

Report to Planning Committee

Application Number: 2018/0613

Location: Mill Field Close Burton Joyce

Proposal: Application for the approval of the reserved matters of access, layout, scale, appearance and landscaping following outline approval 2015/0424 - residential development of 14 units with associated parking and garages.

Applicant: St Philips

Agent: Geoff Perry Associates

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The application site relates to an area of land on the corner of Nottingham Road and Mill Field Close to the south west corner of Burton Joyce. The site is comprised of an area of meadow land on the south-west edge of Burton Joyce.
- 1.2 A number of existing detached dwellings are presently served off Mill Field Close which is accessed off Nottingham Road. No. 12 Mill Field Close directly adjoins the north eastern side of the application site boundary.
- 1.3 The north eastern site boundary is demarcated by a low level post and wire fence along Mill Field Close with a residential boundary hedge to no. 12.
- 1.4 To the north west and south east, separating the site from Nottingham Road and a railway line respectively, is a mature vegetation boundary in the form of hedgerows and trees. The site's south western boundary comprises a mix of hedgerows interspersed with a row of semi-mature Silver Birch trees.
- 1.6 With reference to the Environment Agency's Flood Maps, the entire site is located within indicative Flood Zone 2.
- 1.7 The site is allocated for housing under Policy LPD 68 (H20) of the adopted Local Planning Document 2018.

2.0 Relevant Planning History

- 2.1 2015/0424 - Outline Planning Permission for Residential Development – outline planning permission granted.

3.0 Proposed Development

- 3.1 The application seeks the approval of the reserved matters of access, appearance, scale, layout and landscaping for the erection of 14 detached two-storey dwellings.

- 3.2 The accommodation schedule proposed is as follows:

- 5 three bedroomed dwellings
- 5 four bedroomed dwellings
- 4 five bedroomed dwellings.

The density proposed is approximately 19 dwellings per hectare

- 3.3 Access is to be taken from three separate access points onto Mill Field Close. Works will also be necessary adjacent to the junction with Nottingham Road in order to provide the necessary visibility splay towards the west.

4.0 Consultations

- 4.1 Burton Joyce Parish Council – insufficient provision is made for increased traffic, suggests improvements to public highway and crossing facilities, large number of smaller houses are needed in the village, supports measures to improve the safety of this part of the A 612 in relation to pedestrians crossing.

- 4.2 Nottinghamshire County Council Highways – no objection subject to conditions relating to highway works to the frontage of the site with Nottingham Road, the provision of visibility splays, hard surfacing, surface water drainage and wheel washing facilities.

- 4.3 Nottinghamshire County Council – Lead Local Flood Authority – no objections.

- 4.4 Tree Officer – no objection subject to tree protection measures being adhered to.

- 4.5 Network Rail – no objection in principle but requests conditions relating to fencing, method statements, soundproofing, landscaping and lighting

- 4.6 Gedling Borough Council Waste Services –no comments received.

- 4.7 A press notice was published, a site notice displayed and neighbour notifications letters posted. Five objections were received and these are summarised as follows:

- Impact on traffic and road safety
- Gates will prevent access for visitors and delivery vehicles

- Loss of parking and obstruction of emergency vehicles
- A new pedestrian crossing should be installed on Nottingham Road
- Drainage matters should be addressed
- Ownership and maintenance of hedging should be clarified
- Ecology matters should be addressed
- Disruption during construction
- Bungalows should be included
- Unhappy with proposed pond
- Who will maintain and own the pond and is it adequate?
- A fence should be provided on the boundary with the railway
- Loss of light
- Design is out of keeping
- Noise from railway
- Fewer homes should be built
- Lack of school places and pressure on local services
- Existing pavement in poor condition and of inadequate width

Following the submission of amended plans in September 2018, neighbour re-consultation was undertaken and three objections were received, which are summarised below:

- Impact on traffic, road and pedestrian safety
- Object to proposed footway taking land from existing roadway
- Gates will prevent access for visitors and delivery vehicles
- Drainage matters should be addressed
- Ecology matters should be addressed
- Disruption during construction
- Loss of light
- Overbearing impact
- Appearance and shape would be out of keeping
- Layout should be changed
- Hedge is incorrectly shown
- Who will be responsible for hedge maintenance?
- Who will maintain and own the pond?
- Lack of school places

5.0 Assessment of Planning Considerations

5.1 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'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Section 12 (Achieving well-designed places) is particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 10 – Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 17 – Biodiversity – sets out the approach to ecological interests.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 20 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

LPD 68: Housing Allocations – Burton Joyce – sets out that this planning application site is a housing commitment.

