and the individual design of the proposal to address the very specific characteristics of the site.

In my opinion, the design of the proposal would have no undue impact on the residential amenity of adjacent properties. The rear elevation of the building is set back from the rear elevations of 4 Sandford Road and Barclay's Court. The proposed development would have a maximum ridge height 1.9 metres above the ridge of Barclay's Court and steps down in level close to the boundary with 4 Sandford Road.

With regards to windows facing neighbouring properties, the proposed building incorporates oriel windows serving its ground floor level with windows facing away from 4 Sandford Road. The nearest habitable window to the flats at Lombard Court would be a minimum of 15 metres to the rear elevation of this neighbouring property and would be located at an angle and height significantly above the main windows serving this neighbouring building. The rear elevation of the building would be some 25.5 metres from the rear boundary with 7 Hilton Road, and no windows are proposed facing Barclay's Court.

The proposed access ramp would be sited a minimum 12 metres away from the rear elevation of Lombard Court at its highest point on the rear elevation of the proposed building. At this point the ramp would be approximately 6.5 metres higher than the level of the land at the rear boundary of this neighbouring property and 1.5 metres higher than the eaves level of this neighbouring building. The ramp then has a gradient of 1 metre in every 20 metre, meaning that it reaches a level below the ground level of 4 Sandford Road at its nearest point to the boundary with this property.

Whilst I am also conscious that there would be some noise from vehicles using the ramp, this would be limited given the number of vehicles likely to be using the ramp and its gradient. In addition, Public Protection previously advised on the original application that there were unlikely to be any adverse environmental protection issues.

I am satisfied that given the shape and height of the ramp, the ground levels and distances between these properties, and the likely level of activity on the ramp, this feature of the design is acceptable and these factors are sufficient to ensure that the impact of this ramp on these neighbouring residential properties would not be so significant as to warrant a refusal of planning permission. I have no concerns with regards to the relationship of the ramp with properties at Barclay's Court and 7 Hilton Road, given the distance and orientation of the ramp in relation to these properties.

With regards to the proposed levels of the car park and its relationship with neighbouring properties, I am satisfied that the level differences between properties are acceptable and would not unduly impact on neighbouring amenity. In particular, I note the levels to the rear garden at Lombard Court. The proposed car park would be approximately 0.75 of a metre higher than the neighbouring ground level. Whilst there is a gentle slope along the rear boundary of Lombard Court, the change in level between the south-western corner and north-eastern corner of this boundary is no greater than approximately 0.5 of a metre. A condition can be attached to any consent to state that the boundary treatment to Lombard Court is not as set out on the submitted plans and that precise details be submitted to address any change in level. I consider it likely that a boundary treatment on the Lombard Court site, consisting of a retaining wall and boundary treatment totalling between 2.5 metres and 2.8 metres in height would be sufficient to prevent any undue overlooking impact on the apartments in this property and I am satisfied that such a boundary treatment would not unduly impact on the residential amenity of this neighbouring property. Any impact on the existing garages at Lombard Court, including access for maintenance, would be a private legal matter.

With regards to other neighbouring boundaries, the submitted plans show 2 metre high boundary treatments, measured from neighbouring land levels, and a hedge to

the boundary with 7 Hilton Road is to be retained. Precise details of boundary treatments can be conditioned and details of any works to the existing hedge can also be subject of a condition.

Given the above factors, I am satisfied that the proposal would not result in any undue overbearing, overshadowing or overlooking impacts on neighbouring properties.

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, Policy ENV1 of the RLP and Policy 32 of the LPD.

### 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 requires reference to be made to the Highway Authority's highway design and parking guidelines when considering proposals for new development.

Under the 'Parking Provision for Residential Developments' SPD, the minimum parking requirement for this proposal would be 20 spaces if each dwelling is allocated 1 space, or 18 spaces if all spaces are unallocated spaces. This is based on a development which counts the proposed studies as bedrooms given their potential to be used as such. I note the proposed parking is for 20 spaces and provided any consent is conditioned to ensure the parking spaces are unallocated, the number of spaces exceeds the minimum requirement for spaces to serve this development.

Whilst I appreciate the highway safety concerns which have been raised by local residents about the proposed car park entrance on Porchester Road, I note that the Highway Authority has no concerns, subject to the imposition of appropriate conditions.

I am mindful of the comments of the Forestry Officer and the concerns about the removal of the protected trees to the boundary with Porchester Road and the impact this could have on the stability of land supporting the adjoining highway. I consider that a condition should be attached to any consent requiring a method statement for the removal of the trees to be submitted prior to the commencement of any works. This information can then be passed on to the Highway Authority for comment before any such details are approved.

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 the Parking Provision for Residential Development SPD.

### Design & Layout Considerations

The relevant planning policies which need to be considered in relation to the design of a proposed development of this scale are set out in Sections 6 and 7 of the NPPF, Policy 10 of the ACS and Policies ENV1 and H7 of the RLP. The 6C's Design Guide and the Parking Provision for Residential Development SPD are also relevant.

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 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; massing, scale and proportion; materials, architectural style and detailing; 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.

Given the constraints of the site, in terms of the significant change in levels from the boundary with Porchester Road and its irregular shape, development of the site necessitates an innovative design solution. The previous application involved extensive negotiations, resulting in the scheme which was approved under application no: 2010/0936 and which the current application seeks to renew.

I am satisfied that the scheme makes effective and efficient use of the site, bearing in mind the considerable constraints in terms of its shape, topography and relationship with adjacent properties, which makes this a difficult site to develop. The contemporary design respects the alignment of existing properties along the frontage of Porchester Road and Sandford Road. The proposed development also incorporates traditional building forms, with pitched roofs and materials including brick elevations and tiled roofs.

The height of the proposal would have an acceptable relationship within the existing street scene and, whilst the ridge of the proposed building would be higher than neighbouring properties, I am satisfied that the difference in levels is not so significant as to have an undue impact on the appearance of the area.

The significant change in levels between the boundary of the site with Porchester Road and the rear of the application site has been overcome through the use of a vehicular access ramp which addresses much of the change in levels within the building footprint. The external part of the ramp sits tightly against the rear elevation of the proposed building, helping to reduce the footprint of the proposal. Precise details of the external face of the ramp can be requested as part of a condition attached to any consent requiring precise details of materials.

I note that the Highway Authority is satisfied with the proposed layout and that off-street parking provision would be provided in accordance with the Parking Provision for Residential Development SPD.

The recommendations of the Force Architectural Liaison Officer can be drawn to the attention of the applicant by means of an informative note.

Development of the site would also 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.

It is considered, therefore, that the design of the proposed development would be in accordance with Sections 6 and 7 of the NPPF, Policy 10 of the ACS and Policies ENV1 and H7 of the RLP.

