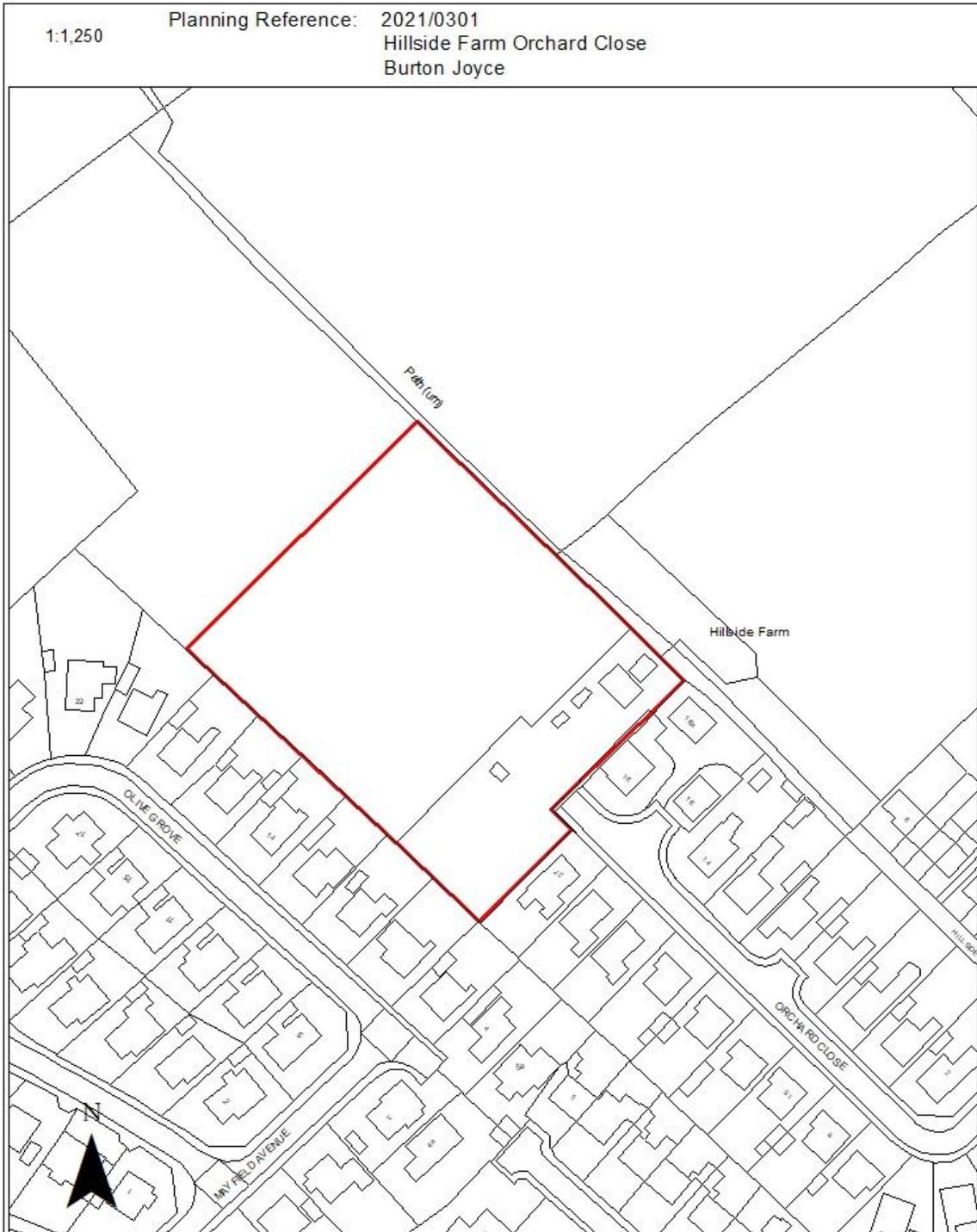


Planning Report for 2021/0301



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
Reproduced with the permission of the Controller of H.M. S.O. Crown Copyright. Licence No LA100021248.
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Report to Planning Committee

Application Number:	2021/0301
Location:	Hillside Farm Orchard Close Burton Joyce
Proposal:	Erection of 14 dwellings (reserved matters approval (appearance, landscaping, layout and scale) pursuant to outline permission 2018/1034).
Applicant:	Mr Nick Alexander
Agent:	GraceMachin Planning & Property
Case Officer:	Nigel Bryan

The application is referred to Planning Committee to comply with the Council's constitution as the development proposes more than 9 dwellings.