6.5 Burton Joyce Neighbourhood Plan

The Burton Joyce Neighbourhood Plan will be considered by referendum on 29th November 2018 and if approved it will form part of the development plan from that result. Prior to the plan being formally approved, the plan can be given due weight (but not full weight) given that (a) it is at an advanced stage of preparation; (b) the examiner's report has been published and resolves all objections other than the pending referendum result; and (c) the examiner's report considers consistency with the NPPF.

NP 1: Spatial Strategy – sets out the locational objectives for development in the village.

NP 2: Protecting the Landscape Character of Burton Joyce Parish and Enhancing Biodiversity – sets out criteria for protecting landscape character and biodiversity.

NP 3: Design Principles for Residential Development – sets out the design principles for new residential development.

NP 4: A Mix of Housing Types – sets out that schemes are required to deliver a housing mix that reflects the demonstrable need for smaller dwellings, that how the need has been taken into account must be demonstrated, that accessibility standards be met and that smaller market dwellings will be supported in locations up to a 10-minute walk from the village centre.

7.0 Planning Considerations

- 7.1 The principle of the development of the site for residential use has already been established through the granting of outline planning permission reference 2015/0414. Accordingly, the matters for consideration as part of the current application relate to access, appearance, layout, scale and landscaping only.

Access

- 7.2 The proposed development would be accessed entirely from Mill Field Close to which the Highway Authority raise no objection. Negotiations during the course of the application have secured a pavement along the site frontage onto Mill Field Close and improved visibility splays at the junction with Nottingham Road. It is therefore considered that the access arrangements proposed are acceptable and that the proposed development would not cause harm to highway safety or to the surrounding highway network in general.
- 7.3 The Highway Authority has not requested that there be any amendment to the existing crossing on Nottingham Road nor advised that they have any concerns about parking availability on Mill Field Close.
- 7.4 The proposal therefore meets with the objectives of the National Planning Policy Framework and LPD Policies LPD 57 and LPD 61.

Appearance

- 7.5 Materials for the development are specified as being Ibstock Mercia Antique bricks and Russell Roof Slate Grey Roof tiles, both of which are considered to be appropriate for the surrounding area. Brickwork detailing would be incorporated at eaves level and also around windows.

The appearance and design of the proposed dwellings is considered to be acceptable within the context of the surrounding area.

- 7.6 The proposal therefore complies with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10. The proposal is also considered to meet with the objectives of Policy NP 3 of the Burton Joyce Neighbourhood Plan.

Layout

- 7.7 The proposed dwellings would be accessed from three private drives, all of which would lead onto Mill Field Close. Three dwellings would front onto Nottingham Road whereas the dwellings closest to Mill Field Close have been designed to have an active frontage onto the public highway. The remaining dwellings are positioned in a 'cul-de-sac arrangement.
- 7.8 It is considered that the layout of the site is appropriate and provides a good level of engagement with the public domain. The density of the scheme is commensurate with that of the existing built development in the immediate vicinity. The level of car parking proposed fully meets with the Council's adopted Supplementary Planning Document as 7 of the dwellings have two off-street parking spaces in addition to a garage space and 7 of the dwellings have two off-street parking spaces in addition to two garage spaces.
- 7.9 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10.

