



Planning Report for 2020/1254



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:	2020/1254
Location:	Site of Highclere Lodge 73 Burton Road Carlton
Proposal:	Construction of 20 No. residential apartments
Applicant:	2FD Limited
Agent:	Terry Malpass Associates 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 dwellings.

1.0 Site Description

- 1.1 The site is a 0.13 hectare plot of land located at the corner of Burton Road and Highclere Drive, within the urban area of Carlton. The site was previously in use as a 28-bedroom care home, accommodated in a detached building of a traditional design with modern additions. This building was demolished circa 2017. The site is currently vacant and overgrown and is bordered by temporary heras fencing. Land levels slope upwards from Burton Road meaning that the site is on higher land than Burton Road.
- 1.2 There is a stone wall to the front of the site with the boundary of Burton Road as well as mature trees. Some of these trees are protected by a Tree Preservation Order (TPO). The site is located within Flood Zone 1, an area designated as being at a low risk from flooding. The site has also been identified as having the potential for archaeological remains to be present.
- 1.3 Neighbouring properties are predominantly residential. Properties along Highclere Drive vary in style. Properties along the north-west boundary of the site are modern maisonettes with larger detached properties along the opposite side of Highclere Drive. There are also residential properties immediately to the west of the site on Burton Road as well as on the opposite side of Burton Road. Neighbouring properties on Burton Road are well screened from the public highway by stone walling and mature trees. There is a commercial unit on the opposite side of Highclere Drive and there is also an area of public open space close by on Burton Road.
- 1.4 The part of Highclere Drive which borders the site is an adopted public highway. Highclere Drive turns into an unadopted road further beyond the site.

2.0 Relevant Planning History

- 2.2 **2017/0357PN** A prior notification was submitted in relation to the care home building on site in 2017 for “Demolition of building for re-development”. The Council determined that Prior Approval was not required for the demolition.

3.0 Proposed Development

- 3.1 Full planning permission is sought for the construction of 20 no. residential apartments.
- 3.2 This is to be located in a single building curved around the site running parallel to Highclere Drive and Burton Road. The building is to be set back from Highclere Drive, by 1 metre at its narrowest point so as not to interfere with the tree on the adjacent highway. The building is set back from Burton Road, between approx. 6.5 and approx. 10 metres so as to not interfere with the existing mature trees.
- 3.3 The building is predominantly 2.5-storeys in height with a small section at the corner of Burton Road and Highclere Drive having a lower ground floor element and making this part of the building appear as a 3.5-storey building. The building has a mansard roof.
- 3.4 Access is proposed from Highclere Drive. Courtyard / undercroft car parking is proposed with 16 no. car parking spaces (including 1 no. disabled space) as well as cycle parking.
- 3.5 Materials proposed are predominantly facing brick with a feature wall on the radial corner in metal cladding.
- 3.6 The scheme originally submitted was for 22 no. residential apartments in a flat-roofed building. However, various amended plans have been submitted throughout the application process and these are explained in detail in the “Assessment of Planning Considerations” part of this report.

4.0 Consultations

- 4.1 Arboricultural Officer – Following negotiations and the submission of amended plans, now raises no objections.
- 4.2 GBC Development and Economic Regeneration Manager – The proposal will require on site affordable housing provision of 20% and a local labour agreement.
- 4.3 GBC Scientific Officer – No objection subject to conditions regarding electric vehicle charging and a construction emission management plan.
- 4.4 GBC Parks and Street Care – State no comments
- 4.5 NCC Highways Officer – No objection to amended plans subject to conditions

- 4.6 NCC Tree Officer – originally raised concerns regarding the impact of the proposal on one of the trees located on the public highway. (The proposal has now been amended to overcome these concerns).
- 4.7 NCC Planning Policy – Request a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove.
- 4.8 Lead Local Flood Authority (LLFA) - No objection to amended plans which address their previous concerns. Originally objected due to insufficient information regarding surface water drainage.
- 4.9 The Environment Agency – No objection
- 4.10 Severn Trent Water – Provide advice regarding drainage
- 4.11 NHS Nottingham and Nottinghamshire Clinical Commissioning Group – No request for health care contributions as the proposal now falls below their threshold for contributions which is above 20 dwellings.
- 4.12 GBC Waste Services – No objection.
- 4.13 The Wildlife Trust – No comments received
- 4.14 Neighbours – Over the course of the application letters have been received by residents of 17 neighbouring properties. Concerns are;-

Residential Amenity

Overdevelopment of the site compared to the surrounding area
Highclere Drive is a small cul-de-sac - 20 new properties will change the character of the area.

