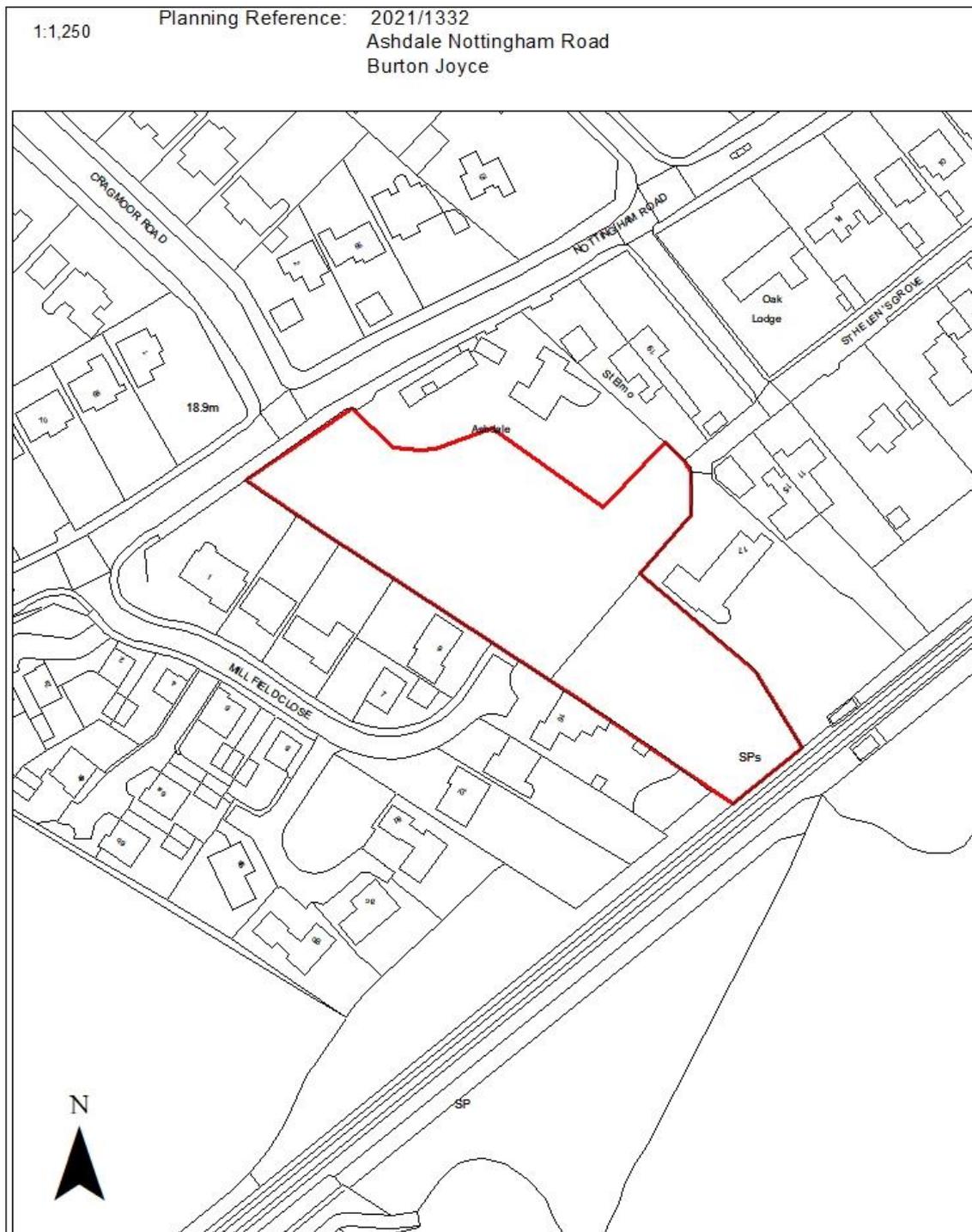




Planning Report for 2021/1332



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.
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Report to Planning Committee

