

1:2,000

Application Number 2017/0455

Location

Field, Wood Lane

Gedling, Nottinghamshire



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Report to Planning Committee

Application Number: 2017/0455
Location: Field, Wood Lane, Gedling.
Proposal: Residential development of 13 houses.
Applicant: Peter James Homes Ltd
Agent: Stephen George and Partners
Case Officer: David Gray

1.0 Site Description

- 1.1 The application site relates to an area of land measuring approximately 0.73 hectares. The application site is accessed from the south side of Wood Lane adjacent to the Gedling Manor Care home.
- 1.2 The application site has been allocated for housing under Policy H2 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)
- 1.2 The application site was previously mined and as a result has significant level changes of up to 7 metres. The front portion of the site sits at a higher level and is of a similar level to the surrounding area on Wood Lane. The site level drops down to the southern end to a lower position via a very steep slope. The lower level extends into a sunken ravine stretching along the eastern boundary.
- 1.3 To the south and west of the site are the rear garden boundaries of residential properties on Coronation Walk. To the East of the site is Gedling Manor Old Peoples Home and Carlton le Willows Academy.
- 1.4 The south portion of the application site is covered by a Group Tree Preservation Order (TPO) reference G0182. Prior to the submission of this application extensive clearance works were undertaken to mature vegetation that was not covered by the TPO.
- 1.5 Gedling Manor is not a Listed Building but a building of Local Interest with elements of architectural importance. Despite modern alterations the buildings retain decorative breather patterns and brick eaves details.
- 1.5 The area in general is defined by a mixture of architectural styles including small residential bungalows to the south and large detached residential properties set in large grounds to the north of Wood Lane.

- 1.6 The application site is located within the urban residential area and under the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) the site is allocated for housing under Policy H2.
- 1.7 The applicant has identified various constraints on the site which are as follows:
- i. The topography of the site. There is an escarpment cutting through the site creating issues with the levels.
 - ii. Following scientific inspection there is an initial band of land up to and including the escarpment which is hard stand stone and difficult to excavate, with lower sections requiring some fill to enable a more suitable road gradient.
 - iii. Numerous mature trees on site.
 - iv. Drainage, due to the level changes on the site.
 - v. Retaining wall, there would be a number of engineering operations required to develop the site.
 - vi. The irregular shape of the application site.

2.0 Proposed Development

2.1 Full Planning Permission is sought for a residential development comprising of 13 detached dwellings, associated roads and driveways, and amenity areas.

2.2 Proposed Dwellings

The proposal is for 13no individually designed detached dwellings. Dwelling types include 3, 4 and 5 bedroom detached family houses ranging from 1,168 sq.ft – 2,426 sq.ft.

2.3 Design Objectives

The Design Objectives forwarded by the agent address:

- Protecting the privacy of neighbouring houses;
- Protecting the existing trees along the eastern and southern boundaries and at the entrance to the site. Incorporating them into the design;
- Replanting the existing hedgerow along the western boundary of the site which would need to be removed during the construction of the new access;
- An internal street layout that gives priority to pedestrians and cyclists;
- Creating active frontages that allow natural surveillance of streets and open spaces;
- Design 2- and 2.5- storey houses and split level homes which respect the existing landform within the site and will suit the vernacular of the area; and
- Creating a development with a distinct character of its own creating a sense of place.

2.4 Access

The site access would be from Wood Lane and the internal roads would be constructed in line with the requirements of the 6C's Highways Design Guide. The site access would be located between Gedling Manor and existing housing that fronts onto Wood Lane. A new 3 bedroom dwelling is proposed to the front of the site to assist in the continuation of the existing streetscene.

2.5 Layout

The access road continues into the site fronted on the east side by 4 and 5 bedroom houses and would be screened to the west, on the other side, from the existing bungalows by a replanted hedge which replaces the existing hedge, which requires removal in order to construct the access road.

The internal road layout continues into the centre of the site to a wider 'square' with houses arranged around it before continuing to the lower portion of the site.

Where refuse bins are not able to be stored in rear garden areas due to level changes, bins would be obscured from view in bin stores.

2.6 Car Parking

3 car parking spaces are provided for each 4 and 5 bedroom dwelling and 2 spaces are provided for the 3 bedroom dwelling. Where garages are proposed their minimum internal dimensions would be 6m x 3m with the required set back from the back edge of the pavement.