#### Arboricultural Considerations

Removal of the protected sycamore trees along the Porchester Road boundary is required to enable development of the site. However, the County Council's Forestry Officer has advised that these trees are of low significant quality, due to the inherited physiological defects associated to sycamore trees.

Whilst the trees still offer good amenity value, which would be lost as a consequence of the proposed development, I note that the Forestry Officer considers that the proposed replacement planting of hornbeam is a suitable choice for the site.

I am also mindful that when the previous application was determined, the Borough Council considered that the removal of these trees would be in the interests of good arboricultural practice.

Given the constraints of the site and that the proposed development has been designed to make the most efficient use of the site, the need to provide an appropriate level of car parking has restricted the level of soft landscaping that can be provided.

However, the proposed car park layout has provided an opportunity to increase the depth of soft landscaping towards the rear boundary of the site and I am satisfied that this would provide some visual relief from the hard surfacing proposed, without any undue impact on adjacent properties. The final landscaping details can be controlled by condition.

A condition can be attached to any consent requiring a method statement for the removal of the trees to ensure the stability of land on the application site and adjoining highway is not unduly impacted upon.

With regards to the concerns relating to the presence of Japanese Knotweed on the site, any landscape condition can also require a method statement for the removal of any invasive plants from the site.

In summary, the removal of these trees would enable development of a derelict site, thereby increasing the supply of homes in Gedling Borough and reducing the problems of anti-social behaviour associated with this site. On balance, I consider that these considerations outweigh the amenity value of the protected trees.

### 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 I note that the County Council's Nature Conservation Unit would have expected a Preliminary Ecological Appraisal to have been provided with the application, I am satisfied that the imposition of a condition to require this prior to the commencement of development, together with details of any proposed mitigation measures, would be reasonable in this instance.

I am satisfied, therefore, that the proposed development would protect existing areas of biodiversity interest and that the landscaping of the proposed development would provide some 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.

### Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations for infrastructure and local services are set out in Policies 12, 18 and 19 of the ACS and paragraphs 173-177 and 203-205 of NPPF in relation to plan-making and decision-taking.

Policy 12 of the ACS states that where appropriate, contributions will be sought to improve existing community facilities provision, where the scale of residential development does not merit developers providing community facilities provision directly.

Policy 18 of the ACS requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACS states that all development will be expected to:

- Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- Provide for the future maintenance of facilities provided as a result of the development.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

With regard to educational facilities, I note that the County Council originally requested financial contributions towards primary education. However, in light of the

new information regarding the Gross Internal Area falling below the relevant threshold, the County Council has confirmed that it has no objection to an amended resolution to grant planning permission without the need for the applicant to enter into a S106 Planning Obligation with the County Council for a contribution towards primary education.

With regard to bus stop infrastructure, I note that the County Council has also requested improvements to nearby bus stops on Moore Road. However, I am mindful that the proposed development is close to a comprehensive bus network and does not give rise to the need for any new bus stops in order for the development to be accessible to public transport linkages. In addition, I also consider that a development of only 10 dwellings is not of a scale that should give rise to significant negative impacts on the existing highway infrastructure and public transport linkages.

In my opinion, therefore, the request for a financial contribution towards improvements to existing public transport infrastructure in the vicinity does not meet the above policy tests in the NPPF, which replicate the statutory tests set out in the Community Infrastructure Levy Regulations 2010.

#### Other issues

With regard to other issues raised, I would comment as follows:

- Access to the site for the maintenance of adjacent properties is a private legal matter and not a material planning consideration in the determination of this planning application.
- The disposal of surface and foul water would also be dealt with under the Building Regulations.
- Any undue noise, disturbance or dust arising during construction can be controlled under separate legislation.
- There is no information as to how long the proposed development would take to construct and it would be unreasonable to impose a condition requiring the completion of development within a specific time.
- Potential damage to nearby properties due to construction activity is not a material planning consideration.
- The potential devaluation of adjacent properties is not a material planning consideration.

#### Conclusion

Given the above considerations, I am satisfied, on balance, that the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway.

The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour.

In my opinion, the above considerations outweigh the amenity value of the protected trees along the Porchester Road frontage, which need to be removed to facilitate the proposed development.

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014), the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), and the Local Planning Document Publication Draft (May 2016), 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, other than the means of enclosure of the site and the details of new tree planting adjacent to the boundary with Porchester Road shown on the submitted plans, shall be constructed and implemented in accordance with the following approved plans and documents: Location Plan and Block Plans (0001 Rev A), Proposed Lower Ground Plan (0003 Rev D), Proposed Ground Plan (0004 Rev C), Proposed First Floor Plan (0005 Rev B), Proposed Second Floor Plan (0006 Rev A), Proposed South and East Elevations (0009 Rev C), Proposed Section 1-1 (0010 Rev C), Section BB (0011 Rev B) and Visibility Splay Plan (2000 Rev A), received on 26th September 2016; and Proposed West, North & South Rear Elevations (0008 Rev B), received on 5th January 2017.
3. Before development is commenced a sample of the materials to be used in the external elevations of the building, including to the exterior wall of the proposed vehicular access ramp, shall be submitted to and approved in writing by the Borough Council. Thereafter the development shall be carried out in accordance with approved materials, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced precise details of the materials to be used in the surfacing of external areas outside of the building, including anti-skid surfacing to the proposed ramp, shall be submitted to and approved in writing by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

5. The development hereby permitted shall not commence until drainage plans for the disposal of surface water (including to the proposed car park and vehicular access ramp) and the disposal of foul sewage from the site and buildings/structures have been submitted to and approved by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
6. Before development commences a method statement setting out measures to ensure the safe removal of the trees to the boundary with Porchester Road shall be submitted to and approved in writing by the Borough Council. The development shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. Before development is commenced, and notwithstanding the details of enclosure shown on the approved plans, there shall be submitted to and approved by the Borough Council precise details of the means of enclosure to the site, including any works to the hedge to the boundary with 7 Hilton Road. The development shall be constructed in accordance with the approved details, which shall be retained for the lifetime of the development, unless otherwise prior agreed 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 precise details of retaining structures adjacent to neighbouring boundaries; the position, type and planting size of all trees and shrubs proposed to be planted, including where appropriate details of existing trees to be felled and retained; a schedule indicating how the proposed soft landscaping is to be maintained, which should cover a minimum period of five years; and details of how any invasive plants (such as Japanese Knotweed) are to be removed from the site. 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, 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.
9. Before development commences precise details of internal and external lighting to the proposed car park and access ramp shall be submitted to and approved in writing by the Borough Council. The internal and external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
10. Before development is commenced, details of an access ramp with balustrade to facilitate pedestrian access onto Porchester Road shall be submitted to and approved in writing by the Borough Council. The development shall be constructed in accordance with the approved details, which shall be retained

for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

11. Before development is commenced precise details of the proposed access gates, which shall be electronic and shall open into the site, together with details of CCTV to monitor access and egress, shall be submitted to and approved in writing by the Borough Council. The approved details shall be installed prior to the occupation of the first dwelling, and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a Preliminary Ecological Appraisal of the site, including any recommended mitigation measures. Any mitigation measures shall be implemented in accordance with the approved details.
13. The works to trees on the site shall take place outside the bat activity and bird nesting season (March to October inclusive), unless pre-commencement checks for bats and nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any bats or 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.
14. 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.
15. Before development commences precise details of salt and grit boxes to be provided as part of the development, and the proposed location of these features, shall be submitted to and approved in writing by the Borough Council. The salt and grit boxes shall be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained thereafter in accordance with the approved details for the lifetime of the development.
16. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Labour Agreement to cover the construction of the development hereby permitted. The Local Labour Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
17. No part of the development hereby permitted shall be first occupied until details of a dropped vehicular footway crossing have been submitted to and approved in writing by the Borough Council. The dropped vehicular footway

crossing shall be constructed in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