Application Number:	2021/1332
Location:	Ashdale Nottingham Road Burton Joyce
Proposal:	Approval of reserved matters, appearance and landscaping, pursuant to outline permission 2021/1464 for the erection of 11 dwellings.
Applicant:	Gedling Borough Council
Agent:	
Case Officer:	Alison Jackson

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

1.0 Site Description

- 1.1 The application site relates to land at 'Ashdale' Nottingham Road, Burton Joyce. The site comprises approximately 0.568 hectares of land which currently forms part of the large curtilage serving Ashdale, a two storey detached Victorian property. The substantial garden to the dwelling surrounds the property to the east, south and west. The dwelling itself, together with associated outbuildings, is situated to the northern corner of the plot. The site lies within the village envelope of Burton Joyce. Access to the site is via a driveway leading from Nottingham Road.
- 1.2 The site is mainly laid to lawn however there are a number of trees on the site which are protected with Tree Preservation Orders (TPO's), together with shrubs and other planting. The site is overgrown in part.
- 1.3 The site is surrounded by existing residential properties situated at St Helens Grove to the north and north east and residential properties on Mill Field Close which are to the south and south west. Mill Field Close is a cul-de-sac with the turning head to the cul-de-sac adjoining the southern boundary of the application site. To the south east the site is bounded by a railway line.
- 1.4 The site is situated within an area at risk of flooding.

2.0 Relevant Planning History

- 2.1 Application 2020/0238 was an outline application for the erection of 11 dwellings with the matters of access, layout and scale being considered; other

reserved matters (appearance and landscaping) were for consideration at a later date. The application was considered by Planning Committee on the 2nd December 2020 where it was resolved to grant planning permission subject to a Section 106 Agreement which was subsequently entered into by the Owner with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority and secured financial contributions towards open space, education and a local labour agreement. The decision notice was issued on the 11th August 2021.

- 2.2 Application 2021/1464 was for the 'variation of conditions 3 (approved drawings), 4 (highways) and 18 (trees) of planning permission 2020/0238 (An outline application for 11 new dwellings with matters of access, scale and layout under consideration)'. The application was considered at the Planning Committee of the 12th October 2022 where it was resolved to grant planning permission subject to the completion of a Section 106 that secured the same contributions to the original outline permission, 2020/0238, as well as securing planning obligations in respect of the maintenance of the main road into the site, which is no longer to be adopted by the Highway Authority. The amended Section 106 Legal Agreement is nearing completion and the decision notice should be issued prior to the Planning Committee meeting of 30 November. A verbal update will be provided at the Planning Committee meeting on the status of planning application 2021/1464.

3.0 Proposed Development

- 3.1 This reserved matters application seeks the approval of appearance and landscaping, pursuant to outline permission 2021/1464, and is for the erection of 11 dwellings.
- 3.2 Details submitted in support of the application include a landscape plan, highlighting trees to be retained and additional planting proposed, primarily to the front of plots. In terms of appearance, full elevation drawings have been supplied and show that the majority of dwellings will be constructed of red brick. Stone detail is proposed around the window of a number of properties and render focal points on a small number of properties too.

4.0 Consultations

- 4.1 Burton Joyce Parish Council – No comments received.
- 4.2 Tree Officer – notes that the tree report is the same as submitted with application 2021/1464 and that the details therein have been secured by condition at the outline stage.

4.3 Members of the Public

A press notice was published, a site notice displayed and neighbour notification letters posted. As a result of consultations undertaken a total of 4 neighbour letters have been received, a number raising concerns about the proposal, these comments are summarised below:

- Trees on the application site that overhang neighbouring properties should be pollarded as a matter of urgency;
- The use of render on plots 4 and 5 is not appropriate, they should be red brick, like the other units;
- Plot 11 is at an odd angle and should be slightly re-sited so as to reduce its prominence from neighbouring properties;
- The siting of plot 9 is not as welcome as it was on the previously approved scheme;
- A footway should be retained from the plot on to St Helens Grove;
- More trees should be retained on site to protect the character of the area and residential amenity;
- Pedestrian and highway safety could be compromised given the increase in movements in the locality.

