



Planning Report for 2023/0474



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Report to Planning Committee

Application Number:	2023/0474
Location:	2 Sandford Road, Mapperley NG3 6AL
Proposal:	Construction of 1 no. dwelling and 13 no. apartments.
Applicant:	Mr George Broniewski
Agent:	Mr Harry Sculthorp
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 located within the built-up area of Mapperley.
- 1.2 The site consists of a vacant parcel of land. The site previously housed a residential property and its associated curtilage.
- 1.3 The land towards the northern boundary (Sandford Road) and western boundary (Porchester Road) of the site is significantly higher than the remainder of the site.
- 1.4 A row of sycamore trees protected by a Tree Preservation Order are located within the site adjacent to the boundary with Porchester Road. The land has been dug away around the trees and the remainder of the site has also been dug out.
- 1.5 Neighbouring properties are residential and a mix of sizes and designs including bungalows, maisonettes and houses. Land to the opposite side of Porchester Road is located within the Nottingham City boundary and consists of the Mapperley Porchester Hospital. The land to the opposite side of Porchester Road is a Conservation Area and there are listed buildings close by, including The Chapel and Theatre at Mapperley Hospital which is Grade II Listed.
- 1.6 The site is located within Flood Zone 1, an area designated as being at a low risk from flooding. The site is within a former coal mining area.

2.0 Relevant Planning History

2.1 **2010/0936** Planning permission was granted in January 2014 for:-

“Demolition of Existing Dwellings at 2 and 2A Sandford Road and Erection of Building to Provide 10no. Dwellings with Associated Access, Parking and Rear Amenity Space.”

This permission was never implemented and has now lapsed.

2.2 **2016/1033** Planning permission was granted in June 2017 for:-

“Demolition of Existing Dwellings at 2 and 2A Sandford Road and Erection of Building to Provide 10no. Dwellings with Associated Access, Parking and Rear Amenity Space, Renewal of Planning Permission Ref: 2010/093.”

This permission was never implemented and has now lapsed.

3.0 Proposed Development

3.1 Full planning permission is sought for the construction of 1 no. dwelling and 13 no. apartments.

3.2 The apartment building would run parallel with Porchester Road for much of the length of the plot and would be set back from Porchester Road by approx. 6 metres. The proposed dwelling is located on the corner of Sandford Road and Porchester Road.

3.3 The apartment block has 3-floors. From Porchester Road only the top floor (labelled ground floor) is visible. The land falls away steeply to the rear and the building appears as a 3-storey building when viewed from the rear within the site (the floors below are labelled as lower first-floor and lower ground floor).

3.4 The proposed dwelling is single-storey and is on the same level as the top floor / ground floor of the apartment block. The rear garden is located on the lower first floor roof of the apartment block and is surrounded by a wall.

3.5 Following negotiations with the applicant (which are explained in detail in the main content of this report) 11 no. parking spaces are proposed to the front of the apartment block / side of the dwelling, accessed directly from Porchester Road.

3.6 It is proposed to fell all sycamore trees at the site and re-plant replacement trees in a similar location.

3.7 Materials proposed are red facing brick and mock slate.

3.8 A Section106 legal agreement has been drafted to secure 2 no. First Homes (affordable housing) on the site as well as a contribution to bus stop improvements in the area and a local labour agreement.

4.0 Consultations

- 4.1 GBC Arboricultural Officer – No objection. The condition of the sycamore trees are poor and therefore not worthy of retaining during the development phases. Replacement tree planting will be required.
- 4.2 GBC Development and Economic Regeneration Manager – State no objection.
- 4.3 GBC Strategic Housing – 2 First Homes should be delivered on site and consideration should be given to national guidance relating to space standards for affordable housing.
- 4.4 GBC Scientific Officer – No objection subject to conditions regarding electric vehicle charging and a Construction Emission Management Plan.
- 4.5 GBC Conservation Officer – No objection
- 4.6 NCC Highways Officer – No objection subject to conditions.
- 4.7 NCC Planning Policy – Provide advice. Request a financial contribution to bus stop improvements in the area. No comments in relation to archaeology.
- 4.8 Lead Local Flood Authority (LLFA) – Originally requested further drainage details. Now raise no objection, subject to conditions.
- 4.9 The Environment Agency – No objection. Provide advice regarding Japanese Knotweed.
- 4.10 NHS Nottingham and Nottinghamshire Clinical Commissioning Group – No request for health care contributions as the proposal falls below their threshold.
- 4.11 Neighbours – Over the course of the application letters have been received by residents of 8 neighbouring properties. Concerns are;-

Residential Amenity

Building close to neighbouring properties.