18. No part of the development hereby permitted shall be first occupied until details of the proposed means of closure of the existing site access on Sandford Road and re-instatement of the access crossing as footway with full height kerbs have been submitted to and approved in writing by the Borough Council. The existing site access shall be permanently closed and the access crossing reinstated as footway in accordance with the approved details before the development hereby permitted is first occupied and shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
19. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 metres by 43 metres in both directions, as shown on drawing no: 0004 Rev C, are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of any obstructions exceeding 600 millimetres in height for the lifetime of the development.
20. No part of the development hereby permitted shall be brought into use until the access to the car parking areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall thereafter be maintained in such hard bound material for the lifetime of the development.
21. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5 metres from the rear of the highway boundary, and never exceeding 1:12 thereafter, as shown on drawing no: 0004 Rev C.
22. No part of the development hereby permitted shall be brought into use until the motorcycle and cycle parking facilities, as indicated on drawing no: 0003 Rev D, have been provided. The motorcycle and cycle parking facilities shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.
23. No part of the development hereby permitted shall be brought into use until the car parking area has been surfaced and drained, and the individual parking spaces have been clearly marked out, as indicated on drawing no: 0003 Rev D. The spaces shall be kept available for unallocated parking in association with the development thereafter. The car parking area shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.

## **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 ensure that the materials to be used in the external elevations of the proposed building are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that the means of surfacing of the development, and in particular the ramp (which should have a rough surface), are satisfactory and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that the development is provided with a satisfactory means of drainage, and to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with the aims of Section 10 of the National Planning Policy Framework, Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
6. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure a satisfactory means of enclosure of the site, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. 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).
9. In order to protect neighbouring amenity and 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 2014).
10. In order 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 2014).
11. In the interests of crime prevention and in order 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 2014).
12. 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).
13. 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).

14. In order to compensate for the loss of trees and shrubs to be removed and 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).
15. 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).
16. 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).
17. 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).
18. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To reduce the possibility of deleterious material being deposited on the public highway, in the interests of pedestrian and highway safety and in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. In the interests of pedestrian and highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
22. To promote a sustainable development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
23. To ensure in the interests of highway safety that there is adequate off-street parking provision to reduce the possibilities of the proposed development leading to on-street parking in the area, 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 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](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

The proposal makes it necessary to construct a vehicular crossing and re-instatement of redundant 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 on 0300 500 80 80, in order to arrange for these works to be carried out.

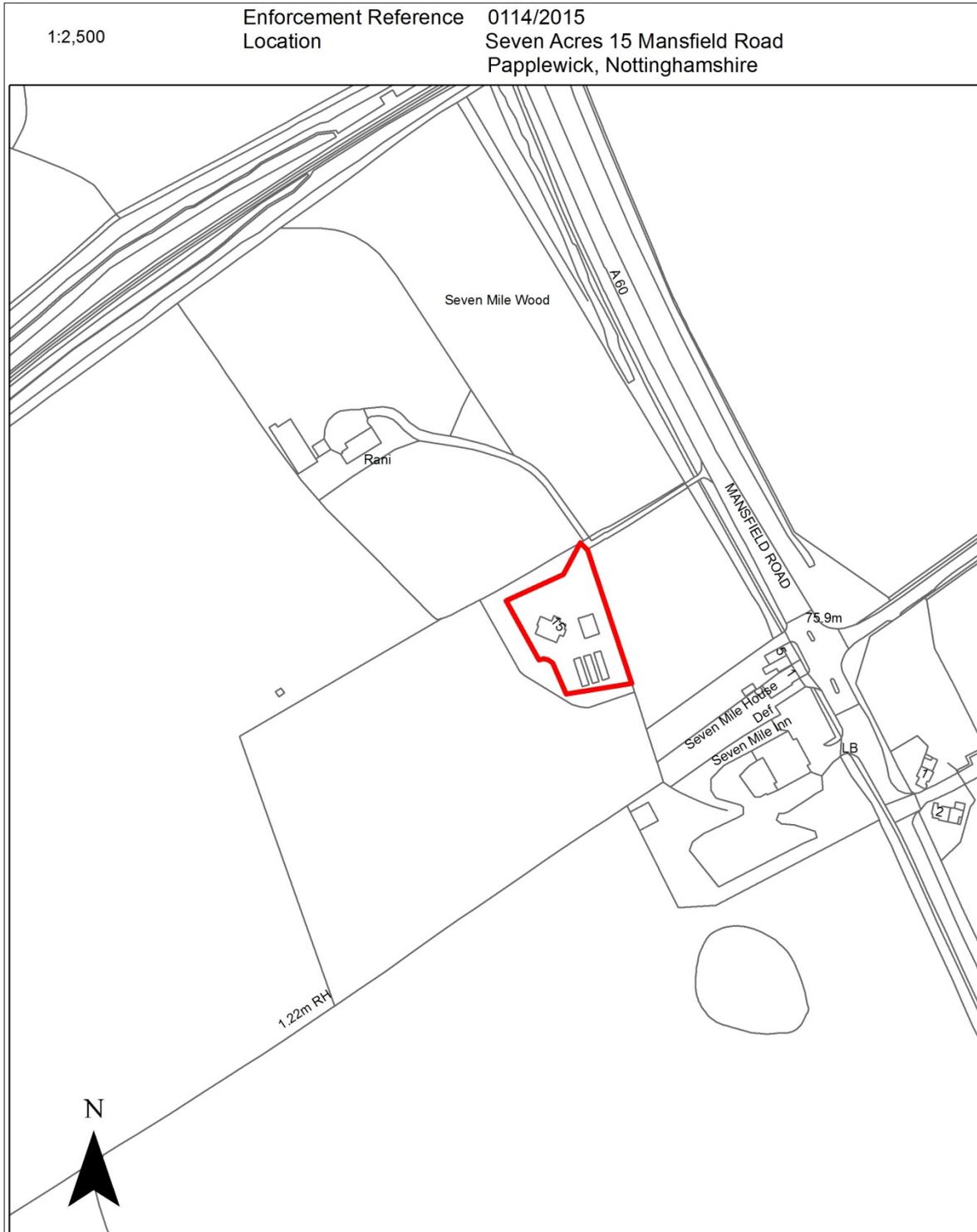
The applicant's attention is drawn to an informal planning guidance document which has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard. (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](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

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 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.