Overshadowing

Overbearing

Overlooking

The apartments are of inadequate size

Little outdoor space

Additional noise and disturbance from the new development

Anti-social behaviour

Design

Overdevelopment of site / high density

The mansard roof is not in keeping with the surrounding area

A 3-storey building is out of keeping with the surrounding area

The design is out of keeping with the older housing in the area

Proposed materials are out of keeping

The proposal looks like an office block

Please ensure that all of the trees overhanging the site are taken into account

The building is too close to the pavement

A 2-storey building would be preferable

The previous building on site was in keeping with its surroundings

The proposal has no architectural merit

Existing trees must remain

Highway Safety

There is already significant on-street parking in the vicinity which causes a danger

Visitors and staff to the nearby health centre already park on Highclere Drive.

Insufficient car parking spaces provided by the development

Insufficient space for vehicle turning within the development

Part of Highclere Drive is a private road

There should be some regulated parking in the area

Other

Impact on ecology at the site

Impact on drainage

No objection to the site being developed sympathetically

The amendments that the developers have made are minimal

The developers do not care about local residents and only want profit

The developers are not local but are based in London

The developers have given the impression that the development will give back to local people

There are lots of apartment buildings close by / residential mix

These apartments are not affordable to local people

There are no electric vehicle charging points

The intended rental development will create transient residents in contrast to the long-established community

There are empty residential units close by which could be used

Small affordable family starter homes are what is needed

None of the residents' concerns are being taken into account

Existing residents are not getting good value for their rates

There are other places that this development could be built

Neighbour consultation has been inadequate

Believed that the previous building would be replaced with a 2-storey building

The area is covered by past coalmine workings

Bin storage area is inappropriately positioned

Target occupiers are not identified

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 2021 (NPPF), the additional guidance provided in the National Planning Practice Guidance (NPPG) and the National Design Guide.

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 (2021) 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 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well-designed places
Part 14 – Meeting the challenge of climate change, flooding and coastal change
Part 15 – Conserving and enhancing the natural environment

Paragraph 126 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 130 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 (ACS):

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”.

Policy 19 – Developer Contributions sets out that new developments will be required to meet the reasonable cost of new infrastructure required as a consequence of the proposal.

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

LPD4 – Surface Water Management states “all development proposals should, wherever possible, include measures to pro-actively manage 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.

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 30 – Archaeology states “where development is likely to affect an area of high archaeological potential or an area which is likely to contain archaeological remains, the presumption is that appropriate measures shall be taken to protect remains by preservation in situ. Where this is not justifiable or practical, applicants shall provide for excavation, recording and archiving of the remains by a suitably qualified person in accordance with the Chartered Institute for Archaeologists standards”.

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 36 – Affordable Housing states “Planning permission will be granted for new residential development on sites of 15 dwellings or more subject to the provision of affordable housing depending on the location of the sub-market ... The following percentage targets will be sought in the submarket through negotiation ... Carlton: 20%”

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.

- 6.5 Low Carbon Planning Guidance for Gedling Borough (May 2021) provides guidance on sustainable design and construction.
- 6.6 Affordable Housing Supplementary Planning Document (SPD) (December 2009)

7.0 Principle of Development

- 7.1 The site is located within the built-up area of Carlton where the principle of further residential development is considered acceptable by Policy LPD 40 (Housing Development on Unallocated Sites) which 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.