2.7 Landscape

With the exception of the existing mature trees around the boundary of the site there is very little vegetation that is to be retained.

A tree survey has been carried out by Mapmatic and forms part of this application.

On plot landscaping to soften the street elevations would be provided with feature trees where appropriate.

3.0 Consultations

3.1 Nottinghamshire County Council (Highway Authority) –

In considering the technical highway aspects of this application the Highway Authority is mindful that in 2008 it considered an application to the County Planning Authority for the construction of new sixth form buildings and a relocation of a workshop building at the Carlton le Willows School. In response to this application the Highway Authority did state that: -

'Any proposal at this location would result in intensification of the junction of Wood Lane/Main Road and Wood Lane itself. The traffic generated by the proposed development would likely be detrimental to road safety due to

increase use of existing roads that afford restricted visibility from accesses and junctions compounded by substandard pedestrian provision and poor road geometry generally. For the reasons as above, this Highway Authority recommends that this application be refused.'

The current proposals for a development of 13 houses would not be of the same scale as the then proposed increase in the school, and the traffic generated by the proposals will be of a much smaller number with flows spread throughout the day rather than concentrated at traditional school start and finish times. In addition analysis of reported accident data going back to 2008 reveals that there have been no reported injuries or accidents.

Given these factors and the fact that the relevant national guidance, the National Planning Policy Framework, has changed considerably since 2008 with refusal on highway grounds being restricted to those instances where the impact can be shown to be 'severe', the Highway Authority, whilst still having concerns regarding any increase in overall flows related to the school, would not be in a position to robustly defend a refusal based upon the increased traffic that a development of 13 dwellings would create and therefore the principle of such a development here is accepted.

Highways – Additional Comments:

The access drive to the development is to remain PRIVATE, and the Gedling Refuse Team has agreed that they will access the site with a smaller refuse vehicle.

For private developments of six dwellings or more, we will serve a notice on the applicant with an assessment of the cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and the applicant should construct the works to an appropriate standard. However, because APCs have been served and money has been paid or retained, we are not indicating any future intention to adopt and maintain the street works at public expense.

The applicant should indicate that the development roads are to remain private, and the following information is required: -

- The applicant will be required to deposit a map under Section 31 (6) of the Highways Act 1980 identifying the roads which are to remain private.
- The applicant will be required to provide evidence that they have made clear to potential purchasers of the dwellings on un-adopted roads what the status of the road will mean to them in practice: and
- The applicant will be required to provide evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking under Section 2016 of the TCPA.
- The applicant will be required to indemnify the Highway Authority against future petitioning by residents to adopt the road under Section 37 of the Highways Act where the road joins together two adopted highways; and

- The boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging or similar.

The applicant should remember the implications both for themselves and house purchasers if the HA do not adopt the roads, for example:

- Future maintenance liabilities;
- Public liabilities;
- Street cleansing;
- Lack of specific pedestrian facilities;
- Lack of, or poor standard lighting, drainage and so on;
- We have no powers under the Highways Act; and
- The police have not powers to remove obstructions.

The Highway Authority raise no objections subject to conditions to address S278 agreement, drainage plans, visibility splays, hard surfacing of parking and turning areas, wheel washing facilities during construction.

3.2 Waste Services

Following receipt of further information and our subsequent site visit it has been confirmed that the layout with 1:20 incline is acceptable from Waste Services perspective and can be incorporated on an existing bin collection route.

3.3 Nottinghamshire County Council (Nature Conservation) –

No observations received.

3.4 Nottinghamshire County Council (Lead Local Flood Authority) –

The additional information provided in drawings 16041-211A and 16041-241A regarding the surface water drainage are satisfactory.

3.5 Nottinghamshire County Council (Education)

A proposed development of 13 dwellings would yield an additional 3 primary and 2 secondary places.

We would therefore wish to seek an education contribution of £34,365 (3 x £11,455) to provide primary and £34,520 (2 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

3.6 Severn Trent Water –

No observations received.

3.7 Architectural Liaison –

No observations received.

3.8 Arboricultural Officer –

Recent works to trees have taken place to clear small self-set vegetation from within the proposed development site to retain the mature TPO trees growing along the site boundary.