Overbearing from the build.

Concerns over ground level of rear driveway (which is higher than neighbouring boundary treatment) overlooking or, if a retaining wall is required, massing / overshadowing – this has now been removed from the scheme (see main body of the report).

Further details of boundary treatment are required.

Noise from rear car park – this has now been removed from the scheme.

Noise from garden area.

Noise and disturbance from the build – how long will this take?

Light pollution from rear car park if lighting is proposed – this has now been removed from the scheme.

Light pollution from car headlights using the rear car park – this has now been removed from the scheme.

Number of apartments should be reduced to increase their individual size and make them more habitable.

Design / Visual Amenity

Size of the development is out of keeping with the character of the area.

Removing the existing trees will be detrimental to the area.

Replanting of trees is welcome but the size and maturity needs to be sufficient to outweigh the negative effects of the felling.

The existing trees have been damaged as the land has been cut away around them.

The planting needs to be maintained – who will be responsible for this?

Plans do not fully show height of property in relation to neighbouring properties.

Highway Safety

Insufficient car parking will cause overflow car parking onto adjoining roads.

Cars using the rear driveway could crash into neighbouring gardens - this has now been removed from the scheme.

Who will police the car park and driveway? - This has now been removed from the scheme.

If the car park is not gated then this could be used as a public car park - this has now been removed from the scheme.

Parking / access issues during the construction phase.

Other

Drainage – concerns about water running downhill onto their plot

Reference to drain pipes close to their property.

Japanese knotweed is / has been present on site – concerned that this will not be / has not been removed correctly.

Pollution from car fumes close to existing residential gardens.

Risk of subsidence to neighbouring properties.

Effect on stability of Porchester Road due to removal of existing trees and their roots.

There may be owls in the trees – can anything be done to re-home these?

There may be bats and foxes at the site.

Access to outbuildings for maintenance may be difficult once the build is in place

Who will be responsible for the maintenance of the gardens and trees?

What is the height of the proposed planting?

No mention of solar panels or electric charging points.

Plans not correct.

Devaluation of property.

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 2023 (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 (2023) 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 4 – Decision making

Part 5 – Delivering a sufficient supply of homes

Part 8 – Promoting healthy and safe communities

Part 9 – Promoting sustainable transport

Part 11 – Making effective use of land

Part 12 – Achieving well-designed and beautiful places

Part 14 – Meeting the challenge of climate change, flooding and coastal change

Part 15 – Conserving and enhancing the natural environment

Part 16 – Conserving and enhancing the historic environment

Paragraph 131 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 135 of the NPPF states that “*Planning policies and decisions should ensure that developments ... create places ... with a high standard of amenity for existing and future users.*”

6.3 Gedling Borough Council Aligned Core Strategy 2014:

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

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

Policy 2 – The Spatial Strategy – Sets out a hierarchical approach of urban concentration and regeneration, that supports the principle of residential development in the main built up area of Nottingham.

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 11 – The Historic Environment states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

Policy 16 – Green Infrastructure, Parks and Open Spaces – Green Infrastructure should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities.

Policy 17 – Biodiversity – New development should provide new biodiversity features, and improve existing biodiversity features wherever appropriate.

Policy 18 – Infrastructure – New development must be supported by the required infrastructure, and contributions will be sought from development proposals.

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.”

LPD18 – Protecting and Enhancing Biodiversity – Development proposals will be expected to take opportunities to incorporate biodiversity in and around development, wherever possible.

LPD26 – Heritage Assets states that development proposals that would conserve and/or enhance the significance of a heritage asset will be supported. Development proposals that would cause harm to the significance of a heritage asset will be refused permission unless there are overriding public benefits and mitigation measures are secured.

LPD27 – Listed Buildings – states that development to or within the setting of a Listed Building should consider scale, form, mass, design, siting, detailing and materials.

LPD28 – Conservation Areas states planning permission will not be granted for development proposals affecting the setting of Conservation Areas, if it adversely affects its significance including, character, appearance of or views into or out of Conservation Areas.

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

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

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

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

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

LPD 48 – Local Labour Agreements - The Borough Council will seek to negotiate planning agreements to secure local labour agreements for developments of 10 or more dwellings, on 0.5 hectares of land or development that will create more than 15 jobs.

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.”

