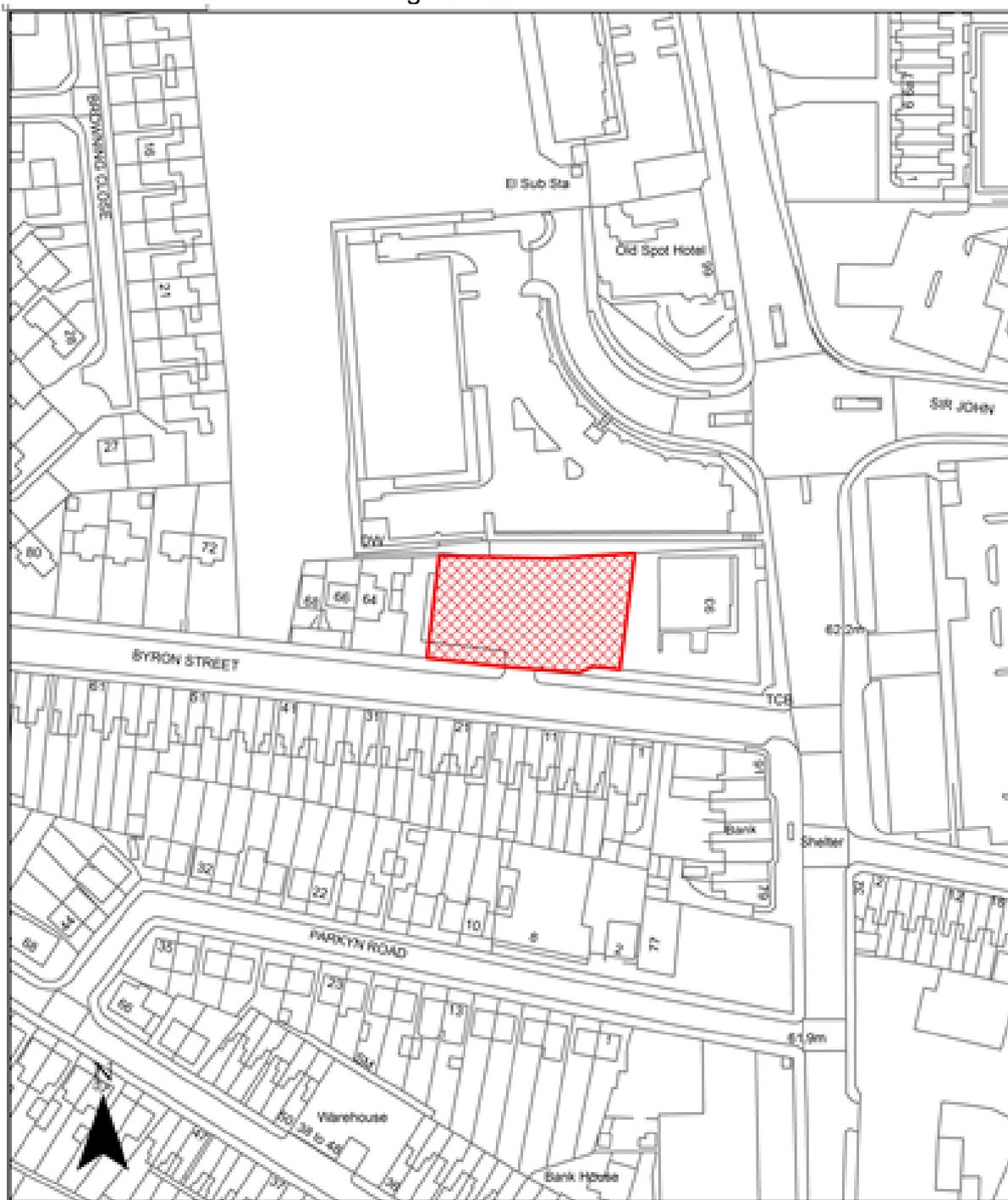




**Application Number:** 2016/0414  
**Location:** Development Next To 64 Byron Street, Daybrook, Nottinghamshire.



**NOTE:**  
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## Report to Planning Committee

<b>Application Number:</b>	2016/0414
<b>Location:</b>	Development Next To 64 Byron Street, Daybrook, Nottinghamshire.
<b>Proposal:</b>	(Revised Plans) The erection of 21 residential apartments on land to the Rear of Majestic Wines
<b>Applicant:</b>	Geda Construction
<b>Agent:</b>	Reynolds Associates
<b>Case Officer:</b>	David Gray

### 1.0 Site Description

- 1.1 The application site relates to a car parking area associated with 'Majestic Wine' a commercial (A1 Retail) unit which fronts Mansfield Road.
- 1.2 The application site occupies an area measuring approximately 1,342.00 square metres with the frontage onto Byron Street measuring approximately 48.0 metres in length.
- 1.3 The application site is adjacent to the east side no.64 Byron Street which is located in a higher position with the boundary to the application site constituting a retaining wall with close-boarded panelled fencing above. The north the application site adjoins an (A1 Retail) 'Aldi' Supermarket with associated car parking. Access to the site would be from Byron Street. The site fronts onto Byron Street with the boundary delineated by a dwarf wall and pillars, metal rail fencing and a number of semi-mature trees.
- 1.4 The application site is located within a 'Protected Employment Site' as indicated on the Proposals Map of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
- 1.5 There is a group TPO G220 to the front of the site extending around the adjacent Majestic Wines premises.
- 1.6 Opposite the site, Byron Street is predominantly defined by Victorian terraced properties fronting directly onto the back edge of the pavement. The north of Byron Street is defined by more modern dwellings set back from the highway in a higher position to the application site.