**Report to Planning Committee**



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. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Date: 08/05/2017

## **Report to Planning Committee**

<b>Reference</b>	<b>0114/2015</b>
<b>Location</b>	<b>Seven Acres, 15 Mansfield Road, Papplewick NG15 8FH</b>
<b>Breach of Planning Control</b>	<b>Material Change of Use of land for caravan storage within the site and the unauthorised erection of a tree house in adjacent woodland.</b>

### **1 BACKGROUND**

- 1.1 This site known as Seven Acres is to the west of the A60 Mansfield Road and to the north west of Seven Mile Inn at Papplewick and concerns an unauthorised use of the land for the storage of caravans and an unauthorised tree house erected in adjacent woodland also belonging to the owners of the site.
- 1.2 In 27<sup>th</sup> May 2011 , the Council granted conditional planning permission for the erection of a replacement two storey dwelling on the land known as Seven Acres, 15 Mansfield Road, Papplewick (Reference 2011/0386) in a similar position as a bungalow which had previously been granted permission in 1953.
- 1.3 In January 2016, the Council received a complaint about the unauthorised storage of caravans in the Green Belt on land just south of the residential property.
- 1.4 On the 1<sup>st</sup> November 2016, a meeting was held at the site with the owner and subsequently letters were sent to the owner of the site to advise the storage of caravans was unauthorised and required planning permission. An application was submitted to retain the caravan storage on the site but was later withdrawn when the applicant was advised permission was likely to be refused.
- 1.5 A further letter was sent to the owner of the site to advise the caravans should be removed by the 6<sup>th</sup> March 2017 as the storage was still unauthorised.
- 1.6 On the 4<sup>th</sup> April 2017 the Council received a new complaint about the caravans and also about a new building just outside of the residential curtilage, in the woodland to the east of the dwelling.
- 1.7 A site visit was carried out on Tuesday 4<sup>th</sup> April 2017 by officers when it was confirmed that 18 caravans remained on the land. At this time the owners claimed ten caravans were owned by them and there was no intention of removing the

caravans from the land. In addition, the owner has indicated they would like to store at least 50 caravans on the land to 'yield the necessary income'.

- 1.8 The 'new building' is a tree house which requires planning permission because it is outside of the residential curtilage. The owners stated the tree house had been built for their children to play in and they were surprised it needed planning permission.

## **2 ASSESSMENT**

### Location

- 2.1 The dwelling known as Seven Acres, 15 Mansfield Road, Papplewick is a large modern detached dwelling sited in the open countryside and which cannot easily be seen from any public vantage point. However, the site is within the Nottinghamshire Green Belt as identified on the Proposals Map of the Gedling Borough Replacement Local Plan 2005 (which is not amended in the emerging Part 2 Local Planning Document); it is to the west of Mansfield Road and to the north west of Seven Mile Inn. The site is accessed by an 89 metre long narrow shared private drive leading from the A60 and then through 2.2 metre high electronic solid gates into the garden area of Seven Acres.
- 2.2 The site is well screened to the east from the A60 and the access road with a thick band of trees which are protected with a blanket Tree Preservation Order. It is within this woodland area the tree house has been erected.
- 2.3 The caravans are stored on gently sloping grass land to the south of the dwelling and extend onto agricultural land beyond the residential curtilage. A thinner band of trees extends along the boundary of the adjoining agricultural land and the A60 to the south of the site. As the trees are mainly oak and silver birch and are deciduous, there is a glimpse through the trees before and after the trees are in full leaf in the summer when travelling north along the A60 from the direction of the Police Headquarters towards the site.
- 2.4 Residential properties and the Seven Mile Public House adjoin the site to the south east and there are restricted views through the trees from these properties and from the rear beer garden of the Seven Mile Inn to the caravan storage. Clearer views of the caravans are seen from the residential property known as 'Rani' to the north west of the site.
- 2.5 A belt of trees also extends along the north western boundary. The western and southern boundaries of the site are relatively open with agricultural fields beyond, although some new tree planting has taken place along these boundaries.

### Planning Considerations

- 2.6 Although the caravan storage and the tree house development has occurred without planning permission and is therefore unauthorised, local planning authorities are required to consider government guidance when deciding whether to take planning enforcement action. Government guidance is found in the National Planning Policy Framework (NPPF) (Paragraph 207) and states that although effective enforcement is important as a means of maintaining public

confidence in the planning system, ultimately enforcement action is discretionary and local planning authorities should act proportionately in responding to breaches of planning control.

- 2.7 The main considerations in thinking about whether to take enforcement action in this case is whether the Council is within the time limits for taking action and whether this is appropriate development within the Green Belt setting of the site; whether it is of acceptable scale, design and appearance and whether it will have a detrimental impact upon the amenity of neighbouring residents or a detrimental impact to highway safety or the health of protected trees.

#### Time limits for action

- 2.8 The caravan storage began in the autumn of 2015 and the time limit for taking action against a material change of use is ten years. The tree house has been erected recently and the time limit for taking action in this case is four years. It is considered the Council is within time to take formal action against both breaches.

#### Potential harm to protected trees.

- 2.9 Although the tree house is attached to trees preserved by a blanket tree preservation order, the Council's arboriculturist considers that no harm has been caused to the trees and that he did not feel the trees were in any threat of damage as a result of the development. The caravan storage does not impact on the trees.

#### Green Belt Policies

- 2.10 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policies is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence.

The storage of a number of metal caravans with a shiny reflection in this very rural location interrupts the openness of the Green Belt and is at variance with Paragraph 79 of the NPPF. In addition, caravan storage does not fall within any of the small number of specific categories of development set out within the NPPF as being appropriate development within the Green Belt. 2.11 Paragraph 87 of the NPPF states that:-

"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

- 2.12 Paragraph 88 of the NPPF continues:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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".

2.13 The owner of the site has claimed a medical condition provides them with 'very special circumstances' and that planning permission should be granted because of this medical condition. It is considered that the medical condition does not constitute very special circumstances as it is not relevant to whether the storage of caravans or the erection of a tree house on land in the Green Belt should be permitted. Both the tree house and caravan storage are therefore in conflict with Green Belt Policies.

#### Neighbours' amenities

2.14 The caravan storage and the tree house can be seen from the neighbouring property 'Rani' which stands on higher ground to the north west and overlooks the site. There are also limited views from other residential properties and the beer garden of the public house to the south of the site and on the approach from the A60 at certain times of the year when the trees are not in leaf.