8.0 Design / Visual Amenity

- 8.1 On balance, I consider the design of the amended proposal to be acceptable and to not have an unacceptable impact on the character or visual amenity of the area.
- 8.2 The plans originally submitted proposed 22 no. apartments. Part of the originally proposed building was located right up to the back edge of the footpath of Highclere Drive and was also located within the canopies of both trees protected by a Tree Preservation Order (TPO) and a prominent highway tree (some of which were proposed to be removed to make way for the development). The building originally incorporated a flat roof but will now have a mansard on the upper floor.
- 8.3 The Planning Officer raised concerns with the design of the original scheme. Concerns were raised that the proposal represented an overdevelopment of the site and that the development left very little room for soft landscaping or open space making it appear at odds with surrounding dwellings which are set back from the road in larger plots. Concerns were also raised in relation to the proposed flat roof and the applicant was asked to consider introducing a mansard roof to enable the building to be more in keeping with the surrounding area whilst not adding any additional bulk to the building.
- 8.4 The Planning Officer also supported both the Arboricultural Officer's objection to the original proposal and the Nottinghamshire County Council's (NCC) Tree Officer's objection to the proposal. In particular, this was an objection to the removal of TPO trees to facilitate the development, as well as requesting further information regarding tree roots and the amount of work required to T1 (a prominent tree within the public highway graded as Category B1 in the Tree Survey submitted by the applicant) to make way for the development.

- 8.5 Following negotiations between the Planning Officer and the applicant, a number of amended plans were submitted. The final set of amended plans, which are currently being considered, show a reduction in the number of residential units proposed from 22 to 20, a reduction in and a re-siting of the building away from the TPO trees and T1 (the highway tree) and the incorporation of a mansard roof.
- 8.6 On balance, I do consider the design of the amended proposal to be acceptable and to not have an unacceptable impact on the character or visual amenity of the area. The site is viewed from both Burton Road and Highclere Drive. Properties along Highclere Drive vary in style. Properties along the north-west boundary of the site are modern maisonettes with larger, detached properties along the opposite side of Highclere Drive. There are also residential properties immediately to the west of the site on Burton Road as well as on the opposite side of Burton Road. Neighbouring properties on Burton Road are well screened from the public highway by stone walling and mature trees.
- 8.7 Whilst the building is a 2.5 – 3.5 storey building, due to land levels it sits no higher than immediate neighbouring properties. Both the eaves and ridge of the building are shown on the submitted cross sections to be lower than no. 71 Burton Road. Whilst the eaves are marginally higher than no. 3-5 Highclere, the ridge is lower. Notwithstanding the submitted plans, a condition regarding finished ground and floor levels should be attached to the grant of any planning permission to ensure that final levels are acceptable.
- 8.8 Both the Arboricultural Officer and the NCC Tree Officer have raised no objections to the current amended plans which allow for protected and other high grade trees to remain. This also means that the building is set back further from both Burton Road and Highclere Drive, meaning that the building no longer appears cramped within the plot with more open space surrounding.
- 8.9 The elevation design of the building itself is considered to be acceptable. The mansard style roof is preferable to a flat roof and does not add additional bulk to the building. Elevations are broken up by fenestration detailing. The prominent corner of the building has interesting design features such as a curved wall and contrasting materials. Materials proposed are predominantly facing bricks (precise details of which can be controlled by a planning condition) with the radial corner in vertical cladding. I raise no objections to the proposed materials. Facing brickwork is in keeping with the prominent material used in the immediate area. However, there are examples of contrasting materials used along Burton Road, including render and timber cladding.
- 8.10 Policy LPD 33 (Residential Density) states that;-

“Planning permission will not be granted for proposals for residential development of less than 30 dwellings per hectare.”

The amended scheme has a residential density of 153.84 dwellings per hectare which is clearly not less than 30 dwellings per hectare and therefore policy compliant.

Policy LPD 33 also states that;-

“Residential developments with higher densities will be supported provided that this reflects local characteristics and does not harm the character of the area.”

For the reasons stated in Section 8.6 of this report, I consider that the proposal does reflect local characteristics and does not harm the character of the area.

- 8.11 To conclude this section, I consider that the overall design and layout 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 33, 35 and 40.