## **2.0 Proposed Development**

- 2.1 Full Planning Permission is sought for the erection of 21 residential apartments on land to the rear of Majestic Wines.
- 2.2 A revised scheme was submitted following the original submission which was re-consulted in line with the Development Management Procedure 2015 and advertised as revised plans on 22<sup>nd</sup> September 2016.
- 2.3 The development, as now proposed, incorporates 12 x 1 bedroom flats and 9 x 2 bedroom flats set over three floors. The footprint of the flats would be one block in an 'L' shape fronting Byron Street. The elevations incorporate a number of features including hipped roofs to three main sections and a front facing gable projection. The maximum ridge and eaves heights of the development would be 12.1 metres and 8 metres respectively.
- 2.4 The proposal incorporates a new vehicle access from Byron Street adjacent to no.64 Byron Street and a new access to serve car parking at Majestic Wine. The proposal offers 17 unallocated off street car parking spaces.
- 2.5 The application would involve the removal of 3 trees that fall within Group TPO G220.
- 2.6 An Arboricultural Assessment, Design and Access Statement, Environmental Assessment, Transport Concept Proposal, and Drainage Strategy have been submitted in support of this application.
- 2.7 The agent has indicated that the scheme is supported by a grant from the Homes and Community Agency and is proposed to provide 100% of the 21 residential units as Affordable Housing provision.

## **3.0 Consultations**

- 3.1 Nottinghamshire County Council (Planning Policy) –

### Waste

The County wish to see best practise of waste management as set out in Policy WCS2 of the Waste Core Strategy. The development should be designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

### Ecology

Aerial photos of site suggest that it mainly hard standing. Looking at the trees on google street view suggests they are semi-mature, and given their urban location away from any high quality foraging habitat, are unlikely to be suitable for bat roosts; GBC may wish to seek further information from the Arboricultural Consultant who undertook the tree survey. Request a condition

to control vegetation removal during the bird nesting season.

### Travel and Transport

*Bus Service Support:* Due to the scale of the development it is not envisaged at this time that contributions towards local bus service provision will be sought.

*Current Infrastructure:* Possible Infrastructure Improvements to existing bus stops have been highlighted and the County request that a planning obligation be added to the granting of planning permission for the enhancements of the two bus stops on Mansfield Road, including raised kerb boarding points, and real time displays including electrical connections.

### Conclusion

The County Council have no objections from a Minerals or Waste perspective.

Further information should be sought on the highways and flood risks associated with the development.

Control of vegetation clearance should be outside of bird breeding season.

A Desk Top Study phase 1 and confirmatory site investigation would be sought be condition.

Contributions towards Travel and Transport would not be sought.

#### 3.2 (VIA) Nottinghamshire County Council (Highway Authority) –

Following negotiations with the agent The Highway Authority is satisfied that all outstanding issues with regards to visibility splays, access widths and car parking arrangements have been addressed and consider the proposal acceptable subject to conditions relating to, dropped vehicle crossings, parking and turning, and the existing site access being permanently closed.

#### 3.3 Nottinghamshire County Council (Lead Local Flood Authority - LLFA) –

No objections: The LLFA is satisfied that the submitted Drainage Strategy ref: 11333/12 – December 2015 is acceptable.

#### 3.4 Nottinghamshire County Council (Developer Contributions Practitioner) –

In terms of education; the application is for a proposed development of 12 x 1 bed and 9 x 2 bed apartments. As the majority of the units are 1 bed the County Council will not be seeking and education contributions.

In terms of libraries, contributions are only requested on schemes for 50 dwellings or more. This application falls below this threshold.

3.5 NHS (Health) –

No written representations received. Verbally advised; no contributions would be sought due to the size of the development.

3.6 Severn Trent Water –

No objection subject to condition requesting drainage details for foul sewage and surface water.

3.7 Architectural Liaison Officer –

No concerns or comments to make.

3.8 Arboricultural Officer –

Concerns have been raised with regards to the details of trees to be replaced and that the new access would impact on retained trees.

Following the submission of further information the Arboricultural officer is satisfied that adequate Root Protection Areas and distances to the building can be achieved with no detriment to the healthy trees.

Concerns have been raised over the future maintenance of the Highway Tree adjacent to the access of the site. Maintenance should be sought through the correct consent from the Highway Authority at the applicants expense.

Is satisfied that the replacement planting of lime tree/s would adequately compensate for the loss of the smaller trees contained within the Group TPO.

3.9 Planning Policy –

Whilst, only limited weight can be given to the Local Planning Document following publication, the emerging plan reflects the recent changes that have occurred on this site such that it is no longer considered to be worthy of retention for employment. It follows that in this particular case; Planning Policy considers that the marketing exercise should be waived. On balance, the need for housing and its contribution to the five year supply would outweigh the loss of a small and detached employment site.

