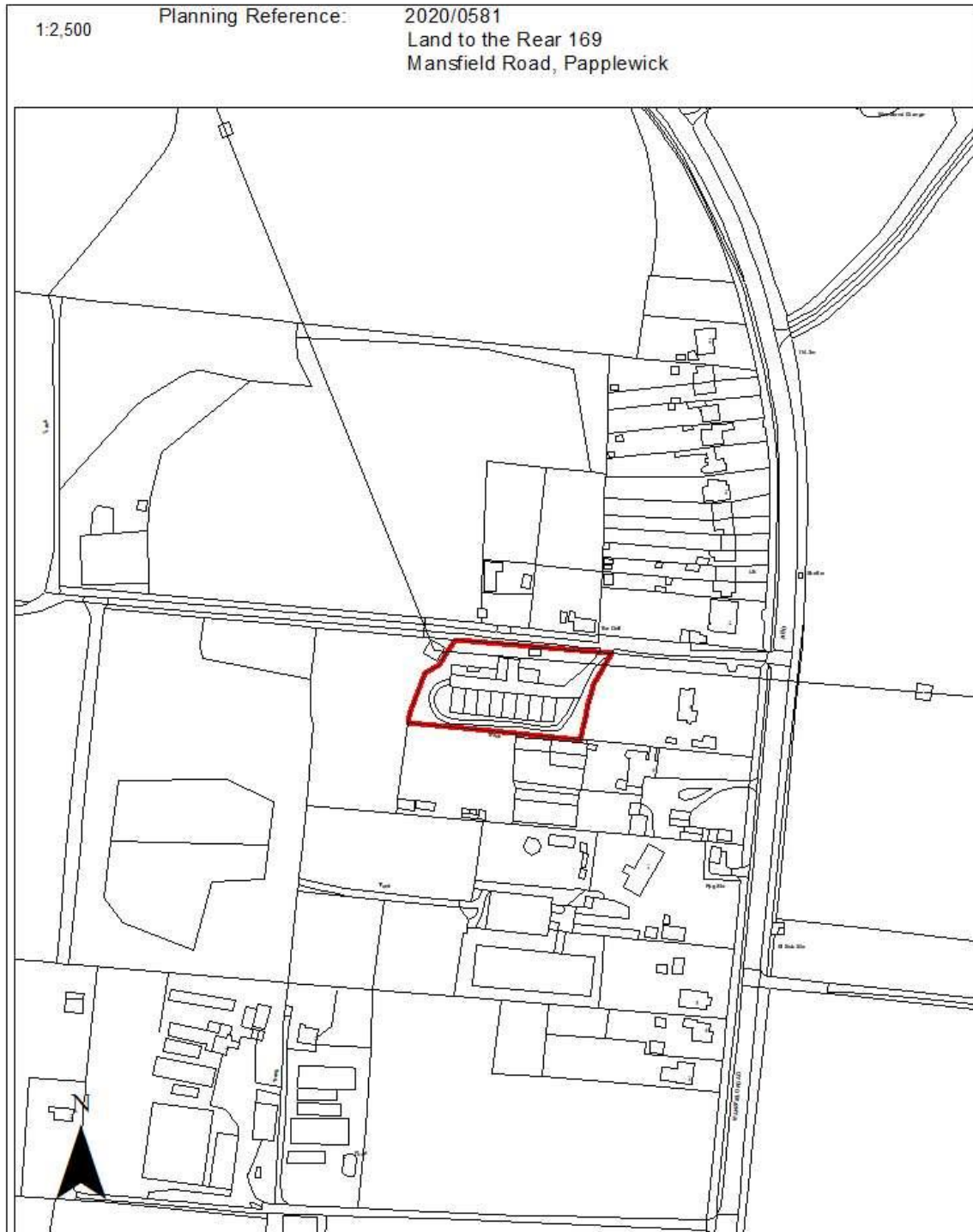




Planning Report for 2020/0581



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:	2020/0581
Location:	Land To Rear 169 Mansfield Road Papplewick
Proposal:	Demolition of buildings (single storey arched and flat roof structures) and proposed 5no 3 bedroom bungalows.
Applicant:	KML Property Developments
Agent:	SJI Designs Ltd
Case Officer:	Joe Davies

The application has been referred to Planning Committee by the Planning Delegation Panel so the highway impacts and openness of the Green Belt can be assessed.