9.0 Impact on Residential Amenity

- 9.1 I consider that the proposal will not have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 9.2 I do not consider that the proposal will cause unacceptable issues of massing / overshadowing, overbearing or overlooking onto neighbouring occupiers. This is primarily due to separation distances but also the location of the windows on the proposed building.
- 9.3 Concerns were raised by the Planning Officer part way through the application that granting planning permission for a building with main aspect windows in such close proximity to mature trees would create an unacceptable living amenity for the future occupiers of the building in terms of massing / overshadowing and also lead to pressure to fell the protected trees, impacting on the overall visual amenity of the area. In response to this concern, the applicant amended the scheme, re-locating the proposed building further away from the trees in question.
- 9.4 Nos. 3 and 5 Highclere Drive lie to the north-west of the site. The side elevation of this building is approx. 14.5 metres away from the side elevation of the proposed building. The side elevation of the proposed building contains no main aspect windows and, as such, there are no unacceptable issues of overlooking between the two buildings. Due to separation distances, I do not consider that the proposal will cause unacceptable issues of massing / overshadowing onto nos. 3 and 5 Highclere Drive. The proposed building does not project further forwards or rearwards of nos. 3 and 5 and, as such, there are no unacceptable issues of massing / overshadowing or overbearing onto the front or rear elevation of nos. 3 and 5.
- 9.5 No. 71 Burton Road lies to the west of the site. The side elevation of no. 71 is approx. 7.5 metres away from the side elevation of the proposed building. The side elevation of the proposed building contains no main aspect windows and, as such, there are no unacceptable issues of overlooking between the two buildings. Due to separation distances, I do not consider that the proposal will

cause unacceptable issues of massing / overshadowing onto no. 71 as the majority of their main aspect windows are located along their front and rear elevations. The proposed building does not project further forwards or rearwards of no. 71 by a significant amount and, as such, there are no unacceptable issues of massing / overshadowing or overbearing onto the front or rear elevation of no. 71.

- 9.6 Separation distances between the proposed building and properties on the opposite side of Highclere Drive are in excess of 20 metres. Even taking into account the 2.5 – 3.5 storey height of the building, this is considered a sufficient distance so as to not cause unacceptable issues of massing / overshadowing, overbearing or overlooking. This is particularly given the intervening public highway between these neighbouring properties and the site. Such distances are not unusual between the front elevations of two properties either side of a public highway.
- 9.7 Separation distances between the proposed building and properties on the opposite side of Burton Road are in excess of 30 metres. This is considered a sufficient distance so as to not cause unacceptable issues of massing / overshadowing, overbearing or overlooking. The site is also well screened to the front by the existing trees along the front boundary of the site.
- 9.8 Due to the layout of the proposed building and the location of proposed windows, I do not consider that there will be issues of overlooking, massing / overshadowing or overbearing between new properties.
- 9.9 All other existing neighbouring properties are considered to be a sufficient distance away so as to not be unacceptably affected by issues of massing / overshadowing, overbearing or overlooking.
- 9.10 Neighbours have raised concerns regarding additional noise and disturbance from the new development. However, I do not see why the development would cause unacceptable issues of noise and disturbance above what can be expected in an urban residential area.
- 9.11 Neighbours have also raised concerns that the proposal will cause anti-social behaviour. However, I do not see why the development would cause anti-social behaviour issues, it is for residential development in a residential area.
- 9.12 Another neighbour concern is that the addition of 20 no. units will change the character of Highclere Drive which is a small cul-de-sac. However, LPD37 does encourage a mix of house types within the local area. Furthermore, for reasons discussed throughout this report, the proposal is not considered to be an overdevelopment of the site nor is it considered to have an unacceptable impact on the amenity of neighbouring occupiers.
- 9.13 With regards to the amenity of future occupiers of the development, neighbours have raised concerns that the units are of an inadequate size. Whilst some of the units are only 1-bedroom apartments, I consider these to be of an adequate size. The 1-bedroom apartments proposed are between 36 and 60sqm and the 2-bedroom apartments proposed are between 53 and 80sqm. The housing mix is 15 1-bedroom apartments and 5 2-bedroom

apartments. Neighbours have also raised concerns that there is little outdoor space for residents. Much of the external space at the site is taken up by car parking to the rear. However, there are some areas of landscaping, particularly around the mature trees. There is also an area of public open space very close by on Burton Road.

- 9.14 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, 37, 40 and ACS8.