3.10 Strategic Housing –

Strategic Housing supports the development.

3.11 Public Protection (Scientific Officer) –

No objections subject to conditions relating to the remediation of contaminated land, and an informative outlining the methodology contained within the planning guidance document on Air Quality Management Areas.

There is a potential for increased levels of dust from the site, it is therefore requested that a condition be attached requiring Construction Dust Mitigation.

3.12 Parks and Street Care –

No comments received.

3.13 Waste Services –

No comments received.

3.14 Economic Development –

The residential development is to be built on vacant land that is not currently being used for employment purposes; therefore there would be no job losses as a result of the development.

The number of residential apartments to be built on the site meets the threshold for a Local Employment Agreement to be implemented over the term of the development. The Council uses CITB Client Based Approach which should form part of s106 discussions.

3.15 Neighbour Consultation and General Publicity Response

The application has been advertised in line with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Due to the allocation of the site for Employment Uses the application has been advertised in line with the requirements of section 15 (2) (b) where the land does not accord with the provisions of the development plan for the area.

The application was originally consulted in April 2016, on receipt of revised plans additional consultation was carried out in September 2016. Four letters of representation have been received as a result and the comments can be outlined as follows:

Highways

- The development would result in an increase in car parking. The two access points would reduce the current on street car parking available to residents.
- There would be a loss of on-street car parking by approximately 6 due to the accesses.
- Car ownership for the flats would be at least one per residence and this would result in an under provision of 4 spaces for the development.
- There is no accommodation for visitor car parking.
- The application does not address the displacement of the cars from the nearby Skoda garage that is currently using the space.
- If a residential car parking scheme was implemented this would have a negative effect on existing residents due to the cost.

### Amenity

- The disturbance of the construction of the development would impact on the schedule of neighbouring residents who work as shift workers.

### Submission details / Application Form

- The total number of existing car parking spaces is indicated as 20; however, there are spaces for more than this on Majestic Wines Car Park and on the street.
- The Existing use is stated as Concreted area partly used by Majestic Wines. It is in fact the entrance to Majestic Wines and used for the storage of vehicles for a nearby Car Sales Premises.
- There is a discrepancy of the number of spaces in the car park.

### Other Considerations

- There is no mention of the target market for the housing, and whether it would be for supported living or rehabilitation.
- Questions are raised of over the mix of housing and whether 1 bedroom flats are the most appropriate for housing needs. Family homes would be more suitable.
- The development is brought forward for social housing, however, it should be considered as a commercial venture to realise capital profit for the developer.
- The lack of car parking could have an adverse impact on the local shops sited nearby the development. If service users cannot find car parking on Byron Street then trade could be effected.
- The development would have a negative impact on the price of dwellings due to the increased car parking and noise and mess during construction.
- A number of questions relating to the development have been asked relating to: the intended residency of the flats, clarification of the car parking issues, clarification of how displacement of cars from the Skoda garage will be managed, questions on whether there is vested interest in the development from officers of the Council, impact on house prices, questions whether appropriate research has been undertaken on the mix of housing required, free resident car parking schemes, suggestions with regards to resident parking schemes.

## **4.0 Assessment of Planning Considerations**

- 4.1 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'.
- 4.2 The most relevant national planning policy guidance in the determination of this application are contained within the National Planning Policy Framework

(NPPF) (March 2012) and additional information provided in the National Planning Practice Guidance (NPPG).

#### 4.3 Development Plan Policies

Gedling Borough Council adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10<sup>th</sup> September 2014 and this now forms part of the Development Plan along with certain saved policies contained within the Gedling Borough Replacement Local Plan (adopted 2005) (GBRLP) referred to in Appendix E of the GBACS.

It is considered that the following policies contained in the GBACS are relevant to this application:

- GBACS Policy 4 (Employment Provision and Economic Development);
- GBACS Policy 10 (Design and Enhancing Local Identity);

In accordance with paragraphs 214 – 215 of the NPPF due weight should be given to the policies of the GBRLP in accordance to their degree of consistency with the framework. Consideration will also need to be given to whether policies are out of date in line with paragraph 14 of the NPPF.

It is considered that the following policies from the RLP are relevant to this application:

- GBRLP Policy H7 (Residential development within the urban area and the defined village envelopes);
- GBRLP Policy E3 (Retention of Employment) and
- GBRLP Policy ENV1 (Development Criteria);

Additionally, the following supplementary planning document is considered to be of relevance to this application:

- Gedling Borough Parking Provision SPD adopted 2012.