Scale

- 7.10 At two storeys in height, the scale of the proposed development is considered to be appropriate within the context of the surrounding area.
- 7.11 The proposed dwellings would for the most part be separated from existing dwellings on Mill Field Close by the public highway. This would ensure that there is an adequate distance between the proposed development and existing dwellings to ensure that there would not be an undue impact from overlooking, loss of light or through overbearing.
- 7.12 One of the proposed dwellings is located adjacent to the existing dwelling at 12 Mill Field Close however, on balance, it is considered that the proposed dwelling in question would not have an unacceptable impact upon residential amenity with regard to massing or loss of light. In particular, there is a reasonable degree of separation between the two dwellings (approximately 6 metres) and the element of the dwelling which extends beyond the front elevation of 12 Mill Field Close would be single storey in height. It is not considered that the proposed development would result in an undue overlooking impact upon 12 Mill Field Close.
- 7.13 The proposal therefore meets with the objectives of Aligned Core Strategy Policy 10 and LPD Policy 32.

Landscaping

- 7.14 Several trees/hedging would need to be removed on the frontage of the site with Nottingham Road to allow for the required highway visibility splays to be

provided. Whilst it would be preferable to retain this vegetation, this has to be weighed up against the need to remove them to provide an acceptable access to a site that already has an outline planning permission. The removal of the trees is therefore considered to be both necessary and reasonable.

- 7.15 The landscaping plan submitted shows that trees and hedging would be planted within the site and that rear garden areas would be turfed. The proposed surface water attenuation pond would be sown with wildflower grass. As a whole, the landscaping proposals are considered to be acceptable.
- 7.16 The proposal therefore complies with the objectives of the National Planning Policy Framework and Aligned Core Strategy Policy 10.

Proposed Density

- 7.17 The density of the proposed development would be approximately 19 dwellings per hectare which is marginally less than the 20 dwellings per hectare stated in Policy LPD 33. This policy does however allow exceptions to this requirement where there is convincing need for a different figure.
- 7.18 In this instance, the density of the proposed development is considered to be appropriate within the context of the surrounding area, in particular in terms of the sizes of the dwelling plots already found on Mill Field Close. Furthermore, the site represents a transition between the built form of Burton Joyce and the open fields of the Green Belt. For these reasons there is considered to be a convincing need for the density which is proposed.

Conformity with the Burton Joyce Neighbourhood Plan

- 7.19 The Burton Joyce Neighbourhood Plan will be considered by referendum on 29th November 2018 and if approved it will form part of the development plan from that result. Prior to the plan being formally approved, the plan can be given weight (but not full weight) given that (a) it is at an advanced stage of preparation; (b) the examiner's report has been published and resolves all objections other than the pending referendum result; and (c) the examiner's report considers consistency with the NPPF.
- 7.20 Policy NP 4 sets out that schemes are required to deliver a housing mix that reflects the demonstrable need for smaller dwellings, that how the need has been taken into account must be demonstrated, that accessibility standards be met and that smaller market dwellings will be supported in locations up to a 10-minute walk from the village centre. The proposed development would provide 5 three bedroomed dwellings but would also include larger 4 and 5 bedroom dwellings.
- 7.21 It is noted however that Policy NP 1 states:

open countryside to the south of the A612 beyond Mill Field Close continues to provide a clear distinction and sense of openness between the edge of the Nottingham built-up area and the built-up edge of Burton Joyce village

and that Policy NP 3 states:

proposals for development at Mill Field Close are required to reflect the character of the area as set out in the Village Appraisal (Mill Field Close is adjoining recent infill)

- 7.22 Policy NP 4 also states that the provision of smaller market dwellings, especially those suitable for older people, will be supported in locations up to a 10-minute walk from the village centre. Mill Field Close is on the very edge of the 10 minute walk isochrone.
- 7.23 It is considered that the proposed density and layout would be appropriate within the surrounding area whereas a higher density would be out of keeping. Therefore on balance and on consideration with of the relevant policies, it is not considered that the proposed development would conflict with the objectives of the Burton Joyce Neighbourhood Plan.