1.0 Site Description

The application relates to a site currently with a lawful use for commercial storage (within use class B8 of the The Town and Country Planning (Use Classes) Order 1987 (as amended)). Built form is comprised of single storey buildings, the majority of which have a brick front/rear with a corrugated roof, similar in style to polytunnels or Nissen huts; there are 8 in total and they are sited toward the centre of the site. Towards the northern boundary are smaller and more modest single storey flat roof structures, with a driveway providing access off the adjoining un-adopted farm track that connects to Mansfield Road (A60). The site has an area of 0.36ha and the buildings – all single storey, have a cumulative floor area of 743.56sqm.

Neighbouring properties are comprised of residential properties to the north and east and farm fields to the south and west.

2.0 Relevant Planning History

- 2.1 2016/1157 – Certificate of Lawfulness granted for existing use of the land and buildings for commercial storage.

3.0 Proposed Development

- 3.1 The application seeks full planning permission to demolish the existing buildings and erect 2No. pairs of semi-detached bungalows and 1No. detached bungalow. The proposed layout comprises a single access point to

the north to all plots that would be set to the south and east side of the site and a meadow area to the north-west.

Plot 1 – L-shaped footprint measuring 13.37m x 20.0m; pitched roof measuring 2.24m to eaves and 3.7m to ridge; 3 bedrooms;

Plots 2 & 5 – L-shaped footprint measuring 12.28m x 17.86; pitched roof measuring 2.3m to eaves and 3.4m to ridge; 3 bedrooms;

Plots 3 & 4 – footprint measuring 8.99m x 15.33; pitched roof measuring 2.33m to eaves and 3.8m to ridge; 3 bedrooms.

The following were submitted with the proposal:

- Bat Activity Survey;
- Biodiversity Net Gain Metric Report;
- Arboricultural Report;
- Ecology Report.

4.0 Consultations

- 4.1 The Highways Authority – No objections subject to conditions regarding access width, hard surfacing and bin collection point.
- 4.2 Cadent – Cadent Gas Limited must be notified of certain demolition works and before demolition, all practicable steps must be taken to prevent danger to persons.
- 4.3 Papplewick Parish Council – Concerns regarding the access and whether the road is wide enough; concerns that this may lead to further development on pieces of land off the access road which would be excessive; the policies within the Neighbourhood Plan should be considered; the removal of the trees is not supported; border trees and hedges should be planted around the site perimeter and between properties; a plan should be submitted showing how the biodiversity is to be improved by 10% and the buildings should be surveyed for presence of bats.
- 4.4 Notts Wildlife Trust – No comments to provide due to the scale of the development.
- 4.5 Public Protection – No objection subject to conditions regarding air quality, a construction emissions management plan and land contamination.
- 4.6 Arboricultural Officer – Agree with the report submitted by Amber Arboricultural Consultancy in that the trees identified for removal as part of the development process do not hold significant public visual amenity value, specifically from Mansfield Road; however in their own right do contribute to the local landscape. The loss of the trees can be compensated by adequate landscaping, which should reflect the indigenous nature of the trees to be removed and provide long term and significant screening the site access. The trees to be retained on site should be protected as directed within the Amber Arboricultural Consultancy report which should be used as a non-standard condition of development including site monitoring.

- 4.7 Adjoining Neighbours have been notified by letter and a Site Notice posted. Three letters of representation have been received as a result from two neighbouring properties, raising the following concerns:
- Overlooking;
 - The access drive is not wide enough for this development;
 - Highway safety;
 - The maintenance of the access track;
 - Noise and disturbance.

Following submission of revised proposed plans, adjoining neighbours and the Parish council were re-consulted. One further letter of representation was received as a result, raising the following concerns:

- Impact on wildlife.