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) 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 both this and the previous outline application:
- 6.2 National Planning Policy Framework 2021 (NPPF)

The National Planning Policy Framework sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 8 (promoting healthy and safe communities), 9, (promoting sustainable transport) 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

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

The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of both this and the outline application:

- 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.
- Policy 18: Infrastructure – sets out the approach to ensure new development is supported by the required infrastructure and the appropriate stage.
- Policy 19: Developer Contributions – set out the criteria for requiring planning obligations.

6.4 Local Planning Document (Part 2 Local Plan)

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

- LPD 3: Managing Flood Risk – states permission will be granted for development in areas at risk of flooding providing a sequential test is undertaken and there is no increase in risk of flooding on the site or elsewhere.
- LPD 4: Surface Water Management – sets out the approach to surface water management.
- LPD 7: Contamination – states that permission will be granted for development on land potentially affected by land contamination provided the contamination is treated, contained or controlled.
- 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 – encourages measures to deliver biodiversity enhancements to be included into developments.
- 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 34: Residential Gardens – states development involving the loss of residential garden will not be permitted unless the development represents a more efficient use of land.

- 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 40: Housing Development on Unallocated sites – states planning permission will be granted for residential development subject to design, impact and appropriate provision of parking.
- LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.
- 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.

6.5 Burton Joyce Neighbourhood Plan (BJNP)

Burton Joyce Neighbourhood Plan adopted on the 10th January 2019. The following policies are therefore relevant to the determination of both this and the outline application:

- NP1: Spatial Strategy – states that development proposals will be supported where they result in sustainable development.
- NP2: Protecting the Landscape Character of Burton Joyce and Enhancing Biodiversity – states development is required to demonstrate that it does not result in a significant impact into the landscape and biodiversity is protected and enhanced.
- NP3: Design Principles for Residential Development – sets out what design principles are expected for development.
- NP4: Mix of Housing Types – sets out that housing schemes should deliver a mix of housing

6.6 Other

Parking Provision for Residential and non-Residential Developments – Supplementary Planning Document 2022 – 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 application site benefits from outline planning permission 2021/1464 and this application is for the approval of reserved matters pursuant to that outline. Therefore, the principle of development is supported with the matters under

consideration being appearance and landscaping, which are considered in turn below.

Appearance

- 7.2 The external appearance of the dwellings would be appropriate in the context having regard to the built form that the site will be accessed from, Millfield Close, which are more modern properties, as well as the more traditional built form, the original host dwelling, Ashdale. The more modern dwellings are red brick in form, typically two-storey and set within reasonably sized plots. Ashdale formerly had a large extended garden, which now forms part of this application site, it is a large dwelling that is predominately brick with some outbuildings having a render finish.
- 7.3 The elevation treatments would have stone detail around windows, which are seen in more traditional areas of the village. Brick detail around the eaves is also proposed on some units and is seen in Ashdale, the host dwelling to the front of the site. Red brick is to be the main building material, with what appear grey tiled roofs. Samples of materials to be used is something that can be controlled by condition to ensure that they are appropriate in the context, and is proposed. Concern has been expressed about the use of render on the first floor of plots 4 and 5; however, a mix of materials is not out of character with the area, with an outbuilding at Ashdale having a render finish, and such a material is considered appropriate in this context.
- 7.4 As a result, the appearance of the dwellings are considered to be acceptable and are reflective of those indicatively submitted with the outline application. The application is, therefore, deemed to comply with policies ACS10, LPD40 and NP3.