10.0 Highway Safety

- 10.1 Amended plans were submitted part way through the application to address concerns raised by both the Highway Authority and the Planning Officer. In particular, concerns were originally raised regarding the number of car parking spaces proposed to serve the number of residential units.
- 10.2 The original plans proposed 22 no. residential units and 16 no. car parking spaces. Access was proposed from Highclere Drive with all car parking located in a rear courtyard area. The part of Highclere Drive that borders the site is adopted public highway. Further past the site, Highclere Drive is an unadopted highway.
- 10.3 The original plans were considered to be contrary to LPD 57 and Appendix D of the Local Planning Document which states that for 1 and 2 bedroom flats unallocated car parking spaces should be provided at a ratio of 0.8 spaces per unit. As such, a minimum of 18 spaces would have been required to serve 22 units.
- 10.4 Advice was also provided to the applicant regarding visibility splays and the layout of parking spaces and turning areas.
- 10.5 Following negotiations, the applicant submitted amended plans to address these concerns. The number of units has been reduced from 22 no units. to 20 no units. 2 no. ground floor units have been removed from the scheme to make way for an element of undercroft car parking. This has been done so as to achieve the required number of car parking spaces for the development as well as an acceptable car parking and turning area layout.
- 10.6 The Highway Authority has raised no objection to the amended plans, subject to planning conditions. They are satisfied with the layout of the car parking area and visibility splays at the access. I see no reason to disagree with the professional advice of the Highway Authority.
- 10.7 Whilst a number of neighbours have raised objections to the level of car parking proposed to serve the development, the amended plans do comply with LPD 57 and Appendix D of the Local Planning Document which states that for 1 and 2 bedroom flats unallocated car parking spaces should be provided at a ratio of 0.8 spaces per unit. This means that for a development of 20 no. 1 and 2-bedroom apartments, 16 no. car parking spaces are required. This is what has been provided in the proposal.

- 10.8 Furthermore, the site is located within a sustainable location close to local facilities and public transport routes. A cycle store area is also proposed on site.
- 10.9 In summary, for the reasons stated above, I see no reason to disagree with the professional comments of the Highway Authority and consider that access and parking at the site are acceptable. I conclude that the proposed car parking provision is in accordance with LPD 57 and Appendix D of the Local Plan and that the proposed access arrangements comply with LPD 61.

11.0 Drainage / Flood Risk

- 11.1 The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The Environment Agency were consulted on the application but have raised no objections.
- 11.2 The Lead Local Flood Authority (LLFA) originally raised concerns with the proposal due to the absence of surface water drainage information. This objection was relayed to the applicant who subsequently submitted a Drainage Assessment and Plan. The LLFA has reviewed this additional surface water drainage information and found it to be acceptable. A condition can be attached to the grant of any planning permission ensuring that the development is carried out in accordance with the proposed surface water drainage information. Foul drainage will be dealt with through the Building Regulations process, should planning permission be granted.
- 11.3 For the reasons stated above, I consider that, subject to conditions, drainage at the site is acceptable and the proposal will not increase flood risk in the area. As such, the proposal is considered to be in accordance with Part 14 of the NPPF, Policy 1 of the ACS and LPD4.

12.0 Ecology

- 12.1 Part way through the application process, the Planning Officer requested that an Ecology Survey be submitted. Although the site is Brownfield land located within an urban area, the Planning Officer considered that there was a possibility for protected species to be present due to both the overgrown nature of the site and the presence of mature trees.
- 12.2 The applicant submitted an Ecology Survey from a qualified ecologist. This survey concluded that the site was sub-optimal for amphibians and bats and that there was no evidence of badgers on site. Planning conditions / informatives were recommended to protect any nesting birds that may be present at the site as well as the inclusion of bird boxes.
- 12.3 For the reasons stated above, I conclude that, subject to conditions, the proposal will not have an unacceptable impact on ecology and is in accordance with Part 15 of the NPPF.

13.0 Sustainability

- 13.1 In respect of the Low Carbon Planning Guidance for Gedling Borough the application has taken into account the relevant guidance and in particular, the checklist at Appendix 1, which is intended to be used in support of planning applications. The application proposes secure cycle parking within the rear amenity area and is close to local transport links, including bus stops and a train station as well as being close to local amenities. A number of mature trees are proposed to remain as part of the development and the site is well connected to nearby public open spaces such as Burton Road, Jubilee Park and Conway Road Recreational Ground. The scheme is intending to provide a full Sustainable Drainage System. As recommended in Section 17 of this report, conditions should be attached to the grant of any planning permission requiring electric vehicle charging points and bird nest boxes.

