

## Planning Report for 2020/0828



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**Report to Planning Committee**

**Application Number:** 2020/0828

**Location:** Site of 72 To 74, Westdale Lane East Gedling

**Proposal:** The erection of 10no 2 bedroom apartments. Variation of condition 2 (approved drawings) of permission 2017/0157 for the inclusion of air source heat pumps to be positioned on external elevation of the building, minor alterations to some fenestration design, minor alterations to ground level and the addition of a Velux smoke vent..

**Applicant:** Castle Rock Developments Ltd

**Agent:** Paul Gaughan Building Consultants Ltd

**Case Officer:** Claire Turton

**In accordance with the Gedling Borough Council Constitution, this application is required to be determined by Planning Committee as it is an application proposing ten or more residential dwellings.**

**1.0 Site Description**

- 1.1 The application site is located on the corner of Westdale Lane and Adbolton Avenue in the urban area of Gedling. The site was formerly an industrial building, which was demolished in approximately 2008.
- 1.2 Planning permission was granted in 2017 for the erection of 10no. 2-bedroom apartment blocks and these are now substantially built. The majority of the external building works appear complete in that the building has a roof and all windows and doors are fitted. The site is currently bordered by a 2 metre high solid fence.
- 1.3 Neighbouring properties are predominantly residential, although there is a local shop on the opposite corner of Adbolton Avenue.

**2.0 Relevant Planning History**

- 2.1 2006/0607 "Erect 15 one-bed apartments and associated works." Planning permission was refused by Gedling Borough Council on 29.09.2006 but an appeal against the decision was subsequently allowed by the Planning Inspectorate.

- 2.2 2010/0200 “Extend the time limit for implementation to Appn No. 2006/0607.” Planning permission was granted on 14.05.2010 but expired on 14.05.2013 without being implemented.
- 2.3 2017/0157 “The erection of 10no 2 bedroom apartments.” Planning permission was granted on 19.10.2017. This work is substantially complete.
- 2.4 2018/0745DOC “Discharge of Conditions 3,4,5,6,9,10,11,12,14 & 15 on 2017/0157.” All pre-commencement conditions for 2017/0157 have been discharge.

### **3.0 Proposed Development**

- 3.1 Planning permission is sought for “The erection of 10no 2 bedroom apartments. Variation of condition 2 (approved drawings) of permission 2017/0157 for the inclusion of air source heat pumps to be positioned on external elevation of the building, minor alterations to some fenestration design, minor alterations to ground level and the addition of a Velux smoke vent.”
- 3.2 This application is submitted under Section 73 of the Town and Country Planning Act 1990 which allows for applications to vary conditions attached to the grant of a planning permission.
- 3.3 In this case the application is seeking to vary condition 2 of planning permission 2017/0157 which listed the approved plans. The application is seeking to substitute the approved plans with new plans showing some amendments.
- 3.4 10no. air source heat pumps are proposed to be installed on the rear (north) elevation and the western side elevation of the building. Each unit measures 950mm in width, 330mm in depth and 740mm in height. The sound pressure level for each unit at 1m is (dBA) 45 and each unit has a low noise mode of 40 (dBA).
- 3.5 Fenestration positioning and size remains the same as approved but there are some minor alterations to the design of the doors and some side windows. There are minor changes to the ground levels towards the north of the site in order to create a level access but without increasing or decreasing the height of the building. A Velux smoke vent has also been added – this has the appearance of a Velux rooflight and is capable of opening automatically in the event of a fire.

### **4.0 Consultations**

- 4.1 Environmental Health Officer states that the units if all switched on at the same time should not impact on any of the surrounding residential properties.
- 4.2 Cllr. Clive Towsey-Hinton has been contacted by a local resident who has concerns regarding noise pollution and also questions why these were not included on the original 2017 planning application.

#### 4.3 Neighbours

3 letters of objection have been received directly from the occupiers of 2 neighbouring properties. Concerns are;-

Issues of noise

Can the units be moved to the front of the building away from their property?

The units are not aesthetically pleasing

Why were these heat pumps not included on the original plans?

Querying whether there is a decibel reading for the pumps. (The case officer has responded directly to this query).

#### 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 2019 (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 At the national level the National Planning Policy Framework (February 2019) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable development. The NPPF seeks to ensure a high standard of amenity for existing and future users of land and buildings.

National Planning Policy Framework:

Part 2 – Achieving sustainable development

Part 5 – Delivering a sufficient supply of homes

Part 12 – Achieving well-designed places

Paragraph 124 of the NPPF states that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*”.

Paragraph 127 of the NPPF states that “*Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.*”

6.3 Gedling Borough Council Aligned Core Strategy 2014:

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

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8 – Housing Size, Mix and Choice sets out the objectives for delivering new housing.

Policy 10 – Design and Enhancing Local Identity states that development will be assessed in terms of its “structure, texture and grain including street patterns, plot sizes, orientation and positioning of buildings and the layout of space”.