5.0 Relevant Planning Policy

- 5.1 The following policies/documents are relevant to this proposal:
- National Planning Policy Framework (2021) (NPPF): 5.Delivering a sufficient supply of homes; 12.Achieving well-designed places; 13.Protecting Green Belt land; 15.Conserving and enhancing the natural environment;
 - Gedling Borough Aligned Core Strategy: Policy 10 – Design and Enhancing Local Identity; Policy 8 – Housing Size, Mix and Choice.
 - Parking Provision for Residential and Non-Residential Development: SPD (February 2022).
 - Low Carbon Planning Guidance for Gedling Borough (May 2021)

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 7 Contaminated Land;
- LPD 11 – Air Quality;
- LPD 18 – Protecting and Enhancing Biodiversity;
- LPD 19 – Landscape Character and Visual Impact;
- LPD 32 – Amenity;
- LPD 35 – Safe, Accessible and Inclusive Development;
- LPD 40 – Housing Development on Unallocated Sites;
- LPD 57 – Parking Standards;
- LPD 61 – Highway Safety.

The Papplewick Neighbourhood Plan was adopted in July 2018 and covers the period 2017-2028. Relevant policies are outlined below;

Policy 2 – The Natural Environment
Policy 3 – Setting of Papplewick
Policy 7 – Local Distinctiveness of Papplewick
Policy 12 – Highway Impact

6.0 Planning Considerations

6.1 Section 38(6) of the Town and Country Planning Act indicates that development shall be determined in accordance with the development plan, unless other material considerations indicate otherwise, with the Local Planning Document forming part of the development plan. In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- i. Green Belt;
- ii. Impact on the Landscape Character;
- iii. Impact on residential amenity;
- iv. Highways safety and off-street parking provision;
- v. Biodiversity; and
- vi. Air quality and land contamination.

Green Belt

6.2 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 138 goes on to state the five purposes of Green Belt:

- a) to check the unrestricted sprawl of large built up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt with a few exceptions of which one is relevant to this proposal – g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development.

The scheme proposes the complete redevelopment of the site for residential purposes of 5 bungalows in detached and semi-detached formation. The proposed bungalows would have a cumulative floor space of 728.54sqm and maximum ridge height of 3.8m whilst the existing buildings have a cumulative floor space of 743.564sqm and maximum ridge height of approximately 4 metres, particularly the huts have a maximum height of 3.8m.

Given the current use of the site for storage purposes, confirmed by a certificate of lawful development, the land is considered previously developed

land and given the proposed use, scale and cumulative floor space, it is considered the proposed scheme would be appropriate development in the Green Belt as it would not have a greater impact on the Green Belt than the existing development. Whilst the proposed built form would be more spread throughout the site than the existing buildings, it is considered there is scope for other improvements and gains from the proposed layout, including a wild meadow area. The proposal is therefore in accordance with the NPPF Section 13 and Policy 3 of the ACS.

Impact on the Landscape Character

- 6.3 The application has been assessed against the Landscape Character Assessment (LCA) which assists decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the Borough and contains information about the character, condition and sensitivity of the landscape.

The site falls within landscape zone S PZ 3 – Papplewick Wooded Estatelands, where the main actions should be to conserve and reinforce. Whilst the proposal is to completely redevelop the site for residential purposes, this gives the opportunity to provide the site with hedgerows and deciduous species trees in a layout that would conserve the existing field pattern of the area and together with the proposed style and scale of the built form it is considered the proposal would reinforce the vernacular style of buildings by replacing the existing huts and other buildings on site with bungalows of an appropriate style and design for this rural area.

It is therefore considered the proposed scheme, by virtue of its scale, design and layout, would conserve and enhance the landscape character of the area, in line with the landscape strategy identified in S PZ 3 Papplewick Wooded Estatelands. The proposal is therefore in accordance with Section 12 of the NPPF, Policy 10 of the ACS, policies LPD 19 and LPD 35 of the Local Planning Document and Policy 3 of the Papplewick Neighbourhood Plan.

Impact upon residential amenity area

- 6.4 Neighbouring properties are located to the north and east, at considerable distance from the proposed dwellings and given the proposed dwellings would be single storey and would be located towards the eastern and southern area of the application site, it is considered the proposed development would not result in a significantly undue impact on the residential amenities of the occupiers of adjoining properties by way of overlooking, overbearing and overshadowing. Furthermore, there is no reason to conclude that noise generated from the development would be detrimental to amenity, with the proposed use likely to be less than could be generated from the existing use. The proposal is therefore in accordance with the policies LPD 32 and LPD 40 of the Local Planning Document.