#### 4.4 National Planning Policy Framework

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

- NPPF Paragraphs 6 to 16 (presumption in favour of sustainable development);
- NPPF Paragraphs 18 to 22 (building a strong, competitive economy);
- NPPF Paragraphs 29 to 41 (promoting sustainable transport);
- NPPF Paragraphs 47 to 55 (delivering a wide choice of high quality homes);
- NPPF Paragraphs 56 to 68 (requiring good design);
- NPPF Paragraphs 69 to 78 (promoting healthy communities);
- NPPF paragraphs 93 – 108 (meeting the challenge of climate change, flooding and coastal change); and
- NPPF Paragraphs 109 – 125 (Conserving and enhancing the natural environment)

- 4.6 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. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of, and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.
- 4.9 A key aspect of the NPPF is that it includes a presumption in favour of sustainable development. This means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
- 4.10 Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. This theme is continued into paragraph 9 which states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
- 4.11 The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. Paragraph 14 identifies the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.
- 4.12 Paragraph 17 outlines the core principles of planning. In specific reference to this planning application these are noted as:
- identification and then meeting the housing, business and other development needs of an area, and responding positively to wider opportunities for growth;
  - encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value; and
  - promoting mixed use developments, and encouraging multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).
- 4.13 Paragraphs 18 to 22 of the NPPF outline the Government's commitment to securing economic growth in order to create jobs and prosperity, which benefits local communities and the national economy. Paragraph 21 of the NPPF puts further emphasis on securing a strong and competitive economy by stipulating that 'planning policies should recognise and seek to address the

potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing’.

- 4.14 Paragraphs 29 to 41 of the NPPF address the issue of sustainable transport. Planning decisions should ensure developments that generate significant amounts of movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximized (para 30; a key tool to facilitate this will be the use of a Travel Plan (paragraphs 34 and 36).
- 4.16 There is encouragement throughout the NPPF for the delivery of a choice of high quality homes, widening the opportunities for ownership and creating sustainable, inclusive and mixed communities. In order to boost significantly the supply of housing, local planning authorities should identify a supply of specific and developable sites in locations for growth for both the short to medium term. Authorities are also implored to plan for a mix of housing based on current and future demographic trends and in doing so, they should identify the size, type and ensure a range of housing required in a particular location, reflecting local demand (paragraphs 47-55).
- 4.17 The NPPF recognises the need for local authorities to boost significantly the supply of housing in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local authorities should plan for a mix of housing based on the needs of different groups in the community (paragraph 50).
- 4.18 The NPPF policies exhibit the Government’s commitment to achieving high quality design of the built environment; good design is a key aspect of sustainable development and is indivisible from good planning (paragraph 56). Furthermore paragraph 57 stresses it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider development schemes.
- 4.19 Paragraph 100 (and onwards) discusses the flood risk implications of development. The NPPF notes that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.
- 4.20 The NPPF advises that the planning system should contribute to and enhance the natural and local environment, and aim to minimise pollution and other adverse effects on the local and natural environment. Paragraph 111 of the NPPF sets out how planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.
- 4.21 Assessment of Planning Considerations
- 4.22 In my opinion the planning considerations in the determination of this application are:

- Principle of development
- Whether the development makes efficient and effective use of the land
- The impact on neighbouring amenity
- Masterplan and Design
- Transport and Connectivity
- Water resources, drainage
- Land contamination / Dust management
- Ecology
- Waste
- Socio-economic impacts
- Other material considerations

## **5.0 Principle of Development**

- 5.1 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.
- 5.2 When referring to the NPPF the definition of brownfield land is ‘previously developed land that which is or was occupied by permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.’ The application site can therefore be categorised as brownfield land.
- 5.3 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.
- 5.4 The proposed development therefore accords with the highest priority site in the housing hierarchy on the edge of the built up area of Nottingham.
- 5.5 One of the key issues relating to the principle of residential development on the site is the loss of employment land. The employment land known as Salop Street employment site (which included the former Daybrook Laundry building) was assessed by the NCRELS study and recommended it for retention. However, since then the construction of an ALDI supermarket

(allowed on appeal) has taken place on part of the same employment site immediately to the north. In addition the adjoining building – Majestic Wine was permitted to change to retail use because on balance it was felt the retail proposal would support some new jobs and the local economy and that Policy E3 should be set aside. A condition is attached requiring the use to revert back to B8 should the wine warehouse close.

- 5.6 Due to the changed circumstances, the southern part of the site has fundamentally changed in character and nature. The application site is of a modest size and is somewhat detached from the remainder of the Salop Street employment site to the north. Due to these circumstances the emerging Local Planning Document does not designate this area as a protected employment site. Whilst I can only attach limited weight to the emerging local plan, in this instance, it gives a clear indication of the Borough Council's employment allocations going forward.
- 5.7 The requirements of RLP Policy E3 are for the developer to demonstrate that the site has been marketed for business uses without success before a change to non-employment uses would be permitted. A marketing exercise was carried out by Geo Hallam & Sons between October 2013 and March 2015; however, this was a confidential process and I do not consider this was extensive or through advertisement. I therefore consider the redevelopment of the site would represent a departure from the local plan in this instance. However, given the direction of the emerging Local Plan and that the site is no longer considered to be worthy of retention for employment, I consider that it is reasonable that the requirement for extensive marketing is waived. ACS Policy 4 takes a more flexible approach towards non B1-8 uses but this does not include housing.
- 5.8 RLP Policy H7 permits housing on unidentified sites within the urban area. Currently, the Borough does not have a five year supply of housing land and this proposal would increase housing supply and help meet the objectively assessed housing need for the Borough. I attach significant weight to the need to supply housing within highest priority urban residential area.
- 5.9 Whilst, only limited weight can be given to the Local Planning Document following publication, this emerging plan reflects the recent changes that have occurred on this site such that it is no longer considered to be worthy of retention for employment. It is therefore my opinion, that on balance, the need for housing and its contribution to the five year land supply would outweigh the loss of a small and detached employment site in this instance.
- 5.10 Given the location of the development on the edge of an established urban residential area with its former use falling within the definition of brownfield land, there is no objection in principle to the redevelopment of the site for residential purposes. It is also my opinion that the development would be in a sustainable location delivering a wider choice of homes to serve the local community.