6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18<sup>th</sup> July 2018. The relevant policies in the determination of this application are as follows:

LPD11 – Air Quality states “Planning permission will not be granted for development proposals that have the potential to adversely impact on air quality, unless measures to mitigate or offset their emissions and impacts have been incorporated.”

LPD 32 - Amenity states “Planning permission will be granted for development proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers, taking into account potential mitigation measures”.

LPD 33 – Residential Density sets out that proposals for residential development will not be granted unless they are above a residential density of 30 dwellings per hectare.

LPD 35 – Safe, accessible and Inclusive Development provides detail on how development can create attractive, safe, inclusive and healthy environments

LPD 37 – Housing Type, Size and Tenure states “Planning permission will be granted for residential development that provides for an appropriate mix of housing, subject to housing need and demographic context within the local area.”

LPD 40 Housing Development on Unallocated Sites lists criteria for which housing development on unallocated sites will be assessed against.

LPD 57 Parking Standards sets out the requirements for parking.

LPD 61 – Highway Safety states “Planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of all people.”

Appendix D – Requirement for Parking Provision in Residential and Non-Residential Development.

## **7.0 Introduction to assessment of proposal**

7.1 The 10no. apartments granted planning permission under reference number 2017/0157 are substantially complete. The differences between the 2017 planning permission and this application are the addition of 10no. air source heat pumps, the addition of a Velux smoke vent, minor alterations to ground levels to allow level access without altering the height of the building and minor alterations to fenestration design with the size and positioning of the

fenestration remaining as approved. It is these aspects of the scheme that this report will focus on in the following assessment.

- 7.2 This planning application is submitted under Section 73 of the Town and Country Planning Act 1990 which allows for applications to vary conditions attached to the grant of a planning application. If the application were to be granted, a new independent permission to carry out the development as previously permitted subject to the amended conditions would be issued. Essentially the wording of condition 2 would be varied to allow for the development to be built in accordance with the amended plans showing the air source heat pumps and other alterations detailed above. This would result in a new permission and, as such, the proposal does require assessing against all planning policies relevant to new residential development.

## **8.0 Principle of Development**

- 8.1 The site is located within the built-up area of Gedling where the principle of further residential development is considered acceptable by Policy LPD 40 (Housing Development on Unallocated Sites). As stated in Section 7 of this report, whilst this application is essentially for alterations to an already approved residential scheme, if planning permission were to be granted, the Local Planning Authority would be issuing a new planning permission for the 2017 development with some amendments.

Policy LPD 40 states that:-

*“Planning permission will be granted for residential development on unallocated sites that are not within the Green Belt provided [that certain criteria are met.]”*

The criteria referred to in Policy LPD 40 relate to design, loss of important features, residential amenity and parking. These issues are explored in detail throughout this report as well as an assessment of the proposal against other relevant planning policies.

## **9.0 Design / Visual Amenity**

- 9.1 The design of the wider residential development was considered acceptable through the granting of planning permission 2017/0157.
- 9.2 There are limited amendments to the development as originally approved and I consider the design of the proposed amendments to be acceptable and to not have an unacceptable impact on the character or visual amenity of the area.
- 9.3 The air source heat pump units are not prominent from public areas due to their location on the north and west elevations (away from both public highways). They are minimal in size compared to the host building, measuring 950mm in width, 330mm in depth and 740mm in height. It is not unusual to see such units attached to both commercial and residential buildings.

- 9.4 The minor changes to ground levels does not affect the overall height of the building. The minor alterations to the design of the doors and some side windows are not considered to materially alter the appearance of the building. The addition of the Velux smoke vent is minimal in size and not prominent from public areas.
- 9.5 I consider that the overall design of the amended proposal complies with the relevant planning policies set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework and the Aligned Core Strategy Policy 10 and Policies LPD 35 and 40.

## **10.0 Impact on Residential Amenity**

- 10.1 The impact of the wider residential development on neighbouring amenity was considered acceptable through the granting of planning permission 2017/0157.
- 10.2 I consider that the amendments proposed will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 10.3 The key issue to assess is issues of noise and disturbance from the proposed 10no. air source heat pumps. The technical details submitted in support of the application state that the sound pressure level for each unit at 1m is (dBA) 45 and each unit has a low noise mode of 40 (dBA). The units located along the rear elevation are approx. 10 metres away from the rear boundary shared with no. 1 Adbolton Avenue. The nearest units to no. 76 Westdale Lane are approx. 5.2 metres away. The Environmental Health Officer has assessed the technical data submitted in support of the application as well as the layout and positioning of the air source heat pumps. From this he has carried out an acoustic calculation and considers that if all of the units were switched on at the same time they would not have an unacceptable impact on neighbouring amenity in terms of noise. I see no reason to disagree with his professional opinion.
- 10.4 The air source heat pumps are minimal in size and as such will not cause unacceptable issues of massing / overshadowing or overbearing onto neighbouring occupiers.
- 10.5 The minor changes to ground levels does not alter the height of the building and such does not cause any additional issues of massing / overshadowing onto neighbouring occupiers.
- 10.6 There are minor alterations to the design of some fenestration. However, the location of fenestration remains unchanged and, as such, there are no additional issues of overlooking onto neighbouring occupiers.
- 10.7 Due to its nature, scale and location the Velux smoke vent is not considered to have an unacceptable impact on neighbouring occupiers.
- 10.8 I consider that the proposal complies with the relevant planning policies regarding amenity set out in Section 6 of this report. In particular, it complies