Highways safety and off-street parking provision

- 6.5 Given the comments received from NCC (Highways), it is considered that there would be no detrimental impact on highway safety subject to conditions to secure improvements to the access as identified on submitted drawings, with it apparent that the site has a lawful commercial use. Therefore the development is not considered to have a detrimental impact on highway safety and is deemed to comply with policy LPD61 and Policy 12 of the Papplewick Neighbourhood Plan

Each dwelling will have 3-bedrooms and the drawings indicate each plot will have space for 2 vehicles with ample room for additional spaces if required. The application is therefore deemed to comply with policy LPD57 and the requirements of the Borough Council's Supplementary Planning Document on residential parking provision.

Biodiversity

- 6.6 The proposed scheme is for the complete redevelopment of the site for residential purposes. The buildings have not been identified as bat roosts and therefore no further surveys or mitigation measures are required.

No badger sets were observed immediately offsite although activity patterns of this species can change over a short time and therefore an updated badger survey should be undertaken before commencement of works. This would be dealt with via condition.

With regards to hedgehogs, several recommendations were made in the Ecology Report which would be attached or included in conditions.

Site enhancements are also proposed with regards to badgers, hedgehogs and flora in order to achieve bio-diversity enhancements. These enhancements would dictate the detailed layout of the site, including the Wild Meadow area, which can be secured via condition.

Given the comments received from Nottinghamshire Wildlife Trust and the comprehensive surveys completed, which were undertaken by fully qualified and licenced ecologists, including a Biodiversity Net Gain Metric. It is considered that the application complies with Section 15 of the NPPF and policy LPD 18 of the Local Planning Document.

Other matters

It should be noted that permitted development rights e.g. the right to extend the properties without the benefit of planning permission, have been removed by condition with it considered that extending the properties in the future is likely to have a detrimental impact on the openness of the Green Belt over and above the current situation, and is justified having regard to pertinent Green Belt policy outlined in the NPPF.

Air quality

- 6.7 A condition requiring the proposed dwellings to be equipped with an Electric Vehicle charging point is necessary to ensure that the proposed development would not have a detrimental impact on air quality in the area and in fact have the potential to have a positive impact on air quality. This is supported by Policy LPD 11.

Given the proximity of the site to other residential properties and number of dwellings to be erected, combined with some demolition, it is recommended that a condition be added requiring the submission and approval of a Construction Emission Management Plan, as recommended by the Environmental Health Officer, and to comply with Policy LPD11.

7.0 Conclusion

- 7.1 By virtue of the size, scale, design and layout proposed, the redevelopment on the site for 5No.bungalows would be appropriate development in the Green Belt, it would conserve and enhance the landscape character of the area, it would not result in harm to protected species and it would be acceptable from a residential amenity and highway safety perspective; in accordance with Sections 5, 11, 12, 13 and 15 of the National Planning Policy Framework, Policies 8 and 10 of the Aligned Core Strategy and Policies LPD 7, LPD 11, LPD 18, LPD 19, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61 of the Local Planning Document; and policies 3 and 12 of the Papplewick Neighbourhood Plan. Accordingly it is recommended that planning permission is granted.

8.0 Recommendation: Grant Full Planning Permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the application form received on 19th June 2020 and deposited plans, drawing no's SI21/1078/3-01A, SI21/1078/5-A, SI21/1078/2-D, SI21/1078/4-B, SI21/1078/9 and SI21/1078/8, received on 31st March 2022. The development shall thereafter be undertaken in accordance with these plans/details.
- 3 Before development hereby approved is first commenced a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include full details of both soft and hard landscape works together with detailed landscape plans and particulars which shall include: (a) details of size, species, positions and densities of all trees, hedges and shrubs to be planted; (b) details of the boundary treatments, including those to individual plot boundaries; (c) the proposed means of surfacing access roads, car parking areas, and the frontages of properties such as driveways and footpaths to front doors, and (d) a programme of implementation. The landscape scheme would need to

demonstrate compliance with Section 4 of Biodiversity Net Gain Metric and Section 5 of the Preliminary Ecological Assessment. The development shall be implemented in accordance with the approved details, which shall be retained for the lifetime of the development.