14.0 Planning Obligations

- 14.1 The application meets the trigger for a number of contributions to make the development acceptable in planning terms. To this end, the contributions sought from various statutory consultees are summarised below:
- Affordable housing – a total of 20% of the units would need to be affordable, this is 4 units, of which 3 would need to be affordable rent and 1 shared ownership;
 - Transport and travel – a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove.
 - Local Labour Agreement – A local labour agreement
- 14.2 All of the above contributions are deemed to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) which identifies the tests required to seek a planning obligation and guidance as outlined in paragraph 57 of the NPPF, , as well as ACS19.
- 14.3 A viability assessment has been submitted by the applicant in support of the application. This identifies that the scheme would not be viable with the level of contributions required (as set out above) as the scheme would have a residual figure of negative £383,955. This assessment has been independently assessed by the Valuation Office Agency, instructed by the Borough Council who has arrived at the same conclusion that the scheme would not be viable if any of the contributions sought were required. Although the Council commissioned assessment valued the negative residual land value at the lesser sum of £214,624, it was concluded that a developer would be unlikely to proceed if the contributions are sought.
- 14.4 Paragraph 58 of the NPPF identifies that in certain circumstances development can proceed with reduced contributions where it is demonstrated that through a site specific viability assessment *‘where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability*

evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force’.

- 14.5 It is therefore necessary to consider whether the development can be supported on the basis of no contributions and whether such development could be considered to be ‘sustainable development’, the delivery of which is a key objective of national and local planning policies.
- 14.6 With regards to affordable housing, paragraph 5.3 of the Gedling Borough Council Affordable Housing SPD sets out the requirements for planning obligations in respect of affordable housing. In this instance, having taken into account the conclusions of the independent assessment, it is accepted that affordable housing would make the development unviable. It would therefore be unreasonable to insist on its inclusion. Paragraph 11.2.6 of LPD 36 acknowledges that the requirements for affordable housing as set out in the Affordable Housing SPD may make a development unviable and where this is the case the SDP confirms that a lower requirement of affordable housing contribution may be justified provided sufficient evidence regarding all potential sources of funding has been provided and a viability assessment has been undertaken by the Council which demonstrates this.
- 14.7 With regards to transport and travel, the County Council has requested a developer contribution of £8,000 for improvements to the two bus stops denoted as GE0055 Manor Crescent and GE0204 Redland Grove. Given that the development is unviable, it is considered that it can reasonably proceed in the absence of such a contribution as there are existing bus stops in situ to serve the development
- 14.8 The position in respect of the viability assessment has also been assessed by an independent party and therefore, the shortfall in respect of affordable housing provision and financial contributions in relation to transport and travel is, in this instance, considered to be justified.
- 14.9 However, there is always the possibility of changes in market circumstances. Therefore, it is considered that a review mechanism should be secured as a planning obligation through a s106 agreement. The mechanism would provide that if development is not above ground level within 12 months from the date of decision notice, then the scheme would need to be re-assessed to determine whether or not the scheme has become more profitable and can make financial contributions towards off-site affordable housing and transport. The Local Labour Agreement could also be secured as a planning obligation through the same s106 agreement. The applicant has agreed in principle to such a legal agreement.

15.0 Other Issues

- 15.1 The site is located within a former coal mining area and, as such, the standard coal mining informative should be attached to the grant of any planning permission providing advice for building in a former coal mining area.
- 15.2 I agree with the Council’s Scientific Officer that conditions should be attached to the grant of any planning permission regarding a Construction Emission

Management Plan and electric vehicle charging points. This is in accordance with Policy LPD11 as well as the NPPF.