A tree survey in accordance to BS 5837:2012 has been submitted and is adequate at this stage from a tree perspective for consent to be granted conditionally. The following BS 5837:2012 tree survey details should be provided:

- 1) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers.
- 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.
- 3) Details of any special engineering works and surfacing required near trees.

No objections subject to the further details sought by condition.

3.9 Strategic Housing –

The application site is below the threshold for affordable housing and contributions would not be sought.

3.10 Parks and Street Care –

The application site is above the 0.4 hectare threshold for Public Open Space provision. Given the constraining factors on the site an offsite contribution in accordance with Section 3 of the Supplementary Planning Guidance for Open Space Provision would be required. The contribution should be sought by way of s106 agreement.

3.11 Economic Development –

The size of the development meets the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Client-Based Approach; Local Client Guidance for England – to be implemented during the term of the build to deliver employment and training activities – including work experience, jobs, apprenticeships and training.

3.12 Natural England

No objections.

The proposal is unlikely to affect any statutory conservation sites.

3.13 Public Protection (Scientific Officer)

The applicant has provided 2 reports with the application. Having reviewed the submitted information I can confirm it is satisfactory to assess contamination at the site.

It is requested that a short remediation statement is submitted clarifying the proposals for remedial works, including verification; along the lines of that found in the Geodyne Phase II report. It is therefore requested that a condition is attached to any approval to ensure remediation and subsequent verification details are submitted.

A condition is also requested with regards to the submission of a Dust Management Plan and an informative regarding the consideration of Electrical Vehicle Charging Points.

3.14 Carlton Le Willows Academy

Whilst not opposed to this high quality development, the academy would ask that serious consideration is given to the effect of additional traffic and parking, especially during the construction phase.

To improve safety for students the academy implemented a restriction on vehicular access to the school from 8:15 – 8:45 and 2:45 – 3:15.

It is requested that the suitability of the new entrance to the development on pedestrians is considered appropriately.

3.15 Neighbouring Residents were notified and a Site Notice and Press Notice posted and 27 letters of representation were received as a result. The comments can be outlined as follows: -

3.15.1 Comments Objecting to the Scheme

Highway Safety / Traffic

- Safety concerns raised over the entrance/exit to the application site;
- There is only a very narrow footpath down one side of Wood Lane which has extremely busy pedestrian foot flow with school children. The development would increase the risk to school children due to the increase in car journeys;
- Existing properties on Wood Lane do not have driveways or any off-street parking. Residents therefore park in front of their houses on the road side with no pedestrian footway. This would in turn restrict larger vehicles from entering and existing the site due to cars parked opposite the entrance;
- Concerns raised over the level of car parking provided and potential congestion;
- There is already displacement of vehicles onto Wood Lane by virtue of visitors to the school and teachers parking there;
- There is only pavement on one side of Wood Lane;
- Further development both at construction phase and after occupation would exacerbate an already dangerous situation for road users;
- The railway bridge at the bottom of Wood Lane causes a further bottle neck which endangers pupils;

- The academy recognises the dangers on this part of Wood Lane and encourages parents to drop off on Burton Road;
- There is already a School and Nursery on Wood Lane which generates significant car journeys;
- It would cause a significant safety risks for people trying to enter the house opposite through the pedestrian entrance due to the lack of pavement on this side of the highway;
- Dwellings on the opposite side of the road do not have driveways therefore they park on the road narrowing the carriageway;
- The development does not include any improvements to the existing carriageway of Wood Lane;
- If cars are parked on Wood Lane then refuse lorries will not be able to enter the site;
- There would be significant disturbance from delivery and construction traffic which would obstruct the highway, any permission should consider a condition requiring construction traffic to be parked off street;
- The railway bridge with restricted height creates a bottleneck during busy times.

Neighbouring Residential Amenity

- Plot 1, at the entrance to the application site would overlook the property opposite due to its siting and the positioning of windows;
- The development would have an undue overshadowing and overlooking impact on properties on Coronation Walk backing onto the site;
- Concerns raised over the potential noise from additional road users.

Design

- The house fronting Wood Lane would be out of keeping with the style of dwellings in the area;
- The loss of the woodland has severely impacted on the appearance of the area.

Ecology and Wildlife

- The Green and Wooded environment has been completely destroyed prior to the application being received;
- TPO trees were felled for this development without the correct consents. The remaining trees are dangerous and could fall down.
- The loss of the woodland dramatically impacted on wildlife.