6.5 Low Carbon Planning Guidance for Gedling Borough (May 2021)

6.6 Parking Provision for Residential and Non Residential Developments SPD (2022)

Interim Planning Policy Statement: First Homes (2022)

7.0 Principle of Development

7.1 The site is located within the built-up area of Mapperley 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 The design of the proposal is considered to be acceptable and not have an unacceptable impact on the character or visual amenity of the area or on the setting of the adjacent Conservation Area or nearby listed buildings.
- 8.2 Neighbouring properties are a mix of ages, styles and designs consisting of bungalows, traditional 2-storey / 2-and-a-half-storey dwellings, maisonettes and apartment blocks. Due to the levels of the area, a number of dwelling are split level.
- 8.3 The development will have a road frontage with both Porchester Road and Sandford Road. From both of these public highways the buildings will appear to be single-storey. In terms of scale, this is in keeping with the adjacent split level bungalow, no. 4 Sandford Road. It is also in keeping with nos. 300-304A Porchester Road which are split level maisonettes, which are 2-storey to the front and 3-storey to the rear. However, as Porchester Road slopes downwards from north-south, the height of the proposed apartment building is similar to the height of the existing maisonette building and so is considered to fit well within the streetscene.
- 8.4 The additional storeys are designed as lower storeys as the land falls away steeply to the rear. From within the site to the rear the apartment building will appear as 3-storeys. This is in keeping with a number of buildings within the area which appear as 3-storey when viewed from the rear.
- 8.5 A mixture of materials are proposed, albeit red facing brick will be the dominant material. Neighbouring properties are a mix of materials, albeit traditional brick (red and buff) is dominant within the immediate area. Elevations facing public highways are principal elevations and are broken up visually with windows and doors, which are in keeping with neighbouring properties in terms of proportions, as well as design features such as gable additions.
- 8.6 With regards to trees, the existing sycamore trees along Porchester Road (which are protected by a TPO) are all proposed to be felled. A full Tree Survey was submitted by the applicant in support of the application submission and the Council's Arboricultural Officer has assessed the scheme and raised no objections. Collectively, as a group, the trees are considered to provide some positive contribution to the visual amenity of the Porchester Road streetscene. This is due to their group number and location which is close to the back-edge of the highway. However, individually, the trees are all in a poor condition. It is acknowledged that the land immediately around the

trees has been dug-out, which may have contributed further to the poor condition of the trees. However, during the previous application process at the site (2016/1033), the Council's Arboricultural Officer concluded back then that the trees were of a low significant quality due to physiological defects. As such, removal of the trees is considered to be acceptable, subject to satisfactory replacement tree planting.

- 8.7 9 no. replacement trees are proposed to be planted along the site frontage, to the front of the proposed buildings. A number of other trees are proposed to be planted to the rear of the site. The number of trees proposed, as well as 9 no. trees having a frontage location, will collectively make a positive contribution to the visual amenity of the Porchester Road streetscene. The Council's Arboricultural Officer has stated that now the replacement tree planting locations and numbers are acceptable, he is satisfied that further replacement tree details such as size, species and aftercare be controlled by way of a condition, should planning permission be granted. The Arboricultural Officer has also confirmed that he is happy that car parking areas are proposed around the trees as the proposed trees are set-back outside of the required highway visibility splays and appropriate tree species and proposed ground materials will ensure that the trees and parking area can exist in close proximity to one another.
- 8.8 11 no. car parking spaces are proposed to the front of the development between the side of the proposed dwelling / front of the proposed apartment block and Porchester Road. Frontage parking is not always considered to be acceptable from a visual amenity point of view as it can lead to a development that is visually car parking / hard-surfacing dominated.
- 8.9 The applicant was asked to explore removing all frontage car parking from the scheme and locate all car parking to the rear of the site only, accessed from a new driveway following the demolition of no. 6 Sandford Road. However, on the submission of topographical plans, this was considered to be unacceptable from a residential amenity point of view. This is explained in detail in the "residential amenity" section of the Committee report. Essentially, due the site levels and the highway safety requirements regarding driveway and parking gradients, the proposed access road would have been higher than the neighbouring boundary treatment leading to significant issues of overlooking or, if a retaining wall was proposed, significant issues of massing / overshadowing.
- 8.10 As such, the applicant was asked to amend the scheme again by removing the rear access road and rear parking entirely from the scheme and proposing frontage parking only. On balance, this arrangement is considered to be acceptable from a visual amenity point of view, in this particular instance. It is considered that the replacement tree planting, consisting of 9 no. trees visually softens the car parking area. Additional, low-level soft landscaping is also proposed in and around the car parking area, although full details of this can be controlled by way of a planning condition, should planning permission be granted.
- 8.11 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 65 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.”