1.0 Site Description

- 1.1 The site consists of an area of open land located at the end of Orchard Close in Burton Joyce. With the exception of several relatively small scale buildings located nearest to Orchard Close, the site is undeveloped. It is enclosed by hedgerows to the north-eastern and south-western boundaries, amongst which a number of trees are located, whereas the north-western boundary is open. The south-eastern boundary is shared with existing dwellings on Orchard Close, with fences and some planting defining the boundaries.
- 1.2 The site slopes steeply up from the south-east up towards the north-west. The south-eastern and south western boundaries are shared with existing residential dwellings whilst the north-eastern and north-western boundaries are shared with open land. The site area is 0.7 hectares.

2.0 Relevant Planning History

2018/1034 – 'Outline planning application (all matters reserved except for access) for the erection of up to 15 No. dwellings and associated infrastructure' – was considered at the Planning Committee of 13th February 2019 and granted planning permission on the 27th March 2020, following the completion of a S106 Agreement.

3.0 Proposed Development

- 3.1 The application seeks reserved matters approval pursuant to outline permission 2018/1034. Matters under consideration for this reserved matters approval are, layout, scale, landscaping and appearance. The application is for the erection of 14 dwellings, which will include a housing mix of 2 x two-bedroom properties, 4 x 3-bed properties, 6 x 4-bed properties and 2 x 5-bed properties. Two small areas of public open space are to be provided and vehicular access will be from Orchard Close, as approved at the outline stage.
- 3.2 It should be noted that during the course of the application amended plans have been submitted, on which further consultation has been undertaken, and the application is considered accordingly. The primary changes to the scheme to that originally submitted are alterations to siting of plot 14, alterations to the elevation treatment of plots 2 and 3; clarification on drainage and refuse collection, and a minor alteration to the red line location plan to ensure it correlates with the approved outline.

4.0 Consultations

- 4.1 Nottinghamshire County Council Highways – note that the road gradient is steeper than would normally be accepted but given the topography of the site this is to be expected. They would like to comment on the details of the Management Company to maintain the private drive, which will need to be approved through the S106. It appears a ransom strip is to be created near the northern edge of the site; this should be avoided. However, notwithstanding the above observations, the highway authority raise no objection to the application subject to the imposition of conditions.
- 4.2 Nottinghamshire Wildlife Trust (NWT) – noting that the original ecology report was over 12 months old an updated report would be required. Following receipt of an updated ecology report NWT are satisfied with the resulting recommendations but note some inaccuracies within the report.
- 4.3 Nottinghamshire County Council Lead Local Flood Authority - Raise no objection to the application subject to a condition requiring the approval of a detailed drainage strategy in accordance with the Drainage Strategy submitted.
- 4.4 The NHS (Secondary Care Trust) request a contribution of £14,706.00 toward expenditure at the Nottingham University Hospitals.
- 4.5 Gedling Borough Council Parks and Street Care – note that the combined areas of identified Public Open Space (POS) meet the requirements outlined by the pertinent policy. There would also be a need to ensure that it is usable POS if it is to house drainage features e.g. the gradients of the land are acceptable.
- 4.6 Gedling Borough Council Scientific Officer – no observations made.

- 4.7 The Tree Officer raises no objection to the application subject to a condition requiring the Tree Protection Plan to be implemented
- 4.8 The Trent Valley Internal Drainage Board note that they have no watercourses in close proximity to the site; however, they highlight that the consent of relevant water bodies e.g. Severn Trent, would be required for works that would affect their assets and also that the Lead Flood Authority should be consulted on the application.
- 4.9 Burton Joyce Parish Council (BJPC) – object to the application on the grounds that the height and scale of development is intrusive to residents of Olive Grove; the development will overbear, overlook and create additional noise to existing dwellings; proposed retaining walls will increase flooding in the area, particularly to properties on Olive Grove; who will maintain proposed and existing green boundary treatments?

BJPC made no observations on the updated plans.