with the objectives of the National Planning Policy Framework Policies LPD 32 and 40.

### **11.0 Highway Safety**

- 11.1 The impact of the wider residential development on highway safety was considered acceptable through the granting of planning permission 2017/0157
- 11.2 The amendments proposed do not affect the previously approved access and parking arrangements at the site.

### **12.0 Conclusion**

- 12.1 The proposed development is consistent with local and national planning policies. The design of the proposal is considered to be acceptable and does not have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8 and 10 of the ACS and Policies LPD 11, 32, 33, 35, 37, 40, 57 and 61 of the LPD.

### **13.0 Recommendation: GRANT PLANNING PERMISSION subject conditions:-**

#### **Conditions**

- 1 This permission shall be read in accordance with the following documents and plans:-

Drawing no. DB/MM/18/027/26 Proposed Elevations, received 10th September 2020

Product information brochure, received 20th August 2020 to be read in accordance with email dated 9th September 2020 confirming that the air source heat pump units proposed are model PUHZ-W50VHA2(-BS)

Drawing no. MT/MH/016/037/04 Revision A Proposed Site Layout, received 13th July 2017

Drawing no. MT/MH/016/037/03 Revision C, received 13th July 2017 showing floorplans only

Site Location Plan, received 13th July 2017

The development shall thereafter be undertaken in accordance with the approved plans.

- 2 The means of enclosure at the site shall be carried out in accordance with the following details:-

Drawing no. DB/MM/18/027/10 Revision A, received 19th September 2018 as part of discharge of condition application 2018/0745DOC



- 3 The means of surfacing on the unbuilt portions of the site shall be carried out in accordance with the approved details;-

Drawing no. DB/MM/18/027/10 Revision A, received 19th September 2018 as part of discharge of condition application 2018/0745DOC

- 4 Soft landscaping at the site shall be carried out in accordance with the approved details;-

Drawing no. DB/MM/18/027/10 Revision A, received 19th September 2018 as part of discharge of condition application 2018/0745DOC

- 5 No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided and surfaced in a bound material with the parking bays clearly delineated in accordance with plan ref: MT/MH/016/037/04 Revision A. The parking/turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles.

- 6 No part of the development hereby permitted shall be brought into use until dropped vehicular footway crossings are available for the parking spaces accessed from Adbolton Avenue and for the accesses for the car parking area on Westdale Lane in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

- 7 The site accesses at the site shall be carried out in accordance with the approved details;-

Drawing no. DB/MM/18/027/10 Revision A, received 19th September 2018 as part of discharge of condition application 2018/0745DOC

- 8 No part of the development hereby permitted shall be brought into use until the provision to prevent the unregulated discharge of surface water onto the public highway has been carried out in accordance with the following details

Aco Drain as shown on drawing no. DB/MM/18/027/11.

The approved measures shall be retained for the lifetime of the development.

- 9 The management arrangements for the maintenance of all areas of outdoor open space, including car parking areas, shall be carried out in accordance with the following details;-

The Communal Area Maintenance Plan, received 6th August 2018 in relation to discharge of condition application 2018/0745DOC.

The approved management arrangements shall remain in situ for the lifetime of the development.

## **Reasons**

- 1 For the avoidance of doubt and to define the terms of this permission
- 2 In the interests of visual amenity
- 3 In the interests of visual amenity
- 4 In the interests of visual amenity
- 5 In the interests of highway safety
- 6 In the interests of highway safety
- 7 in the interests of highway safety
- 8 In the interests of highway safety
- 9 In the interests of visual amenity

## **Reasons for Decision**

The proposed development is consistent with local and national planning policies. The design of the proposal is considered to be acceptable and does not have an unacceptable impact on the visual amenity of the area. The proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties in terms of noise, overlooking or massing / overshadowing. Parking and access at the site is acceptable. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8 and 10 of the ACS and Policies LPD 11, 32, 33, 35, 37, 40, 57 and 61 of the LPD.

## **Notes to Applicant**

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

The proposal makes it necessary to construct vehicular crossings and accesses over a footway of the public highway, together with reinstatement of redundant accesses. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

Date Recommended: 7th October 2020