## **6.0 Efficient and Effective Use of Land**

- 6.1 I note that the application site would propose 21 residential units within one block set out in an 'L' shape fronting Byron Street. The application site frontage measures approximately 48 metres with the residential unit occupying approximately 33 metres of the frontage. I also note that the layout accounts for off street car parking to serve the proposed flats. I am of the opinion that the application site is of sufficient size to accommodate 21 no. residential flats with the layout proposed without appearing cramped or over-intensive and would represent an efficient use of land.
- 6.2 There is an encouragement throughout the NPPF for the delivery of a choice of high quality homes, widening the opportunities for ownership and creating sustainable, inclusive and mixed communities. In order to boost significantly the supply of housing, local planning authorities should identify a supply of specific and developable sites in locations for growth for both the short to medium term. Authorities are also implored to plan for a mix of housing based on current and future demographic trends and in doing so, they should identify the size, type and ensure a range of housing required in a particular location, reflecting local demand (paragraphs 47 – 55). Given the location of the site within an established urban residential area, with good linkages to the City of Nottingham and Arnold Town Centre; I consider that the residential redevelopment of the site to provide 1 and 2 bedroom apartments would provide a good mixture of housing to serve the needs of the community. In my view the proposed development would therefore represent the most effective and efficient use of the land when considered alongside the conclusions set out in Chapter 5.0 (Principle of Development).

## **7.0 The Impact on Neighbouring Amenity**

- 7.1 Criterion b. of Policy ENV1 of the GBRLP states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general. Criterion f) of Policy 10 of the GBACS relating to impact upon the amenity of nearby residents and occupiers is also relevant. Residential amenity considerations relevant to this proposal include the potential impact from overlooking, overshadowing and overbearing as a result of the development.
- 7.2 The proposed development results in a large block of apartments set over three floors, with three sections of building with varying hipped roof designs. There would be a maximum ridge height of 12.67 metres on the central element/section of the apartment block. The ridge height drops down to 12.286 metres to the west element/section, with the eaves height of the whole development being 8.2 metres.
- 7.3 The proposed west elevation of the development would be sited 13 metres from the shared boundary with no.64 Byron Street and would be sited 18 metres from this properties side elevation. I also note that no.64 Byron Street is set approximately 3 metres higher than the application site. The result of this drop in level to the application site means that the eaves height of the

proposed apartment block would be set approximately 0.9 metres higher than the nearest neighbouring property, with the ridge height being 1.8 metres higher. It is my opinion that the height and scale of the proposed apartment block would not be significantly greater in the streetscene than the existing properties on the north of Byron Street. Given the topography of the land and the distances between the neighbouring side elevations I consider that the proposal would not result in any significant undue overshadowing or overbearing impact on neighbouring amenity. I also note that the scale of the proposal would be similar to that of the Home Brewery building on Mansfield Road that frames the vista from Byron Street at the junction. In my opinion the scale of the development would fit satisfactorily within the existing streetscene without appearing over dominant or overbearing.

- 7.4 I note that there are upper floor windows serving living areas on the west elevation of the proposed apartments facing no.64 Byron Street and the potential for overlooking. I also note that no.64 has a blank elevation wall facing the application site. When reviewing the layout of the apartment block, it illustrates that the side facing windows are set forward of the front elevation of the neighbouring property (no.64) at a distance of 18 metres from the side elevation. Given the distance to the neighbouring dwelling and that the side elevation windows face mainly into the public realm, to the front of the neighbouring property, I am satisfied that there would be no significant undue overlooking impact as a result of the development.
- 7.5 I note that the proposed development would be sited opposite traditional terraced properties fronting directly onto the back edge of the pavement and given that the proposed development would be set over three floors the potential for undue overshadowing or overbearing. I note that the proposed development would be set into the application site by approximately 2 metres and that Byron Street is wide with substantial pavements on either side. I also note that there would be approximately 17.0 metres from the front elevation of the development to the properties opposite. Given the siting of the proposed development to the north of the properties opposite, and the distances between elevations, and the positioning of retained and additional protected trees, I am satisfied that there would be no significant undue impact on the amenity of these properties.
- 7.6 I note the comments regarding the disturbance from the construction of the development on shift workers. However, these matters would be dealt with under Statutory Nuisance legislation with the Borough Council's Environmental Health Department.
- 7.7 I am satisfied that the proposed development would not result in any significant material overbearing, overlooking or overshadowing impact on neighbouring residential amenity due to the scale of the development, its siting set within the parameters of the application site, and the distances to neighbouring dwellings. It is therefore considered that the details deposited with the application accord with the NPPF, Policy ENV1 of the GBRLP and Policy 10 of the GBACS.