4.10 Members of the Public

A press notice was published a site notice erected and two rounds of consultation undertaken with members of the public and statutory consultees. As a result of consultation undertaken a total of 30 letters of objection have been received 24 on the original drawings and 6 on the amended plans. A summary of the objections raised are drafted below:

- The land should not have been removed from the Green Belt or been allocated for residential development as it contributes to the character of the area;
- The housing mix is in-appropriate and should have a greater number of smaller properties;
- The dwellings are too large and would impact on the amenity of neighbouring properties, particularly those on Olive Grove, given the size of properties, distances to existing properties, change of levels and orientation of the properties;
- Who will maintain boundary treatments, as there is a need to ensure existing vegetation, in particular conifers, are not allowed to get too tall;
- Drainage of the site is inadequate and will impact properties on Orchard Close and Olive Grove;
- Highway safety will be compromised through the increase in traffic and parking on associated streets;
- Should dwellings be sited further away from existing properties on Olive Grove if these properties have been extended?
- Existing wildlife will be detrimentally impacted.

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’.

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2019 (NPPF)

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). Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan

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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

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

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 4: Surface Water Management – sets out the approach to surface water management.

LPD 7: Contaminated Land – sets out the approach to land that is potentially contaminated.

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 18 Protecting and Enhancing Biodiversity – sets out that proposals should be supported by an up to date ecological assessment. Any harmful impact should be avoided through design, layout and mitigation or compensation. Where possible, development proposals will be expected to take opportunities to incorporate biodiversity in and around the development and contribute to the establishment of green infrastructure.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 21: Provision of New Open Space – sets out that there will be a requirement for public open space on sites of 0.4 hectares in area and above, which could be on-site or off-site.

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 30 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 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

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 – identifies the application site as housing allocation H21, for approximately 15 new dwellings.

6.5 Burton Joyce Neighbourhood Plan (BJNP)

Burton Joyce Neighbourhood Plan Burton Joyce Neighbourhood Plan was adopted on 10th January 2019. The relevant policies in the Neighbourhood Plan for determination of this application are as follows:

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.

NP 5: Conservation and Enhancement of Non-Vehicular Routes – sets out criteria relating to non-vehicular routes, including for development proposals near existing rights of way.

6.6 Other

Parking Provision for Residential Developments – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

Open Space Provision Supplementary Planning Guidance (2001) – sets out the open space requirements for new residential development.

7.0 **Planning Considerations**

Principle of the development

- 7.1 The site is allocated as a housing site, H21, under Policy LPD 68. Policy LPD 68 identifies the site as providing approximately 15 dwellings and therefore the principle of residential development on this site is established. Furthermore, the application site benefits from outline permission, with access approved. Therefore, the principle of development is well established with the matters under consideration in this application being layout, scale appearance and landscaping.

Layout, scale and appearance

- 7.2 The site area is approximately 0.7 hectares in size and the proposal is for the erection of some 14 dwellings, with the outline approval indicating that up to 15 dwellings could be erected. Access to the site would be from Orchard Close, as approved on the outline permission, with the adopted part of the roadway the same as indicated on the indicative layout submitted in support of the outline application. The internal layout of the private road has altered from that indicatively shown at the outline stage; however, the layout as proposed is considered to be acceptable. Properties on the north-western edge of the site would have back gardens adjacent to those on Olive Grove with two areas of public open space overlooked by the proposed dwellings.

Each unit would have off-street parking, some with garages and others on drives, as well as adequate amenity space associated with each property.

- 7.3 Each unit would be two-storey in scale with primary habitable room windows orientated toward the front and rear. In the immediate area there is a mixture of property styles and sizes with larger properties on Olive Grove and smaller properties, typically bungalows or dormer bungalows, on Orchard Close. Whilst all the dwellings proposed to be erected are two-storey in scale it is noted that the housing mix is varied and includes smaller units e.g. 2 x two-bedroom and 4 x three-bedroom properties, as well as what one might consider to be larger family properties e.g. four and five bedroom properties. Having regard to the built form in the area, and scale of properties proposed to be erected, it is considered that the application as submitted is appropriate in terms of scale and provides an adequate mix of housing as required by policies NP4 and LPD37.
- 7.4 The appearance of the dwellings would be typical of the area with it identified that materials will be red brick with appropriate detailing at the eaves and cills, along with some reconstituted stone. Roofing materials are proposed to be a smooth grey tile. Externally the dwellings have been designed so as to respect the character of the area in that some units are double fronted so as to keep some interest in the streetscape e.g. plots 7 and 8, 2 and 3. Furthermore, given the mixture of house types and size of properties it is considered that the appearance of the units would be acceptable and respect the wider character of the area.
- 7.5 As a result the overall layout, scale and appearance of the development is deemed to comply with policy ASC10 of the aligned core strategy, policy NP3 of the BJNP and guidance within the NPPF.