- 15.3 The site has also been identified in the Gedling Local Planning Document as having the potential for archaeological remains to be present. No archaeology information has been submitted in support of the application. However, I consider that a standard condition regarding an archaeological watching brief should be attached to the grant of any planning permission. This is to secure a method of preserving archaeological remains by record if any should be found at the site during the construction phase and would comply with policy LPD30.
- 15.4 A communal bin storage area to serve the development is proposed within the rear amenity area. This measures approx. 10.5 sqm. Gedling Borough Council's Waste Services team has assessed this element of the proposal and found it to be acceptable for the level of development proposed. I see no reason to disagree with their professional opinion.
- 15.5 The majority of neighbour concerns have been addressed throughout the main body of this report. However, the remaining neighbour concerns are addressed below.
- 15.6 Some neighbours consider that the amendments which the developers have made are minimal. However, I do consider that the amended scheme complies with the relevant planning policies, as explained throughout this report.
- 15.7 Local residents have raised concerns that this development is not for the local community but is only being carried out because the developers want a profit. I acknowledge that private developments are carried out because the developer is a business and purpose of a business is to make a profit. This is not a reason to refuse a planning application. The units proposed are market housing which will be available to purchase on the open market to anyone (including local people). As mentioned earlier in this report, a local labour agreement will be secured through a Section 106 legal agreement.
- 15.8 Another neighbour concern relates housing need and the fact that there are lots of apartments close to this site already built, there are empty residential units close by which could be used and that small affordable family starter homes are what is needed in this area. Issues of housing mix have already been assessed in this report. There is a demand for new housing nationwide, including within Gedling Borough.
- 15.9 Neighbours have raised concerns that the target occupiers are not identified or that this is an intended rental development which is in contrast to the current long-established community in the area. The applicant has stated on the submitted application forms that the units are all market housing. There is no requirement for the applicant to state whether these are intended for sale or for rent and such tenure would not be assessed differently against planning policies in any case.

- 15.10 Some local residents state that they were lead to believe that the previous building would be replaced with a 2-storey building. However, this application proposes a 2.5 -3.5 storey building. This current proposal has been assessed against relevant planning policies throughout the main body of this report, and I can see no reason to refuse the application on these grounds.
- 15.11 Some neighbours believe that there are other places that this development could be built. This may be true. However, this current planning application has been submitted for this specific site. The proposal on this site has been assessed against relevant planning policies throughout the main body of this report, and is considered to be policy complaint.
- 15.12 Council Tax rates is not a material planning consideration that can be given significant weight in the decision making process.
- 15.13 Parts of Highclere Drive may be a private road but access over it would be a civil legal matter. Whether parking restrictions should be put in place for the area is a matter for the Highway Authority, Nottinghamshire County Council; however, no concern has been raised in this regard.
- 15.14 I am satisfied that neighbour consultation has been adequately carried out in accordance with the Town and Country Planning (Development Management Procedure) England Order 2015.

16.0 Conclusion

- 16.1 The proposed development is consistent with local and national planning policies. The principle of development is acceptable in this urban area. The design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or 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 overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8, 10 and 19 of the ACS, Policies LPD 4, 11, 30, 32, 33, 35, 36, 37, 40, 57 and 61 of the LPD, Gedling Borough Council's Affordable Housing SPD and Low Carbon Planning Guidance for Gedling Borough.

17.0 Recommendation: GRANT PLANNING PERMISSION: Subject to the owner entering into planning obligations secured through a s106 agreement with the Borough Council as the Local Planning Authority and the County Council as the Local Highway Authority to secure a local labour agreement and provide for a review of viability of the development if development is not above ground level within 12 months from the date of decision notice and to secure planning obligations in respect of affordable housing and a financial contribution towards travel and transport if the development becomes more viable; and subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development hereby permitted shall be completed in accordance with the submitted documents;-

Application Forms, received 10th December 2020

Drawing no. 08 Rev E "Elevations & Site Section Sheet 1," received 7th September 2021

Drawing no. 09 Rev E "Elevations & Site Section Sheet 2," received 7th September 2021

Drawing no. 10 Rev E "Elevations & Site Section Sheet 3," received 7th September 2021

Drawing no. 05 Rev C "Proposed First Floor Plan," received 7th September 2021

Drawing no. 04 Rev E "Proposed Ground Floor and Site Plan," received 7th September 2021

Drawing no. 03 Rev C "Proposed Lower Ground Floor," received 7th September 2021

Drawing no. 07 Rev D "Proposed Roof Plan," received 7th September 2021

Drawing no. 06 Rev C "Proposed Second Floor," received 7th September 2021

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

- 3 No above ground construction works shall commence until samples of the proposed external facing materials to be used in the construction of the development have been submitted to, and approved in writing by, the Local Planning Authority and the development shall only be undertaken in accordance with the materials so approved and shall be retained as such thereafter.
- 4 No unit shall be occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the buildings are first occupied.
- 5 No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved prior to the first occupation of the development. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to

enhance the nature conservation value of the site, including the use of locally native plant species;

an implementation and phasing programme; and

hard surfacing materials.