Landscaping

- 7.5 Within the submitted Arboricultural Report and Impact Assessment trees to be retained are identified and a condition is attached to the outline to ensure trees subject of a preservation order have appropriate fencing around them. On the site layout indicative planting is shown to the front of plots within the public domain; none is shown in the rear gardens, save that they will be lawned, and planting in the rear gardens will largely be down to the occupiers' discretion. No planting schedule has been submitted in support of the application to specifically identify what trees and plants or their sizes are to be put in situ, and this would need to be controlled via condition. However, based on the trees to be retained and the additional specimens to be planted, which would include both trees and more domestic scale planting, it is considered that the landscaping as indicated is acceptable and, subject to conditions, deemed to comply with policies ACS10, ACS17, LPD18, LPD19 and NP2.

Planning obligations

- 7.6 Planning obligations were secured through the original outline planning permission of 2020/0238 and this secured financial contributions towards education, open space, and a local labour agreement. This application is

made pursuant to outline planning permission 2021/1464, which has secured the aforementioned contributions, as well planning obligations in respect of the maintenance of the private drive.

Other considerations

- 7.7 A number of concerns have been raised by local residents in respect of highway matters and the orientation of dwellings. However, highway matters and the siting of dwellings have been previously approved at the outline stage and are considered to be acceptable. Matters in respect of trees are acceptable having regard to the submitted arboricultural report and the maintenance of them is a matter for the site owner. A private pedestrian link through the site is a private rather than public matter.
- 7.8 It is noted that Ashdale, or 5 St Helens Grove, is designated as a Local Interest Building or non-designated heritage asset; given the relationship between the existing dwelling and proposed development, including the appearance of the dwellings, it is not considered that the setting of the property would detrimentally be impacted.

8.0 Conclusion

- 8.1 The principle of the development has been established following the grant of outline planning permission 2021/1464, with access, layout and scale having already been approved. The details submitted in respect of landscaping and appearance are acceptable having regard to the built form that surrounds the site and details submitted. Landscaping details are also acceptable and will provide protection for protected trees and enhancements through additional landscaping. The reserved matters application is, therefore, deemed to accord with the objectives of the relevant planning policies set out in the National Planning Policy Framework, Aligned Core Strategy, Local Planning Document and Burton Joyce Neighbourhood Plan.

Recommendation: GRANT RESERVED APPROVAL subject to the following conditions for the reasons set out in the report.

Conditions

- 1 This permission shall be read in accordance with the application form and following list of approved drawings:
 - KIN-01 Plot 11 Floor Plans
 - KIN-02 Plot 11 Elevations
 - GLA-01 Plot 10 Floor Plans
 - GLA-02 Plot 10 Elevations
 - CAR9-01 Plot 9 Floor Plans
 - CAR9-02 Plot 9 Elevations
 - CAS8-01 Plot 8 Floor Plans
 - CAS8-02 Plot 8 Elevations
 - ERR7-01 Plot 7 Floor Plans
 - ERR7-02 Plot 7 Elevations
 - HOLL-01 Plot 6 Floor Plans
 - HOLL-02 Plot 6 Elevations

BRAD-01 Plots 4 and 5 Floor Plans
BRAD-02 Plots 4 and 5 Elevations
BRO-01 Plot 3 Floor Plans
BRO-02 Plot 3 Elevations
ERR2-01 Plot 2 Floor Plans
ERR2-02 Plot 2 Elevations
ERR1-01 Plot 1 Floor Plans
ERR1-02 Plot 1 Elevations
G01 Garage Type 1 Plans and Elevations
G02 Garage Type 2 Plans and Elevations
G03 Garage Type 3 Plans and Elevations
153 /A-NR-BJ/ PL-1 Planning Layout as Proposed
GL1661 01 Landscape Management Plan

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

- 2 Prior to above ground works commencing details of materials to be used in the external appearance of the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details as approved.
- 3 Prior to the commencement of development, a scheme of landscaping showing the location, species and size of specimens to be planted shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species.
- 4 No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling

Reasons

- 1 For the avoidance of doubt.
- 2 To ensure that the character of the area is respected and to comply with policies ACS10 and NP2.
- 3 To ensure that the character of the area is respected and to comply with policies ACS10 and NP2.

- 4 To ensure that the character of the area is respected and to comply with policies ACS10 and NP2.

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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 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