Heritage

- The development would impact on a Grade II Listed Building. The only parking servicing this dwelling is on the road side. The Grade II Listed building would have nowhere to park if the entrance is installed.

Other Considerations

- Previous developments at Carlton Le Willows have resulted in large lorry's causing damage to a private road at the expense of residents. Any approval should be conditioned to restrict large traffic from the top end of Wood Lane;
- The developer should practise good on site management of dust control and wheel washing, noise reduction, no on site burning, and keep to normal working hours;
- The developer should consider providing parking for existing residents to alleviate existing on street car parking.

13.15.2 Comments Supporting the Scheme

- Family homes are needed in the area and the design of the development is good.

4.0 Planning Considerations

4.1 Assessments of Planning Considerations

4.2 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'.

4.3 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.

4.4 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.

4.5 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

4.6 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.
- H2 – Distribution of Residential Development.
- H7 – Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes.
- H8 – Residential Density.
- H16 – Design of Residential Development.

4.7 Policy H2 identifies sites through a sequential process where planning permission would be granted for residential development. Criterion a. c. and d. of Policy ENV1 of the Replacement Local Plan are relevant. 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.

4.8 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.

4.9 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.

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

4.11 The Emerging 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).

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

- LPD 4 Surface Water Management;
- LPD21 – Provision of Open Space [limited weight – unresolved objection];
- LPD33 Residential Density [moderate weight – no relevant objections];
- LPD39 – Housing Development on Unallocated Sites. [moderated weight – no relevant objections].
- LPD57 – Parking Standards [unresolved objection but the SPD is already adopted]
- LPD61 Highway Safety [moderate weight – no objection]

4.13 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
- Effective and Efficient Use of Land
- Ecology / Trees
- The impact on neighbouring amenity
- Masterplan and design
- Transport and connectivity
- Water resources, flood risk and drainage
- Public Open Space
- Heritage and Archaeology
- Other material considerations

Each of the above aspects is considered in detail below.

5.0 Principle of development

5.1 The NPPF 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 forward). This is further confirmed in paragraph 14 which states that – *“at the heart of the NPPF is a presumption 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 The GBACS sets out a housing target of 7,250 dwellings in Gedling Borough between 2011 and 2028 and requires 4,025 homes 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.

- 5.3 The proposal is located within the defined urban area of Gedling and, as such, accords with the strategy of urban concentration set out in ACS Policy 2.
- 5.4 The application site has been allocated for housing under Policy H2 of the GBRLP and therefore the principle of residential development on the site is established. The allocation is for 40 homes. The site has been assessed as part of the 2016 review of the Strategic Housing Land Availability Assessment (SHLAA) (site 6/137) identified as an allocation and as such considered suitable and deliverable with a capacity of 13 homes. The reduction in capacity in comparison with the allocation for 40 in the GBRLP reflects the difficult topography of the site and extensive tree cover some of which are to be retained. The site has not been brought forward as an allocation in the LPD2 as it falls beneath the threshold of 50 homes and is considered deliverable due to its sustainable location in an established residential area.
- 5.5 Paragraph 47 of the NPPF requires local planning authorities to identify and update annually a five year supply of deliverable housing sites. The Five Year Housing Land Supply Assessment (2016 as of 31st March 2016) identifies that against the Aligned Core Strategy there is 3.14 years supply of deliverable housing sites within the Borough. The site is anticipated to come forward within the 5 year period and would assist in delivering the required houses in the Borough.
- 5.6 Given the location of the development within the established urban residential area of Gedling and its former allocation for housing under the GBRLP H2, there would be no objection in principle to the residential redevelopment of the site. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The development is therefore considered acceptable in principle.

6.0 Effective and Efficient Use of Land

- 6.1 The development is to provide 13 residential units on a site of 0.75 hectares, equating to a residential density of approximately 18 dwellings per hectare. Policy H8 of the RLP and LPD Policy LPPD33 sets out residential density requirements of at least 30 dwellings per hectare, and gives support where higher densities are proposed provided that such proposals 'reflect local characteristics and does not harm the character of the area'. The proposed density is considerably lower than 30 at around 18 dwellings per hectare. As highlighted above in the constraints there are numerous abnormalities that restrict the layout and density of this specific site. Whilst I consider that a higher residential density would be Policy compliant, the site constraints such as the narrow site with significant topographical limitations, is not considered conducive to a significantly higher density. I also consider that the character of

the immediate area is defined by larger detached dwellings within large plots. It is my opinion that the site limitations have been demonstrated and specific layout solutions have been incorporated to address site level changes and site specific limitations.