Landscaping

- 7.6 An Arboricultural Method Statement has been submitted in support of the application and identifies that existing hedgerows will be retained and protected during construction. Retaining such features are welcome given the ecological benefits of green boundary treatments and ensuring a mature landscape for the site. Along the boundary with existing properties to the north-west it is indicated that a 1.8m boarded fence could be erected alongside the retained hedgerow.
- 7.7 A detailed soft landscape plan has been submitted for the internal areas of the site and show tree planting within the public open space areas. Gardens will be laid to lawn and there will be domestic scale planting to the front of the proposed dwellings.
- 7.8 Overall, the landscaping scheme will retain existing hedgerows and will result in additional trees being planted along within green spaces too. The overall landscape strategy is considered to be acceptable and complies with policy LPD18 and guidance within the NPPF.

Other considerations

- 7.9 For the avoidance of doubt, there are a number of other topics that were covered when the outline application was determined. Notably, a Section 106 Legal Agreement secured planning obligations in respect of affordable

housing, education, public open space, bus stop enhancement and a local labour agreement. This should mitigate infrastructure concerns relating to this development. It is noted that the Secondary Care Trust has requested a financial contribution toward their provision; however, such monies cannot be sought at the reserved matters stage. Furthermore, whilst the s106 Legal Agreement secured affordable housing it also provided that where a subsequent application for reserved matters is made for development of less than 15 dwellings then the requirement affordable housing will not apply. This was agreed to give effect to policy LPD36 which identifies that affordable housing is only required for a scheme of 15 or more dwellings. The current application is for the erection of 14 dwellings and does not, therefore, meet the threshold for affordable housing and therefore no provision is required as part of this application.

- 7.10 Concern has been raised about possible overlooking and overbearing impacts from the scale of build form proposed. However, amended plans have been received that increase the garden depth of plot 14 so that gardens along this boundary are in the region of 10m or more and main 'window to window' distances would typically be between 23 and 27m, which is considered to be an acceptable distance to ensure that the amenity of existing occupiers on Olive Grove and proposed occupiers is respected. Whilst it is noted that there is a change of levels through the application site and, to a degree, between properties on Olive Grove, sections have been provided that indicate the dwellings will, where possible, look to utilise the natural grounds levels with small retaining walls between the various plots when heading up the natural incline. As a result, it is considered that the proposal would have an acceptable impact on amenity and comply with policy LPD32.
- 7.11 Each dwelling will have off street parking provision and a condition is proposed to be added to the decision notice to ensure that the identified provision is provided. The Highway Authority raise no objection to the level of provision provided, which is considered to be acceptable and policy compliant. Parts of the site highway network would be made to an adoptable standard and details have been submitted to show that refuse vehicles can enter and turn within the site, although a number of dwellings would need to make their bins accessible to the refuse van at an identified bin collection point. In respect of the principle of the access point and likely vehicle generation, these would have been considered at the outline stage and, it is not considered that the proposal would be detrimental to highway safety and adequate parking provision, at least two spaces per plot, would be provided. As a result the application is deemed to comply with policies LPD57 and LPD61.
- 7.12 In respect of drainage a strategy has been supplied and indicates that below ground surface retention is proposed to the south of the site, which will then discharge at a controlled rate to an existing surface water drain. Conditions have been attached to the outline requiring further details to be approved, and a note will be added to this decision notice expanding on the detail required to discharge the condition, as outlined by the Lead Flood Authority, which should ensure that surface water will be adequately drained. Furthermore, the applicant has supplied additional information that indicates the retaining walls will have land drains behind them to stop surface water draining onto third

party land. As a result it is considered that through the information supplied thus far, and that to be approved through subsequent discharge of condition applications, the development is acceptable in respect of surface and foul water drainage and is deemed to comply with policy LPD4.