2.15 Although the tree house is visible from the neighbouring property, it is at a distance and is painted green and blends well within the surrounding trees. The land where the tree house is positioned has not taken on the character of a residential garden but remains as a separate area characterised as woodland and an area which the owner appears to value and accept as protected.

2.16 There is no other domestic paraphernalia within the woodland to suggest a material change of use of the land has occurred and it is natural the owners' children will play in the woodland whether the tree house is allowed to remain or not. It is thought the tree house will degrade over time and it is not considered to be a permanent structure but rather a temporary play 'den' for the owners' children. There are no over-looking or privacy issues and it is considered there is no detrimental impact caused by the tree house on neighbours' amenities.

2.17 However, the quantity, light colour and metallic view of the caravans is a more obvious incongruous and alien feature in the countryside and is detrimental to the visual amenities of local residents and visitors to the area and affects the openness of the countryside.

#### Highways issues

2.18 The use of the access by a number of caravans and tow vehicles will significantly increase the number of vehicular movements on this single track access road. The access road leads directly from the A60 where the speed limit is 50mph. The access is narrow and has no passing places and so any vehicles waiting to turn into the access from the A60 may be obstructed from doing so if vehicles are waiting to leave the access and pull out into the A60. In any case slow moving vehicles manoeuvring onto and from the A60 are detrimental to highway safety.

2.19 The County's Highways Authority has stated

*"The traffic generated by the proposed development would be likely to result in and unacceptable increase in danger to the users of the highway due to increased use of the existing access which is geometrically substandard in that:*

*It is of inadequate width to allow two vehicles to pass; resulting in an increase in the likelihood of unacceptable danger to users of the highway, which may result in the driver having to reverse back or wait on A60”.*

2.20 As a result the use of the land for the storage of caravans is contrary to Policy ENV1 (Development Criteria) of the Gedling Borough Council Replacement Local Plan (GCRP) (Certain Policies Saved) 2008, which states that:

‘Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:

- 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;
- b. it would not have a significant adverse effect on the amenities of adjoining development or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

#### Human Rights

2.21 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.

2.22 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing an enforcement notice or taking court proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients’ rights. In this instance, it is considered that issuing a notice requiring the cessation of the caravan storage in the first instance would be a proportionate response to rectifying the breach of planning control relating to the material change of use of the land.

#### Equalities

2.23 The Enforcement section operates in accordance with Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by

such means as are appropriate and which are in accordance with the Council's policy and government legislation.

- 2.24 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council's published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

### Crime and Disorder

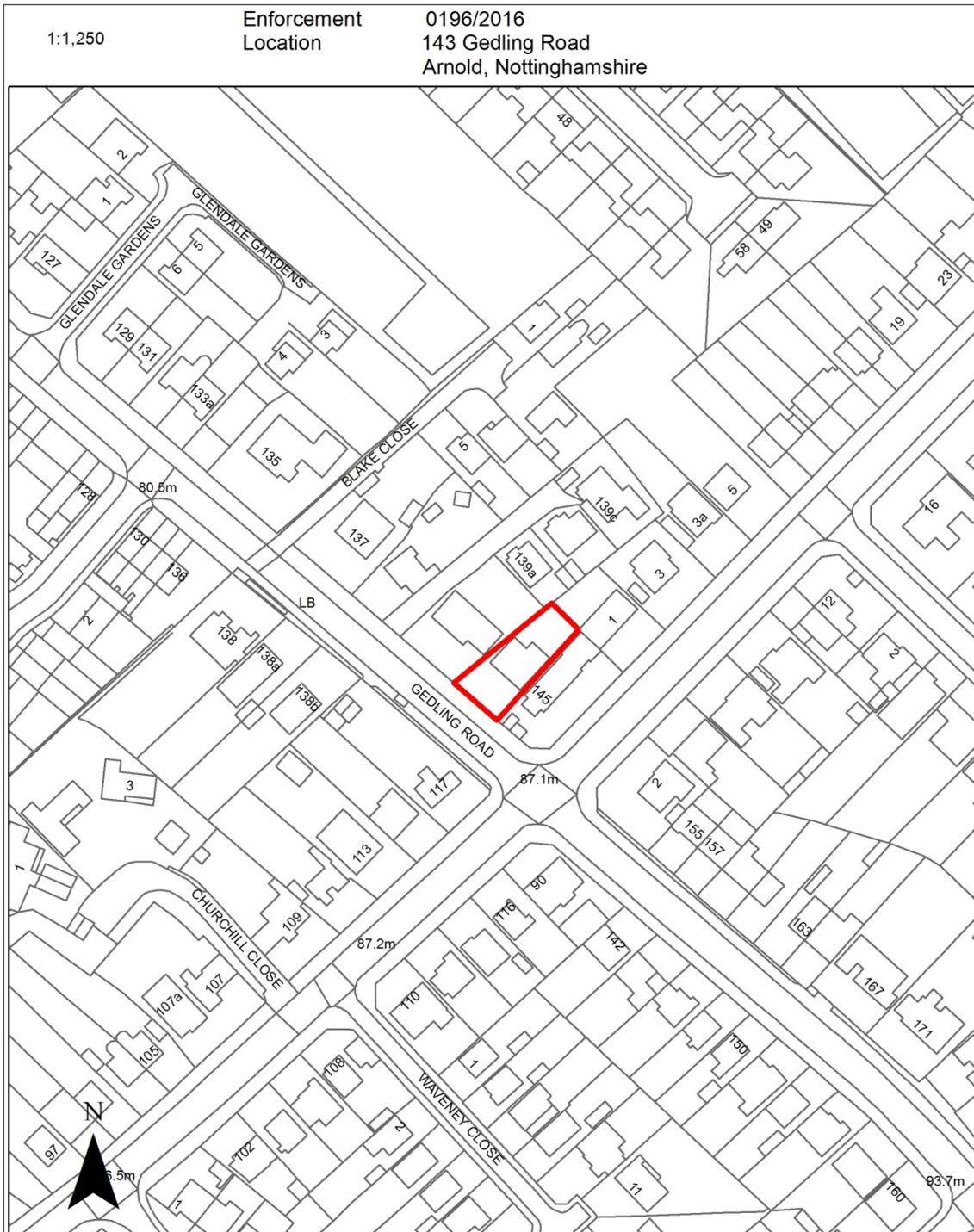
- 2.25 The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

## **3 CONCLUSION**

- 3.1 Although the tree house requires planning permission, no application has been received. Although it is considered to be contrary to Green Belt policies there are no detrimental impacts on neighbours, or on the real openness of the Green Belt or on the protected trees as advised by the Council's tree officer. Government's advice is that enforcement action should only be taken when it is expedient to do so and I recommend in this instance there are no planning reasons to take formal action over this matter.
- 3.2 However, the storage of caravans is out of character to the open countryside and an inappropriate use of land in the Green Belt and no special circumstances have been given which override the harm caused to the openness of the Green Belt. Allowing the use to continue contrary to local and national policies would set a precedent for storage of an increased number of caravans (as indicated by owner as his intention) or for other such uses, to the detriment of the Green Belt.
- 3.3 In policy terms the caravan storage is classed as inappropriate development as it does not fall within any of the small number of specific categories of development set out within the NPPF as being appropriate within the Green Belt
- 3.4 The owner of the land has declined to submit a planning application for the retention of the storage use and continues to operate in breach of planning control. If enforcement action is not taken it is likely the number of caravans on the site will increase and with the passage of time will become out of the control of the local planning authority. As a result an enforcement notice should now be issued requiring the cessation of the caravan storage use. If necessary, court action should be taken to ensure compliance with the notices.