- 6.2 I therefore consider that the development as proposed represents an effective and efficient use of land given the significant topographical limitations of the site.

7.0 Ecology / Trees

- 7.1 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.
- 7.2 Policy 17 of the ACS states that development on or affecting non-designated sites of 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 in place.
- 7.3 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.
- 7.4 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 covered in the southern corner by an existing Group Tree Preservation Order (G0182). I also note that prior to the submission of this application the site was cleared of extensive vegetation cover in order to undertake site surveys. The site was inspected at the time of this clearance and the majority of the works was to small self-set vegetation. The works that were undertaken took into account of the existing Group Tree Preservation Order and retained the trees that are listed on the Schedule.
- 7.5 I note that an up-to-date Tree Survey has been submitted in support of this application and that this has been assessed and reviewed by the Arboricultural Officer. Confirmation has been received that the Tree Survey is adequate for the purposes of the application. However, should planning permission be forthcoming a recommended condition should be attached to any approval that following BS 5837:2012 tree survey details that have been provided further details should be sought in relation to: -
1. Tree Protection Plan to graphically show proposed site with retained trees and locations of root protection barriers;
 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;

3. Details of any special engineering works and surfacing required near trees.

7.6 I also note that the scheme proposes to retain the mature trees of significant value and a Landscape Scheme can be secured by condition to incorporate native species planting of the new hedgerow and vegetation planting to reduce the impact on ecology and trees as a result of the development.

7.7 Overall, mitigation can be secured by condition that can address the loss of the self-set woodland that has previously been cleared and suitable native landscaping can be secured via condition.

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 orientated properties to minimise the potential for overlooking and overshadowing. I note that the rear garden boundaries of plots 11 and 12 would adjoin the rear boundaries of properties on Coronation Walk; I consider the distances between rear elevations are sufficient to prevent any undue overlooking impact. I note that the side elevation of plot 13 would be 5 metres from the shared boundary and 25 metres from the rear elevation of 115 Coronation Walk, however; given that there are no side elevation windows and that the property is set away from the side boundary fence, I am satisfied that there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity from this property.

8.2 I note the comments received with regards to the potential overlooking from plot 1 to properties on the other side of Wood Lane. However, given the significant distance of approximately 31 metres between the properties, the fact that plot faces onto Wood Lane with a protected tree in the front garden, I do not consider that there would be any undue overlooking from this property to the properties on the opposite side of Wood Lane.

8.3 I note the comments with regards to the potential noise impacts from additional road users however; I would not attach significant enough weight to the potential noise from additional traffic to warrant a refusal of this application as this would be minimal.

8.4 I also note the comments received with regards to the disturbance and noise during construction, however, I am satisfied that the disturbance from construction can be satisfactorily mitigated by use of appropriate Dust Management / Construction Environmental Management conditions attached to this approval.

8.5 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 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 The proposal would provide 13 homes on a site measuring 0.73 hectares, equating to a residential density of approximately 18 dwellings per hectare. I note that this low density is reflected in the surrounding area. Given the site limitations and the character of the area, I consider, the development would be consistent with the pattern of residential development in the area which is characterised by large detached dwellings on large plots.
- 9.3 I note that the design of the proposal incorporates individually designed homes, which given the topography of the site, would in some instances be over constructed over split levels. I consider that the individual, traditionally designed homes would sit well within the context of the development and would create a sense of place with its own identity. The masterplan and Design and Access Statement provide an appropriate framework within to shape a new sense of place that would integrate cohesively to the existing pattern of development.
- 9.4 I note the comments received with regards to the property facing Wood Lane at the entrance to the development being out of keeping with the surrounding area. I also note that the proposed dwelling would be set back from the back edge of the highway with a significant tree to be retained in the front garden that is protected by a Tree Preservation Order. I would note that the entrance to the site would be adjacent to Gedling Manor which has a frontage directly onto the back edge of the pavement and that the area is defined by a mixture of architectural styles. It is my opinion that the traditionally designed gable fronted home facing Wood Lane would sit well with the surrounding area and would not result in an incongruous feature within the existing streetscene.
- 9.5 I am satisfied that an imaginative layout has been achieved. Despite the limited dimensions of the site and the number of properties being proposed, the layout achieves a frontage onto Wood Lane with a sense of place being created with architectural features of merit. I consider that this would ensure a positive contribution to the streetscene.
- 9.6 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.