## **8.0 Masterplan and Design**

- 8.1 The Government attaches great importance to the design of the built environment. Section 7 of the NPPF states that good design is a key aspect of sustainable development and it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.
- 8.2 National guidance in the form of Planning Practise Guidance, published in March 2014 furthermore reinforces the NPPF's commitment to requiring good design by stating that "Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well and will adapt to needs of future generations. Good design responds in a practical and creative way to both the function and identity of a place." (Paragraph 001)
- 8.3 Criterion a. and c. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials.
- 8.4 Policy 10 of the GBACS looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.
- 8.5 I note that the proposal would result in a higher density development than the surrounding area, which is predominantly 2 storey terraced dwellings and semi-detached dwellings. I also note that the development would be sited near to an existing large A1 retail unit and would back onto a large Aldi Supermarket. Whilst the south of Byron Street is defined by traditional terraced properties the north of Byron Street is defined by a mixture of dwellings set on higher land, set back from the highway. Looking down Byron Street towards Mansfield Road the street terminates in a vista of the Home Brewery Building which is set over 3 floors. Given the site is separated from the adjoining residential properties by some distance, the scale and massing of the adjoining retail units, and that the height of the proposed development would be comparable to the adjoining neighbours on higher land, I am satisfied the scale and massing of the development would be visually acceptable within the existing streetscene.
- 8.6 I am satisfied that an imaginative layout has been achieved. Despite the limited dimensions of the site and the number of residential units being proposed, the development achieves a frontage onto Byron Street with architectural features of merit. During the processing of the application a materials schedule was sought from the agent to match the predominant brickwork with the properties opposite and to include shallow reveals and sills to the window design; I consider that this would assist in the development

creating a positive feature in the streetscene whilst reflecting existing characteristics.

- 8.7 I note that the development would involve the removal of 6 metres of dwarf wall to provide access to Majestic wine. The dwarf wall delineates the front boundary of the site. During the processing of the application the agent has agreed to reuse this section of wall at the vehicle access to the application site, it is my view that this would help integrate the proposed building into the existing streetscene. I also note that a Tree Survey has been submitted with the application to cover the Group TPO to the front of the site and the trees sited behind the dwarf wall. Whilst I note that a number of trees are proposed to be removed, the Tree Survey has indicated that the trees to be removed are competing with more mature trees and their removal would assist the larger trees growth and vigour. It is my opinion that the trees proposed to be retained in front of the proposed development would help soften the impact of the proposed development within the streetscene whilst retaining some of the existing character provided by the vegetation.
- 8.8 Given the urban residential nature of the surrounding area and employment land adjoining the site I am satisfied that modest planting and raised shrub borders to the frontage of the development would be satisfactory to soften the built form of the development and would add visual interest to the locality. Should planning permission be forthcoming I would suggest attaching a condition requiring the submission of a detailed landscape scheme to be implemented.
- 8.9 In my opinion, the proposed development would meet the relevant design elements of Policy 10 of the GBACS in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

## **9.0 Transport and Connectivity**

### *Existing Access, highway network, and Public Rights of Way*

- 9.1 Access to the site is currently gained through a dropped vehicle crossing from Byron Street sited centrally on the application site which serves the car parking area and Majestic Wines.
- 9.2 The A60 (Mansfield Road) is sited 50 metres to the east of the application site. The A60 is the main route linking Loughborough in Leicestershire with Doncaster in South Yorkshire through Mansfield into the Nottingham City Centre. There are good public transport linkages provided on the A60.
- 9.3 The application site has no public access and no rights of way other than those in respect of the existing retail store.

### *Policy Context*

- 9.4 Paragraph 32 of the NPPF requires that safe and suitable access to the site

can be achieved and that any improvements to the transport network effectively limit the significant impacts of the development.

- 9.5 The amount of car parking should accord with and reflect the requirements of the Gedling Borough Council Residential Car Parking Standards SPD (2012).

Considerations

- 9.6 Following negotiations, revisions were sought to the car parking layout (in consultation with the Highway Authority) to allow for sufficient turning and circulation distances in order to comply with Highway Standards. I am satisfied that suitable turning and circulation has been achieved to allow for residents of the scheme to safely access the site and the off street car parking.
- 9.7 I note the comments from the Highway Authority and consider that there would be no undue highway safety implications as a result of the development, subject to the recommended conditions relating to the closing up of the existing access, turning and circulation and dropped vehicle crossings.
- 9.7 The development would provide 17 unallocated off street car parking spaces to the west and rear of the application site. When referring to Gedling Borough's Car Parking Standards 0.8 unallocated parking spaces are required for each 2 bedroom flat. This requirement equates to 17 spaces being required to serve the development. As such I am satisfied that the development would accord with the requirements of the SPD.
- 9.8 I note that neighbouring objectors have raised concerns about highway safety, focussing on the increase in car parking and the displacement of cars from the application site onto the public highway. I also note that following negotiations that the Highway Authority have raised no objections. Given that the proposal would account for the off street car parking required by the residents of the development and that the Highway Authority have raised no objections I consider that there would be no significant undue highway safety implications as a result of the development.
- 9.9 I note that Nottinghamshire County Council have requested that obligations be requested in the form of a condition attached to any approval. The contributions requested relate to bus stop improvements on Mansfield Road, to include real time displays and to raise kerb boarding points. When referring to the Planning Practise Guidance paragraph 1 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind'. Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms.
- 9.10 The development does not result in the requirement for new infrastructure installations in order for the development to be accessible to public transport linkages. I also consider that a development of 21 residential flats is not of a

scale that should give rise to significant negative impacts on the existing highway infrastructure and public transport linkages. It is therefore my opinion, the request for obligations relating to improvements to existing public transport infrastructure does not meet the tests as set out in the Community Infrastructure Levy Regulations 2010 - Part 11 – in that the improvements are not: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