## **4 RECOMMENDATION**

- 4.1 That the Service Manager, Development Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts in conjunction with the Director of Organisational Development & Democratic Services to ensure the cessation of the caravan storage.**
- 4.2 It is also recommended that no further action is taken in relation to the tree house.**



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. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



Serving People Improving Lives

Date: 05/06/2017

## Report to Planning Committee

Reference: 0196/2016

Location: 143 Gedling Road, Arnold NG5 6NT

Breach of Planning: Breach of Planning Condition No. 3 of Planning Reference 2011/0968

### 1 Background

- 1.1 On the 12<sup>th</sup> October 2011 planning permission was granted to 'erect a two storey side extension plus loft conversion with 1 dormer window' (Reference 2011/0968) at 143 Gedling Road, Arnold.
- 1.2 The permission was subject to a number of conditions including Condition 3 which stated:

**Condition 3** - The windows proposed to be inserted in the side elevation of the proposed two storey side extension shall be obscured glazed and fixed shut at all times. The window to the other side elevation of the existing dwelling shall be obscured glazed and fixed shut at all times. The roof light to the rear elevation roof slope of the 2 storey side extension shall be obscured glazed and fixed shut at all times.
- 1.3 There are two windows in the side elevation of the extension, a window to the loft area and a window to the ensuite bathroom. On the 21<sup>st</sup> November 2016 the Council received a complaint alleging the windows in the side elevation of the extension were being opened on a regular basis.
- 1.4 Officers visited the site on several occasions but at the time of the visits nobody was at home. Although the windows appeared to be obscure glazed and the windows were all closed, access was not gained to confirm the fact the windows were non-opening.
- 1.5 Letters were sent to the occupier to remind them of the requirements of Condition 3 but no response was received.

1.6 On Tuesday 30<sup>th</sup> May 2017, a photograph was sent to the Council by the complainant showing the window on the side elevation of the extension to be open.

## **2 Assessment**

2.1 The power to impose conditions on planning permissions is an extremely important part of the development management process in order to safeguard matters of planning importance, mitigate the impact caused by the development and ensure the development is acceptable in all planning aspects.

2.2 Conditions have to be necessary, relevant to planning, relevant to the development to be permitted, precise, enforceable and reasonable in all other aspects. Conditions should only be imposed where they fulfil all the above criteria (known as the “six tests”). If not, they are likely to fail if challenged at appeal.

2.3 In this case, Condition 3 was imposed to ‘protect the privacy of the adjoining dwellings, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008)’. It is considered the condition complies with the six tests and that the open window has a detrimental impact on the privacy of the adjoining neighbour.

2.4 As the occupiers have failed to enter into any dialogue with the Council, there are two main options available to the local authority when a condition is being breached:

i) to issue a Breach of Condition Notice (BCN) which will require the recipient to remedy the breach. There is no right of appeal to the secretary of state and breach of a BCN is a criminal offence punishable by a maximum fine of £2,500 ; or

ii) to issue a Breach of Condition Enforcement Notice which will require the recipient to take steps to remedy the breach. There is a right of appeal to the Secretary of State which would suspend the notice until the appeal has been determined. Breach of an enforcement notice is also a criminal offence punishable by a maximum fine of £20,000 on summary conviction if it is not adhered to once it has come into effect.

2.5 As this is a straightforward breach of condition it is considered the simpler Breach of Condition Notice is the most appropriate action to take in this instance.

### **Time limits for taking action**

2.8 Section 171B(3) of the Town and Country Planning Act 1990 provides that generally no enforcement action can be taken against a breach of a planning condition after the end of the period of ten years from the date on which the breach first occurred. The Council is within this time limit to take action in this case.

## **2.9 Human Rights**

- 2.10 Under the Human Rights Act, it is necessary for the Authority to have regard to the rights of the owner and occupier of a site under Article 1 of the First Protocol to peaceful enjoyment of possessions and the protection of property and under Article 8 of the convention to respect for his private and family life, his home and his correspondence’.
- 2.11 In considering whether to take any enforcement action, the Council has to consider the proportionality of its actions. In other words whether the proposed action would be proportionate to the objective being pursued – here the enforcement of planning control in support of National and Local Planning Policies. It is recognised that issuing a breach of condition notice or taking court proceedings in the Magistrates Court if the notice is not complied with, will result in interference with the recipients’ rights. However, it is considered that issuing a notice in the first instance would be a proportionate response to rectifying the breach of planning control taking place.

## **Equalities**

- 2.12 The Enforcement section operates in accordance with the Council’s Planning Enforcement Policy and is largely dictated by legislation which reduces the risk of discrimination in this service. The Council is accountable to the public, including its stakeholders, for its decisions both to take enforcement action and not to utilise its enforcement powers. There is a legitimate expectation of the public and stakeholders that the Council will take action to address breaches of planning by such means as are appropriate and which are in accordance with the Council’s policy and government legislation.
- 2.13 The Council strives for a consistent approach in targeting its enforcement action. This means that the Council will take a similar, but not the same, approach to compliance and enforcement decisions within and across sectors. It will strive to treat people in a consistent way where circumstances are similar. Each case however will be evaluated on the basis of its own facts and circumstances but will ensure that decisions or actions taken in any particular case are consistent with the law and with the Council’s published policies. It should be noted that decisions on specific enforcement actions may rely on professional judgment. The Council will usually only take formal enforcement action where attempts to encourage compliance have failed as in this case.

## **Crime and disorder**

- 2.14 The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on the integrity of the planning system and the setting of a precedent if action is not taken is therefore a material consideration in the authorisation of enforcement proceedings.

## **3 CONCLUSION**

- 3.1 The occupier of the property has been made aware of the planning conditions attached to the planning permission; in particular they have been made aware the new windows inserted in the property must be obscure glazed and non-opening.
- 3.2 The occupiers have declined to respond to the Council's letters and are opening the windows to the detriment of the privacy of the occupiers of the neighbouring properties
- 3.3 In order to remedy the breach of planning control it is considered the issuing of a Breach of Condition Notice is the most appropriate action in this instance.