Network Rail Comments

- 7.24 Network Rail has requested conditions relating to fencing, method statements, soundproofing, landscaping and lighting. The comments from Network Rail do however also acknowledge that a 1.8 metre high fence would be provided on the mutual boundary with the railway and that this would be sufficient to address their concerns. It is also advised that the proposed landscaping is acceptable and therefore conditions relating to fencing and landscaping are not in fact required.
- 7.25 It is considered that the matters relating to method statements and lighting can be addressed by way of notes to applicant. Whilst the site is located close to the railway, it would be no closer to the railway than existing development within Burton Joyce. The matter of soundproofing can also therefore be addressed by way of a note to applicant.
- 7.26 With respect to drainage, there is a condition on the outline permission relating to this matter and the plans submitted for reserved matters shows that an attenuation pond would be provided. The Lead Local Flood Authority has raised no objection to these proposals. It is therefore not considered that a further condition relating to drainage is required.

Ecological matters

- 7.27 To accord with the requirements of Condition 11 on the outline planning permission an updated ecological survey has been provided. This confirms that the development can proceed based on the layout submitted without causing harm to protected species.

Other matters

- 7.28 As there are areas of landscaping and sustainable drainage on the site which do not fall within the curtilage of any dwelling it is considered reasonable and

necessary to impose a planning condition relating to their on-going maintenance.

- 7.29 The gates to the access drives have now been removed from the scheme. No bungalows are proposed on the scheme and it is not considered that there is any basis to insist on their inclusion.
- 7.30 The Section 106 Planning Obligation completed prior to the grant of outline planning permission includes a requirement to for a scheme of the size proposed to provide financial contributions towards education provision (£79,812), integrated transport (£14,700) and public open space (£63,637.04).

8 Conclusion

- 8.1 The proposed development would be of a scale, layout and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity or residential amenity. The proposed access and landscaping arrangements are considered to be acceptable. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A, 10 and 17 Local Planning Document Policies 32, 33, 57, 61 and 68 and Burton Joyce Neighbourhood Plan Policies NP1, NP2, NP3 and NP4.

Recommendation: Grant approval of reserved matters subject to the following conditions:

Conditions

- 1 This permission shall be read in accordance with the following plans: BRL-PL201 received on 19th June 2018, 13, 14A, 15, 16, 17, 18, 19A, 20, 21, 22, 31, 32, 33, 36, 37, 39, 023C, 024A, 025A, 026A, 027A, 028A, 029A and 038 received on 4th September 2018 and the S278 works drawing received on 22nd October 2018. The development shall thereafter be undertaken in accordance with these plans.
- 2 The development shall be undertaken in accordance with the recommendations of the Arboricultural Survey dated July 2015.
- 3 No part of the development hereby permitted shall be brought into use until the verge frontage of the development has been hard surfaced as footway, together with the kerbs dropped for the 3no accesses as shown for indicative purposes only on the approved S278 works drawing and constructed under s278 agreement in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 4 No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved S278 works drawing. 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 all drives and 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 driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. 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 The approved landscape plan shown on drawing BRL-PL201 shall be carried out in the first planting season following the first occupation of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree, shrub or seeded area 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 Local Planning Authority.
- 8 No dwelling shall be occupied until details of the maintenance arrangements for all landscaped areas, drainage features and other areas not falling within the residential curtilages of the approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details in perpetuity.

Reasons

- 1 To define the permission, for the avoidance of doubt.
- 2 To ensure that existing trees are adequately protected.
- 3 To provide suitable sustainable access facilities for pedestrians.
- 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 visual amenity.
- 8 To ensure that these areas are adequately maintained, in the interests of visual amenity.

Reasons for Decision

The proposed development would be of a scale, layout and appearance that would be appropriate in the context of the surrounding area and would not have an adverse impact upon visual amenity or residential amenity. The proposed access and landscaping arrangements are considered to be acceptable. The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies, A ,10 and 17, Local Planning Document Policies 32, 33, 57, 61 and 68 and Burton Joyce Neighbourhood Plan Policies NP1, NP2, NP3 and NP4.

Notes to Applicant

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 email hdc.south@nottscc.gov.uk

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.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected.

The comments of Network Rail are attached.

Due to the proximity of the site to the railway, it is recommended that consideration be given to soundproofing measures that could be incorporated into the approved dwellings.

The applicant's attention is drawn to the recommendations set out in the updated ecological survey received on 15th November 2018.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Amendments were secured to address matters arising from comments made by the Highways Authority.