## **10.0 Water resources, drainage**

- 10.1 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. The Environment Agency was consulted on this application and no comments were received as a result. I therefore do not consider there to be unreasonable risk from flooding as a result of the development.
- 10.2 I also note that a drainage plan was submitted with the application and the Lead Local Flood Authority have reviewed the findings and raised no objections subject to the development being carried out in accordance the submitted strategy.
- 10.3 Severn Trent Water were also consulted and should planning permission be forthcoming standard conditions relating to the dispersal of foul and surface water would be attached to any grant of planning permission.
- 10.4 Overall, the application site is at low risk of flooding and an appropriate drainage strategy has been submitted with the application. Subject to conditions in relation to the foul and surface water drainage the development would be acceptable in terms of water resources, flood risk and drainage.

## **11.0 Land contamination / Dust Management**

- 11.1 Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.
- 11.2 Section 11 of the NPPF states at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from unacceptable levels of soil, air, water or noise pollution.
- 11.3 Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for

mitigation including land remediation.

- 11.4 There is potential for contamination at the site, however there are no outstanding land contamination concerns, subject to site characterisation and the submission of a remediation scheme for each phase of the development. These details can be secured by condition as recommended by the Scientific Officer.
- 11.5 I note the comments received from the Scientific Officer with regards to the potential for increased dust levels. A standard condition detailing mitigation against the potential for short term pollution from dust, in the form of a Dust Management Plan, would be attached to any approval.
- 11.6 It is considered, therefore, that the proposed development would accord with Policies ENV3 of the RLP and Section 11 of the NPPF.

## **12.0 Ecology / Landscaping**

- 12.1 GBRLP Policy ENV 36 requires the decision maker to weigh the reasons for the proposal against local ecological and community value of the site. Where development is permitted a balance is to be struck between the need for the development and ecological interest of the site with damage to be kept to a minimum and mitigation and compensatory measures required where relevant.
- 12.2 I note the comments from the Nottinghamshire County Council Ecology stating that the site is mainly laid to hardstanding with limited habitat for foraging within the trees to the frontage. As such I am satisfied that the development would have no significant undue ecological impacts. Should planning permission be forthcoming the recommended condition relating to vegetation clearance would be attached to any approval.
- 12.3 I note that the application would result in the loss of few trees that are contained within a Group Tree Preservation Order G220. Further to negotiations with the Arboricultural Officer, acceptable replacement planting of lime tree/s has been agreed to replace trees that are to be removed, future planting within the group TPO would be secured by landscaping condition.
- 12.4 I note that the proposed access to the proposed development and to the existing retail unit would be adjacent to the root protection areas of protected trees. During the processing of the application amendments were sort to establish satisfactory access to both site and the existing retail unit without causing unacceptable damage to the trees. The amendments were sought in consultation with the Arboricultural officer and I am now satisfied that the proposed development would not be detrimental to the protected trees sited to the front of the proposed development.
- 12.5 I note that there is a highway tree sited adjacent to the access to the proposed development, with a canopy that extends into the application site. In accordance with the advice received from the Arboricultural Officer an

informative would be attached to any approval requiring the requisite consents to be sought prior to works being carried out, and that any works shall be at the applicant or successor in titles expense.

### **13.0 Socio-economic impacts**

13.1 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.

13.2 As the site and the number of proposed dwellings are below the thresholds there would be no requirement for open space or education. Whilst there has been a request for obligations for offsite public transport infrastructure improvements this has been assessed as not meeting all the tests set out in paragraph 204 of the NPPF (paragraphs 9.9 – 9.10).

13.3 I note that the development of 21 residential units would trigger the requirement of 30% of the units to be for affordable housing provision in order to be compliant with the Gedling Borough Council Affordable Housing SPD. I also note that the development is being brought forward as 100% affordable housing. Whilst I note the agreement to provide 100% affordable housing the affordable housing SPD would only require 30% of the site to be affordable.

13.4 The necessary affordable housing, a minimum of 30%, can be secured as part of a S106 Agreement, should members agree with the recommendation, in accordance with the affordable housing SPD.

### **14.0 Other Material Considerations**

14.1 I note the comments regarding the target market of the new residential units. Whilst the application has been submitted to provide affordable homes, it is being considered on its own merits within the C3 (Dwellinghouse) use class. The application does not meet the threshold for affordable housing provision and therefore the planning department has no control over the future tenants provided it complies with the provisions of the Town and Country Planning Act.

14.2 I note the comments received with regards to questioning the requirement for 1 and 2 bedroom flats in the area. I consider that the location of the proposed development, adjacent to existing public transport links, Arnold Town Centre and the close proximity to public open space, within an existing urban residential area provide a good opportunity to provide more affordable units to support existing facilities.