#### **4 RECOMMENDATION**

- 4.1 That the Service Manager, Development Services be authorised to take all enforcement action including the service of any necessary enforcement notices and proceedings through the courts in conjunction with the Director of Organisational Development & Democratic Services to ensure compliance with Condition 3 of Planning a

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## Report to Planning Committee

<b>Application Number:</b>	2016/0909
<b>Location:</b>	Altham Lodge, Main Street, Papplewick
<b>Proposal:</b>	Outline Planning Application with All Matters Reserved for the Erection of a Dwelling
<b>Case Officer:</b>	Cristina Dinescu

Planning permission was refused by the Borough Council on the 7<sup>th</sup> October 2016 on the following grounds:

1. The site is located within the identified Green Belt Wash Village of Papplewick where infill development of small gaps in the built-up frontage can be considered appropriate development. In the opinion of the Borough Council the proposal does not fall under these criteria and it is considered that the proposal due to its siting and layout would have a detrimental impact on the openness of the Green Belt and would be visually detrimental to the character of the area. The development must therefore be considered inappropriate development in the Green Belt and contrary to Policy ENV30 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014 and Paragraphs 79 - 80 of the National Planning Policy Framework (March 2012).
2. In the opinion of the Borough Council the proposed development by virtue of its siting and layout would be detrimental to the character of the Papplewick Conservation Area and the village of Papplewick and as such would be contrary to Policy ENV1 and ENV15 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.
3. In the opinion of the Borough Council the proposed development would be severely injurious to the amenities of adjoining dwelling by reason of increased noise and activity associated with the use of the new dwelling and access drive adjacent to the rear amenity area of Cornerstone House. The proposed development is therefore contrary to Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

An appeal against this decision was subsequently lodged with the Planning Inspectorate.

This appeal has been **dismissed**. The Inspector concluded that the proposed development amounts to inappropriate development in the Green Belt having regard to the conflict with the purposes of including land within it. The proposed dwelling would be located within the extensive grounds of Altham Lodge, close to the edge of

the Green Belt wash village of Papplewick. It was considered that the proposed dwelling and its curtilage would occupy an 'outward pointing' corner of the infill boundary and would not be within a small gap in the built up frontage as required by Policy ENV30. The proposed building would be inappropriate development in the Green Belt and would result in a loss of openness.

**Recommendation:**

To note the information.

## **ACTION SHEET PLANNING DELEGATION PANEL 5th May 2017**

2017/0131

Quarry Banks Farm Station Avenue Newstead

Application to vary condition 4 of the application number 2001/1479 to allow for 25 horses.

**Application deferred pending the receipt of comments from Nottingham City Council in relation to estate matters.**

2017/0171TPO

21 Ethel Avenue Mapperley Nottinghamshire

Proposed removal of the Larch tree.

The tree has significant amenity value and there is no justifiable evidence from an arboriculture perspective to support its removal.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0298

101 Wighay Road Linby NG15 8AH

Proposed single storey link between the house and detached double garage and renovations

The proposal would not be harmful to 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.

**SS to notify Parish.**

2017/0301

90 Sheepwalk Lane Ravenshead NG15 9FB

New dwelling at land to the front of 90 Sheepwalk Lane, Ravenshead.

The proposal would not be at variance with the character of the area, which has evolved over time.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**SS to notify Parish.**

2017/0314

21 Chartwell Grove Mapperley NG3 5RD  
Single storey extension to rear

The proposal would not result in an undue reduction in residential amenity for the occupiers of adjacent residential properties in terms of overlooking or loss of light.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0326  
Monks Lodge Newstead Abbey Park Newstead  
Single Storey Rear Extension (replace existing conservatory with garden room)

The proposal would not be harmful to 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.

**SS to notify Parish.**

2017/0342  
303 Foxhill Road Central Carlton NG4 1PX  
Single storey rear extension

**Withdrawn from the agenda**

2017/0356  
Land To The Front Of 86 Sheepwalk Lane Ravenshead  
New dwelling at land to the front of 86 Sheepwalk Lane, Ravenshead.

The proposal would not be at variance with the character of the area, which has evolved over time.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**SS to notify Parish.**

2017/0490  
151 St Albans Road Daybrook Nottinghamshire  
Provide external platform lift to front of property.

There are no planning issues with the proposal. The impact of the development on the stability of adjacent land would be a private legal matter.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

Mike Avery  
Service Manager – Development Services  
5th May 2017

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## **ACTION SHEET PLANNING DELEGATION PANEL - 12th May 2017**

2016/0801

56 Nursery Road Arnold NG5 7ET  
2 bedroom detached house.

The proposed development would have no undue impact on the streetscene, highway safety, or the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2016/1061

38 Hillcrest View Carlton NG4 1LQ  
Change use of existing garage to habitable room, build brick bbq, build single storey rear extension, build raised slabbed area 400mm high, retain boundary fencing to the side front elevation boundaries and retain the clear glazed window to the side elevation of the dwelling.

**The application was withdrawn from the agenda.**

2016/1310

31 Buxton Avenue Carlton NG4 3RR  
Construction of double garage in rear garden.

The proposed development would have no undue impact on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0067

312 Porchester Road Mapperley NG3 6GR  
Change of use from C4 (House of Multiple Occupation) to Sui Generis - Internal alterations to create 7 bed HMO.

The proposed development would have no significant additional undue impact on highway safety and is located within a sustainable location.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0152  
68 Lambley Lane Gedling NG4 4PA  
Proposed erection of a two storey extension.

The proposed development would have no undue impact on neighbouring residential 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.

2017/0247  
20 Great Northern Way Netherfield NG4 2HD  
Proposed Commercial Development - 7 no. Industrial Units

The proposed development would have no undue impact on the allocated industrial site or on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0315  
25 Main Street Woodborough NG14 6EA  
Proposed New Garden Store

The proposed development would have no undue impact on the amenity of nearby residential properties or on the character and appearance of the Conservation Area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0318  
Forest Lodge Forest Lane Papplewick

Part demolition of existing building, part renovation and rebuild to create a family home with stand alone carport & store.

**The application has been withdrawn.**

2017/0363

Rear Of 2 Festus Street Netherfield Nottinghamshire

Proposed alterations to existing garages and workshops to provide two single storey dwellings .

The proposed development would have no undue impact on the character of the area, on highway safety or on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0439

131 Spring Lane Gedling Nottinghamshire

2 storey side extension & single storey rear extension.

The proposed development would have no undue impact on the Green Belt or the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0440

142 Chapel Lane Ravenshead Nottinghamshire

Extension to existing double garage. New porch, new front gate/brick piers. New drive/forecourt to be permeable surface.