- 9.7 Given that the development would result in an access road and incidental open space not adopted by the Highway Authority and not within the curtilages of dwellings, should planning permission be forthcoming details of a Management Company responsible for the upkeep of the access drive and open space not within the curtilages of dwellings would be sought via Section 106 Agreement to retain an acceptable appearance of the public realm associated with the development.
- 9.7 In my opinion, the proposed development would also meet the relevant design elements of Policy 10 of the ACS 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 / Transport and Connectivity

- 10.1 I note the comments received regarding the adverse impact that the increased number of dwellings on Wood Lane would have on the level of traffic on Wood Lane and the Highway Safety concerns raised as a result of this. I also note the comments received from the Highway Authority which have accepted that the principle of 13 additional dwellings from Wood Lane is acceptable and would not be able to robustly defend a refusal of the application on Highway grounds.
- 10.2 I also note that the Highway Authority have been not objected to the additional dwellings being accessed from Wood Lane on highway safety grounds or, following confirmation from Waste Services, the 13 dwellings being accessed from a private drive.
- 10.3 I note the comments with regards to the Section 219 to 255 of the Highways Act and the requirements of the Advanced Payment 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; It is recommended that an informative note should be provided to the applicant should planning permission be forthcoming, advising the applicant of the implications and requirements of the Highway's Act – APC.
- 10.4 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 13 residential units within a 'built-up area' with allocated car parking provision in excess of 3 spaces per dwelling when including the 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.
- 10.5 Given that the Highway Authority have not objected to the proposal on Highway Safety grounds and that the matters relating to the private drive are matters between the applicant and the Highway Authority, I am satisfied, the development can be achieved without any significant adverse impact on

Highway Safety. Whilst I note the comments received from neighbours about the increase risk due to the increased vehicle journeys I note that the Highway Authority would not be in position to robustly defend a refusal based upon the increased traffic that a development of 13 dwellings would create and therefore the principle of such development is acceptable.

11.0 Water resources, flood risk and drainage

- 11.1 I note that the 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 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 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 note that surface water drainage plans have been submitted with the application and have been considered acceptable by the Lead Local Flood Authority. 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 Public Open Space

- 12.1 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.

13.0 Heritage and archaeology

- 13.1 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.
- 13.2 I note that the property adjacent to the application site is a Local Interest Building and not a Grade II Listed Building. I also note that Gedling Manor over time has been subject to modern alterations. Historic England was not consulted in relation with this application as the development does not impact on a Listed Building. I note the comments received with regards to the impact of the development on a Grade II Listed Building. 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 a Grade II Listed Building I am satisfied that appropriate consultation has been undertaken in this instance.
- 13.3 It is my opinion the development would not adversely affect the setting of any Listed Buildings given the significant distance to the nearest Grade II building, Gedling House (approximately 560 metres to the northeast of the application site). The impact on this heritage asset would be localised to the approach and the development would, in my opinion, not directly impact any important views or vistas leading to or coming from the Listed Building.

14.0 Socio Economic Impacts

14.1 *Education*

I note that the development would be over the threshold of 0.4Ha and a contribution towards education facilities would be required. The necessary improvements to education facilities can be secured by means of a financial contribution as part of a S106 Agreement, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

A proposed development of 13 dwellings would yield an additional 3 primary and 2 secondary places.

The County Council as the Education Authority an education contribution of £34,365 (3 x £11,455) to provide primary and £34,520 (2 x £17,260) to provide secondary provision to accommodate the additional pupils projected to arise from the proposed development.

14.2 *Local Labour Agreement*

I note that the development would meet the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the Construction Industry Training Board (CITB). Should planning permission be forthcoming a Local Employment Agreement would be sought through s106 agreement.