14.3 I note the comments regarding the impact on the house prices however I do not attach enough material weight to this consideration to warrant a refusal of this application.

14.4 I note the comments with regards to the displacement of the cars currently stored on the application site associated with a nearby Skoda Garage. The future arrangements of these vehicles are a private matter for the business. Should any highway safety implications result from any future arrangements for the vehicles this would either be a matter for the highway authority or the Borough Council's planning enforcement. I do not consider this to warrant a refusal of this application.

## **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 in chapters 4.0 – 14.0, 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 that result from the scheme.

15.2 In conclusion, the development is considered acceptable for the following reasons:

- The principle of residential development on the site is supported in policy.
- The application site is in a sustainable location with good access to public transport links, Arnold Town Centre and Public Open Space.
- The development will deliver local housing need, contributing significantly to Gedling's requirement to deliver 7,250 homes by 2028.
- The development is located on brownfield land, avoiding/ lessening the need for Green Belt release in order to deliver the Borough's housing needs.
- Residential amenity will not be significantly adversely affected, although it is considered there may be some impact on amenity during construction phase, which will be controlled through the implementation of safeguarding conditions.
- Whilst some existing trees would be removed as a consequence of urban development, significant trees are to be retained with the requirement for a soft landscaping plan and replacement lime trees.

15.3 This application has been advertised in accordance with the Development Management Procedure 2015 for a departure; however, the application does not fall within the categories required to be referred to the Secretary of State under The Town and Country Planning (Consultation)(England) Direction 2009. The application will therefore not be referred to the Secretary of State.

## **Recommendation:**

**That the Borough Council GRANT FULL PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority for the provision of Affordable Housing; and subject to the following conditions listed in the decision notice attached for the reasons set out in the report:**

### **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: L001 revA (Site Plans) 17.10.16; L100 revJ(Proposed Site Layout) 24.10.16; P100 revB (Proposed Plans - Ground & First Floor) 14.09.16; P101 revB (Proposed Plans - Second Floor & Roof) 14.06.16; P110 rev D (Elevations) 07.11.16; P111 revC (Elevation Materials) 07.11.16; P112 rev E (Proposed Streetscene) 07.11.16; P113 revC (Block Elevations) 07.11.2016; P120 revB (Site Sections) 25.10.16; S110 revH (Proposed Site Layout) 28.10.16; S111 revC (Proposed Site Layout - Indicating Survey) 14.09.16; S112 revB (Proposed Site Layout - Site Visibility) 14.09.16; S113 revB (Site Plan - Vehicle Tracking) 14.09.16; S114 rev B (Site Plan - Constraints) 14.09.16; M100 rev A (Street Image - Existign and Proposed); Design and Access Statement 02.09.16; S115 (Site Constraints 2) 22.09.16; Tree Survey Report 18.10.16; 1542-001 (Tree Survey Report Plan) 18.10.16; S116 (Vision Splays) 24.10.16; S120 (Site Coordinates) 03.11.16; GEDA (Dust Management Plan) 07.11.16; (SK)1000 revD (Swept Path Analysis) 03.11.16; and (SK)1002 and revC (S184 Vehicle Access Detail) 03.11.16.
3. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) is submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of remediation carried out) must be submitted and approved in writing by the Local Planning Authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with good practice and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted

to and approved in writing by the Local Planning Authority.

5. Unless otherwise agreed by the Local Planning Authority, development shall not commence until a Dust Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan should be produced and carried out in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). Once approved the plan shall be carried out in strict accordance with the approved details.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise prior agreed in writing by the Borough Council.
7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved 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.
8. No part of the development hereby permitted shall be brought into use until the accesses and dropped vehicular footway crossing/s are available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
9. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 'Vehicle Access Detail', drawing no. SK 1002 Rev B. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
10. No part of the development hereby permitted shall be brought into use until the existing site access on Byron Street which currently serves Majestic Wine that has been made redundant and is permanently closed and access crossings are reinstated as footway in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
11. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of the proposed means of enclosure of the site. The means of enclosure shall be implemented 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.

12. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees, shrubs, and soft landscaping proposed to be planted. The details shall include the precise location of the proposed highway lime tree/s to be planted to the front of the application site. Once approved the landscape plan shall be implemented strictly in accordance with the approved details and shall be carried out in the first planting season following substantial completion of the development. Any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
5. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough Council (September 2014).
6. 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 Council (September 2014).
7. 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.
8. In the interests of Highway safety.
9. 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.

10. In the interests of Highway safety.
11. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general, and is acceptable from a highway safety viewpoint. The proposal therefore accords with Policy 10 of the Aligned Core Strategy (2014) and H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

The proposal makes it necessary to construct vehicular crossing/s and reinstatement of the 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 to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

Any essential maintenance to the tree marked TCL: 77.41 within the application site, shown on the site location plan reference: 10684/S110/G, shall be carried out in accordance with the relevant consent received from Nottinghamshire County Council as the Highway Authority at the expense of the applicant or their successors in title.

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have a statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which both protects the public sewer and the building.

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.

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 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.