- 6 No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed to serve the access in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
- 7 No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 19-20-A1 04 Rev E are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections and the area within the splays remain in grass or tarmac only, with no wall constructed in front of the apartments labelled as G1, G2 and G3 on the approved plans.
- 8 No part of the development hereby permitted shall be brought into use until the existing site accesses on Highclere Drive that has been made redundant are permanently closed and the access crossings are reinstated as footway and full height kerbs in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.
- 9 No part of the development hereby permitted shall be brought into use until the site access is surfaced in a hard-bound material (not loose gravel). The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
- 10 No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the drive to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
- 11 No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 19-20-A1 04 Rev E. The parking and 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 and turning and loading and unloading of vehicles.
- 12 Prior to occupation, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable. All EV charging points shall be clearly marked with their purpose.
- 13 Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be

submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.

- 14 No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted to and approved in writing by the local planning authority.
- 15 No part of the development hereby permitted shall be brought into use until the means of surface water disposal has been implemented in accordance with the submitted plan entitled "Drainage Strategy" and the accompanying drainage information. Such surface water disposal details shall remain for the lifetime of the development.
- 16 No development shall be commenced until a scheme for an Archaeological Watching Brief has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out by a qualified archaeologist or archaeological body approved by the Local Planning Authority. Within 3 months of completion of the excavation works, a summary report shall be submitted to the Local Planning Authority and the results of the 'Watching Brief' shall also be made available for inclusion in the archive of information of Nottinghamshire County Council's ' Sites and Monuments Record'.
- 17 No building on site shall be occupied until details of bird nest boxes have been submitted to and approved in writing by the local planning authority. The nest boxes shall then be installed, prior to occupation, in accordance with the approved details and retained thereafter for the lifetime of the development.
- 18 The development hereby permitted shall be carried out in accordance with Section 4 of the submitted Protected Species Report, received by the Local Planning Authority 24th February 2021.
- 19 No development shall be commenced until the trees shown to be retained on drawing number CP 2238A/01 (Figure 4), Revision: 01 Revised Arboricultural Method Statement dated 28th July 2021, as updated by and to be read in accordance with Drawing no. 04 Rev E "Proposed Ground Floor and Site Plan (showing the proposed building to be re-sited away from T1), have been protected by the following measures:
 - a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
 - b) no development (including the erection of site huts) shall take place within the crown spread of any tree;

c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;

d) no services shall be routed under the crown spread of any tree

e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site.

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 visual amenity
- 4 In the interests of visual amenity
- 5 In the interests of visual amenity
- 6 In the interests of highway safety
- 7 In the interests of highway safety
- 8 In the interests of highway safety.
- 9 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
- 10 To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
- 11 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration Chapter 9 of the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 13 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 14 In the interests of residential and visual amenity.

- 15 To ensure the site is suitably drained and to comply with policy LPD4.
- 16 To ensure that satisfactory account is taken of the potential archaeological interest of the site.
- 17 In the interests of maintaining and enhancing biodiversity.
- 18 In the interests of maintaining and enhancing biodiversity.
- 19 To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

Reasons for Decision

The proposed development is consistent with local and national planning policies. The principle of development is acceptable in this urban area. The design, scale and layout of the proposal is considered to be acceptable and does not have an unacceptable impact on the character or 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 overlooking or massing / overshadowing. Parking and access at the site is acceptable. The proposal will not increase flood risk in the area nor will it have an unacceptable impact on ecology in the area. It is considered that the proposal is appropriate for its context and is in accordance with the NPPF, Policies A, 1, 8, 10 and 19 of the ACS, Policies LPD 4, 11, 30, 32, 33, 35, 36, 37, 40, 57 and 61 of the LPD, Gedling Borough council's Affordable Housing SPD and Low Carbon Planning Guidance for Gedling Borough.

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 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

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

With regards to condition 15 - Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard

13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared 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).

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.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2021). Negotiations have taken place during the determination of the application to address adverse impacts identified by officers. Amendments have subsequently been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.