15.0 Other considerations

- 15.1 I note the comments received with regards to the developer providing car parking for existing residents within the application site. However, given the

considerations within chapter 10.0 and that the development over compensates for the off street car parking, in my opinion, the imposition on the development to provide additional car parking for existing residents would not be justified in this instance.

16.0 Conclusion

- 16.1 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.

Recommendation:

GRANT FULL PLANNING PERMISSION subject to the applicant entering into a Section 106 planning obligation with the Borough Council as Local Planning Authority and Nottinghamshire County Council for the provision of / or financial contributions towards: Public Open Space; Education; Management Company for Maintenance of access road and areas of open space not within residential curtilages; A Local Labour Agreement 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 Application Forms and the following approved and revised plans submitted with the application, drawing numbers: Existing Site Plan (P002 P); Proposed Site Elevations (P004); Plot 1 Floor Plans (P100); Plot 1 Elevations (P101); Plot 2 Floor Plans (P102); Plot 2 Elevations (P103); Plot 3 Floor Plans (P104 Rev A); Plot 3 Elevations (P105); Plot 4 Floor Plans (P106); Plot 4 Elevations (P107); Plot 5 Floor Plans (P108); Plot 5 Elevations (P109); Plot 6 Floor Plans (P110); Plot 6 Elevations (P111); Plot 7 Floor Plans (P112); Plot 7 Elevations (P113); Plot 8 Floor Plans (P114); Plot 8 Elevations (P115); Plot 9 Floor Plans (P116); Plot 9 Elevations (P117); Plot 10 Floor Plans (P118); Plot 10 Elevations (P119); Plot 11 Floor Plans (P120); Plot 10 Elevations (P121); Plot 12 Floor Plans (P122); Plot 12 Elevations (P123); Plot 13 Floor Plans (P124); Plot 13 Elevations (P125); Detached Garage (P126); Proposed Private Levels Sheet 1 (16041-210); Proposed Private Levels Sheet 2 (16041-211); Private Drainage Layout Sheet 1 (16041-240); Private Drainage Layout Sheet 2 (16041-241); Exploratory Hole Location Plan (36011/DRAFT); Swept Paths - Refuse Vehicle (16041-03B); Geodyne Contamination Survey (38011/DRAFT & TP1 & WS13); Drainage and Water Report (SF23263878000); Roads, Footpaths and Verges Plan (78724673_1_1); Topographical Survey (0001); Emec Ecology Biodiversity Study

(8518/SG/16); Design and Access Statement (March 2017); Proposed Site Layout (P003 Status P); Location Plan (P001); Tree Survey (October 2016); Proposed Private Road Long Sections.

- 3 No part of the development hereby permitted shall be brought into use until the access has been constructed as per plan reference 10641-01 Rev H. These access works are proposed on land which falls outside the applicant's control, and is subject to the provisions of the Highways Act 1980. To be able to carry out these works on the Public Highway the applicant will need to enter in a S278 legal agreement with the County Council as Highway Authority.
- 4 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with plan reference 10641-01 RevH. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
- 5 No part of the development hereby permitted shall be brought into use until the access drive and internal access drives/ parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the access driveway and internal access driveways/ parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 7 No development hereby permitted shall commence until wheel washing facilities have been installed on the site. The wheel washing facilities shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
- 8 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 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.
- 9 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 9, 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.

- 10 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.
- 11 Prior to the development hereby approved commencing (including site preparation) a tree protection plan and an Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority, which shall include: (i) Tree Protection Plan: to graphically show proposed site with retained trees and locations of root protection barriers; (ii) 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; and iii) Details of any special engineering works and surfacing required near trees; in accordance with BS5837:2012.
- 12 Unless otherwise agreed in writing 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) for the development shall be 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.
- 13 In the event that remediation is required to render the development suitable for use, the remediation scheme approved pursuant to condition 12 shall be implemented strictly in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved 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 In the interests of Highway safety.
- 4 To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 6 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 7 In the interests of Highway safety.
- 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 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.
- 10 To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
- 11 To ensure satisfactory development, in accordance with the aims of Policy 17 of the Gedling Borough Council Aligned Core Strategy.
- 12 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).
- 13 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).

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.

Notes to Applicant

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

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have / no control. In order to undertake

the works you will need to enter into an agreement under Section 278 of the Act. Please contact Daniel Sullivan on 0115 for details.

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 intension 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 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

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).

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.

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