- 4 If within a period of five years beginning with the date of the planting of any tree or shrub, approved in relation to Condition 3, that tree or shrub, or any tree or shrub that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Local Planning Authority.
- 5 The access driveway shall be surfaced in a hard-bound material (not loose gravel) for a minimum of 10.0 metres behind the Highway boundary and 4.8m in width as shown on drawing no. SI21/1078/2-D, before development is commenced. The surfaced drive shall then be maintained in such hard-bound material for the life of the development.
- 6 No part of the development hereby permitted shall be brought into use until the bin storage/ store/ collection point has been constructed and positioned within 25.0m of the public highway.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, AA, B, C, D, E and/or F of Part 1 of Schedule 2 to that Order shall be carried out.
- 8 From the date of first occupation each dwelling shall be provided with access to electric vehicle (EV) charge point(s) in line with Part S of the Building Regulations 2010. All EV charging points shall meet relevant safety and accessibility requirements and be clearly marked with their purpose; which should be drawn to the attention of new residents in their new home welcome pack / travel planning advice.
- 9 Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Site Characterisation: An assessment of the nature and extent of any potential contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include; a survey of the extent, scale and nature of contamination and; an assessment of the potential risks to: human health, property, adjoining land, controlled waters, ecological systems, archaeological sites and ancient monuments and
 - Submission of Remediation Scheme: Where required, a detailed remediation scheme (to bring the site to a condition suitable for the intended use by removing unacceptable risks to critical receptors) should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation

criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

- 10 In the event that remediation is required to render the development suitable for use, the agreed remediation scheme shall be implemented in accordance with the approved timetable of works. Prior to occupation of any building(s) a Verification Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.
- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements above, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.
- 12 No development shall take place until full details of finished floor levels, above ordnance datum, of the ground floors of the proposed dwellings and all hard landscaped surfaces, in relation to existing and proposed ground levels and cross sections of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.
- 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 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.
- 15 Development shall proceed in accordance with the approved Arboricultural Implications Assessment and Arboricultural Method Statement (dated 09 June 2020) in respect of trees to be retained and protective fencing to be erected.
- 16 Development shall proceed in accordance with the conclusions and recommendations outlined in Biodiversity Net Gain Metric report, dated 05 January 2023.
- 17 Prior to the commencement of development, a further badger survey shall be completed and submitted for written approval by the

Local Planning Authority. Any mitigation identified in the approved report shall thereafter be adhered to.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.
- 3 To ensure a satisfactory development in accordance with the aims of policy LPD 10 of the Aligned Core Strategy.
- 4 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 5 To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
- 6 To enable the bins to be collected by the refuse team on collection day.
- 7 In order to protect the openness of the Green Belt.
- 8 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 Local Planning Document.
- 9 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 10 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 11 To ensure the development is safe and suitable for use, thereby taking into consideration the National Planning Policy Framework and policy LPD7 of the Local Planning Document.
- 12 To ensure a satisfactory development in accordance with the aims of Policy 10 of the Aligned Core Strategy.
- 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 To ensure that the character of the area is respected and to comply with policy ACS10.

- 15 To comply with policies LPD18 and LPD19.
- 16 To comply with policy LP18
- 17 To comply with policy LP18.

Reasons for Decision

It is considered, given the scale, design and layout of the proposal, the proposed scheme would be appropriate development in the Green Belt, it would conserve and enhance the landscape character of the area, it would not result in harm to protected species and it would be acceptable from a residential amenity and highway safety perspective; in accordance with Sections 5, 11, 12, 13 and 15 of the National Planning Policy Framework, Policies 8 and 10 of the Aligned Core Strategy and Policies LPD 7, LPD 11, LPD 18, LPD 19, LPD 32, LPD 35, LPD 40, LPD 57 and LPD 61 of the Local Planning Document.

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised by letters of representation submitted in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

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

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) and The Electric Vehicles (Smart Charge Points) Regulations 2021.

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

As part of the approval of details reserved by Condition 3 it is necessary to demonstrate how each of the plots is to be accessed from the shared access by virtue of materials.