The proposed development would have no undue impact on the character of the area, on highway safety or on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 12th May 2017**

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## **ACTION SHEET PLANNING DELEGATION PANEL 19th May 2017**

2016/1061

38 Hillcrest View Carlton NG4 1LQ

Change use of existing garage to habitable room, build brick bbq, build single storey rear extension, build raised slabbed area 400mm high, retain boundary fencing to the side front elevation boundaries and retain the clear glazed window to the side elevation of the dwelling.

The proposed development would have no undue impact on the residential amenity of adjacent properties, the character & appearance of the area, or highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0164

Catfoot Squash Club Catfoot Lane Lambley

Demolition of existing squash court buildings and construction of a new two-storey, four-bedroom house, with associated double garage, driveway with new access onto highway and garden walls.

There are very special circumstances which justify the proposed development, which would have no greater impact on the openness of the Green Belt than the previously approved proposals to convert these existing buildings. The proposed development would have no undue impact on the character & appearance of the area, the amenity of nearby residential properties or highway safety.

**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**

2017/0235

22 Onchan Drive Carlton Nottinghamshire

Proposed alterations and rear extensions

**Application withdrawn from agenda.**

2017/0309  
40 Stiles Road Arnold Nottinghamshire  
2 storey rear extension

**Application withdrawn from agenda.**

2017/0338  
2 Bank Hill Woodborough NG14 6EF  
Demolish existing sauna building and construct a new outbuilding to form a garden room and sauna room

The proposed development would have no undue impact on the residential amenity of adjacent properties or the character & appearance of the Woodborough 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**

2017/0425  
Oakdene Georges Lane Calverton  
Re submission for the proposed conversion of the existing garage to provide residence for elderly relative

The proposed development would have no undue impact on the openness of the Green Belt, the character & appearance of the area or the amenity of nearby residential 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.

**SS**

2017/0460

131 Sherbrook Road Daybrook NG5 6AS

SINGLE STOREY & TWO STORY REAR EXTENSION AND ERECTION OF DETACHED GARAGE AT REAR.

The proposed development would have an unduly detrimental impact on the residential amenity of adjacent properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**N Morley, Principal Planning Officer  
23<sup>rd</sup> May 2017**

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**ACTION SHEET PLANNING DELEGATION PANEL 26th May 2017**

2017/0064

10 Avondale Road Carlton NG4 1AF

Log Cabin style outbuilding in rear garden and conservatory to rear elevation of dwelling

**The application was withdrawn from the agenda.**

2017/0316

270 Oakdale Road Carlton NG4 1BQ

Proposed Single Storey Rear Extension

The proposed development would have no undue impact on the character and appearance of the existing dwelling or on the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0445

Timmermans Garden Centre Lowdham Lane Woodborough

Erect covered sales area (open sided).

Subject to the revisions to the condition proposed the proposed development would have no undue impact on the vitality or viability of existing centres or 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.

2017/0446

Timmermans Garden Centre Lowdham Lane Woodborough

Erect single storey extension to existing garden centre, and associated work.

Subject to the revisions to the condition proposed the proposed development would have no undue impact on the vitality or viability of existing centres or 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.

2017/0448

Timmermans Garden Centre Lowdham Lane Woodborough  
Erect replacement garden centre building, canopy and entrance.

Subject to the revisions to the condition proposed the proposed development would have no undue impact on the vitality or viability of existing centres or 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.

2017/0449

Timmermans Garden Centre Lowdham Lane Woodborough  
Erect covered sales area.

Subject to the revisions to the condition proposed the proposed development would have no undue impact on the vitality or viability of existing centres or 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.

2017/0491

St Peters Church Sheepwalk Lane Ravenshead  
Development of replacement for St Peters Church Hall and associated facilities.

The proposed development would have no undue impact on the amenity of nearby residential properties and the special character of the area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0480

1 Quantock Close Bestwood NG5 9QA  
Single storey rear extension and garage conversion

The proposed development would have no undue impact on the amenity of nearby residential properties or the character and appearance of the wider area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0489

86 Sheepwalk Lane Ravenshead NG15 9FB

Proposed removal of existing roof and erection of 1st floor extension with new roof at new pitch. Proposed rear ground floor extension.

Proposed first floor side extension.

Detached garage and internal alterations.

The proposed development would have no undue impact on the amenity of nearby residential properties or the character and appearance of the wider area.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 26th May 2017**

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## **ACTION SHEET PLANNING DELEGATION PANEL 9th June 2017**

2017/0064

10 Avondale Road Carlton NG4 1AF

Log Cabin style outbuilding in rear garden and conservatory to rear elevation of dwelling

The proposed development would have no undue impact on the amenities of neighbouring residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0177

Vale Hotel Mansfield Road Daybrook

Listed building consent for new planter units, seating area with portable weighted base umbrellas and installation of 3 no. drop down bollards in the parking area.

The proposed development would have no undue impact on the historic fabric of a Listed Building.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0454

Land Off The Elms Netherfield

2 bedroom detached dwelling

The proposed development would have no undue impact on the amenities of neighbouring residential properties, the streetscene or on highway safety.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0473

52 Rolleston Drive Arnold NG5 7JN

To apply for change of use from retail to use of a sunbed shop with tanning beds.

The proposed development would have no undue impact on the vitality or viability of existing centres.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0484

Emmawill House 14 Forest Lane Papplewick  
PROPOSED REAR AND SIDE EXTENSIONS TO EXISTING DWELLING.

The proposed development would have no undue impact on neighbouring amenity or 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.

2017/0509

Windmill Croft Mill Lane Lambley  
Loft conversion & extensions/decking.

The proposed development would have no undue impact on the character of the area or on the amenity of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

2017/0513

Oakdene Georges Lane Calverton  
Proposed timber tractor store, dog kennel with run, green house and carport.

The proposed development would have no undue impact on the Green Belt or the amenities of nearby residential properties.

**The Panel recommended that the application be determined under delegated authority.**

Decision to be issued following completion of paperwork.

**David Gray - 9th June 2017**



## Report to Planning Committee

**Subject:** Future Planning Applications

**Date:** 21/6/2017

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 Management.

<b>App No</b>	<b>Address</b>	<b>Proposal</b>	<b>Possible Date</b>
2016/0854	Metallifactory Ltd, Mansfield Road	Erection of 72 dwellings and new vehicular access from Mansfield Road.	19/7/17
2017/0455	Field Wood Lane Gedling	Residential development of 13 houses	19/7/17
2017/0201	Land North of Papplewick Lane	237 Dwellings	19/7/17
2017/0157	72-74 Westdale Lane	11 Apartments	19/7/17
2017/0619	Gedling Country Park	CCTV	19/7/17
2017/0636	Gedling Country Park	Variation of Condition	19/7/17
2017/0581	Gedling Country Park	New Car park	19/7/17

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.

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