- 7.13 A number of other matters have been raised including whether the application site correlates with the outline permission; following receipt of an updated plan this has been addressed. Matters in respect of future maintenance of boundary treatments is a civil legal matter between relevant land owners. Updated information has been submitted in respect of ecology and the recommendations therein would need to be complied with to ensure compliance with the Wildlife and Countryside Act. A ransom strip is not a planning matter, rather a civil legal matter.

8.0 Conclusion

- 8.1 The principle of the development has been established following the grant of outline application 2018/1034 and fact that the site is allocated for residential development in the Local Planning Document. Access has already been approved with the internal access arrangements also now considered to be acceptable. The design of the dwellings is acceptable with a suitable mixture of materials and scale of properties, with public open space overlooked and residential amenity respected. Having regard to the above it is considered that the application complies with policies A and 10 of the Aligned Core Strategy; policies 4, 18, 32, 37, 48, 57, 61 and 68 of the Local Planning Document; policies NP3 and NP4 of the Burton Joyce Neighbourhood Plan and guidance within the NPPF.

Recommendation: to grant reserved matters approval, subject to the imposition of conditions, as set out in the report:

1. This permission shall be read in accordance with the application form and following list of approved drawings:
 - proposed location and block plans – P02 rev A
 - proposed site roof plan – P03 rev B
 - proposed ground floor site plan – P04 rev A
 - proposed site sections and street scene – P05
 - proposed services plan – P06
 - proposed site plan boundary treatments – P07 rev B

 - proposed floor plans - plot 1 – P10
 - proposed elevations - plot 1 – P11
 - proposed floor plans - plot 2 – P15
 - proposed elevations - plot 2 – P16
 - proposed ground floor plans - plots 4 & 5 – P20
 - proposed first floor plans - plots 4 & 5 – P21
 - proposed elevations - plots 4 & 5 – P22
 - proposed ground floor plans - plots 6,12, 14 – P25
 - proposed first floor plans - plots 6,12, 14 – P26
 - proposed elevations - plots 6,12, 14 – P27

proposed ground floor plans - plots 10 – P30
proposed first floor plans - plots 10 – P31
proposed elevations - plots 10 – P32

proposed floor plans - plots 13 – P35

proposed elevations - plots 13 – P36

proposed ground floor plans - plots 9 – P40

proposed first floor plans - plots 9 – P41

proposed elevations - plots 9 – P42

proposed ground floor plans - plots 11 – P45

proposed first floor plans - plots 11 – P46

proposed elevations - plots 11 – P47

proposed ground floor plans - plots 7 & 8 – P50

proposed first floor plans - plots 7 & 8 – P51

proposed elevations - plots 7 & 8 – P52

proposed garages 10, 6, 6 & 12 – P55

proposed garages 2 & 3, 13 & 14 – P56 rev A

proposed eaves and ridge details – P70

proposed boundary and guarding details – P71

proposed floor plans - plot 3 – P80

proposed elevations - plot 2 – P81

The development shall thereafter be undertaken in accordance with these plans/details.

2. No above ground works shall commence until samples of external facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
3. The proposed dwellings shall not be occupied until their respective parking areas / shared private drive have been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be constructed with provision to prevent the discharge of surface water from the parking areas / shared private drive to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.

4. Prior to the commencement of development, the tree protection, as outlined on drawing 'tree protection plan rev A' received on the 24th March shall be in situ and retained thereafter whilst development is on site

Reasons

1. For the avoidance of doubt.
2. To ensure that the character of the area is respected and to comply with policy ACS10 of the Aligned Core Strategy.
3. In the interest of highway safety and to comply with policy LPD61.
4. To ensure retained trees are protected during development and comply with policy LPD18.

Notes to Applicant

The Lead Flood Authority ask be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

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

1) Nottinghamshire County Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). Payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, and /or to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottsc.gov.uk

2) The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highway Authority the new roads and any highway drainage will be required to be provided in accordance with Highway Development Control's requirements for Nottinghamshire County Council as highway authority. The guidance can be found at: <http://www.nottinghamshire.gov.uk/transport/roads/highway-design-guide>

3) 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 by installing wheel washing facilities on site.

When details are submitted in respect of discharging condition 5 of outline permission 2018/1034, there would be a requirement to demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.

Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.

Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA

Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.

For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.

Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.

Please note that there is a requirement to comply with the Wildlife and Countryside Act and the recommendations contained in the Preliminary Ecological Appraisal dated June 2021 (ref: BG21.237), and subsequently submitted information, should be adhered to.