The proposal is considered to reflect local characteristics and does not harm the character of the area. The proposal has a high density primarily to the fact that 13 of the units are an apartment block. There are examples of apartment blocks and maisonettes within the area. In addition, although the proposal is of a high density there is sufficient amenity space and green landscaping proposed to ensure that the site does not represent overdevelopment.

- 8.12 To the opposite side of Porchester Road is land within the boundary of Nottingham City Council. This land is a Conservation Area and contains a number of listed buildings related to Mapperley Porchester Hospital. The applicant has submitted a Heritage Statement which the Conservation Officers at both Nottingham City Council and Gedling Borough Council have been consulted on and neither have raised any objections. There is not considered to be a reason to disagree with the professional advice of the Conservation Officers. The site is separated from the Conservation Area and Listed Buildings by a main road and, for the reasons stated above, the design of the proposal is considered to be acceptable.
- 8.13 To conclude this section, the overall design and layout of the 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 Policies 10 and 11 and Policies LPD 26, 27 28, 33, 35 and 40.

9.0 Impact on Residential Amenity

- 9.1 The amended proposal is not considered to have an unacceptable impact on the residential amenity of occupiers of neighbouring properties.
- 9.2 The proposal is not considered to cause unacceptable issues of massing / overshadowing, overbearing, or overlooking onto neighbouring occupiers. This is primarily due to layout and separation distances between the proposed buildings and existing properties, the location of the windows on the proposed buildings and also the removal of the previously proposed elevated rear driveway.
- 9.3 No. 4 Sandford Road, a split-level residential bungalow and associated curtilage, lies directly to the east of the proposed dwelling. The siting of the

detached dwelling is broadly in line with no. 4 and, as such, causes no significant issues of massing / overshadowing or overbearing onto this dwelling. The proposed detached dwelling contains no windows along the side elevations directly facing no. 4.

- 9.4 Due to the location of the garden serving the proposed detached dwelling being on the roof of the lower first floor apartment level, only the lower first floor and lower ground floor of the apartment block run parallel to the garden with no.4 Sandford Road. Due to the height of the building, separation distances and site levels, it is considered that the proposed apartment block does not cause unacceptable issues of massing / overshadowing or overbearing onto the rear garden area of no. 4 Sandford Road. The rear elevation of the proposed apartment block does contain main aspect windows. However, the first-floor windows closest to no. 4 have been designed as projecting windows in a triangular formation with the clear glazing half of the window angled away from the nearby boundary with 4 Sandford Road and looking directly onto the apartment block's own private amenity area. Ground floor windows will be screened by the site's boundary treatment, precise details of which can be controlled through a planning condition should planning permission be granted.
- 9.5 Directly to the south side of the apartment block buildings, lies a small development of maisonettes, 300-304A Porchester Road. Nos. 1 and 2 Lombard Court, Hilton Road are also maisonettes located to the south-east of the site. These have a small rear private amenity area which borders the site. No. 7 Hilton Road is a 2-and-a-half storey dwelling located to the south-east corner of the site. The siting of the proposed apartment block is broadly in line with 300-304A and, as such, will not cause unacceptable issues of massing / overshadowing onto this neighbouring building. Primarily, due to separation distances, but also orientation, the proposed buildings will not cause unacceptable issues of massing / overshadowing or overbearing onto the nearby properties on Hilton Road, which border the site.
- 9.6 With regard to overlooking, the majority of the rear windows look onto the property's own communal garden area which is some 20 metres in depth. This is considered to be a sufficient distance so as to not cause unacceptable issues of overlooking to the neighbouring gardens to the rear. As mentioned previously, some of the windows along the rear elevation of the building have projecting windows in a triangular formation. However, the windows closest to the southern boundary have clear glazing in only the half of the window angled away from the nearby boundary and look directly onto the apartment block's own private amenity area and the half of the window facing the southern boundary has obscure glazing.
- 9.7 Private terraced areas are proposed directly to the rear of some of the apartment blocks as well as a communal rear garden / amenity space and a private amenity space, directly to the rear of the proposed dwelling. A condition regarding boundary treatment can ensure that the amenity areas do not cause unacceptable issues of overlooking onto neighbouring occupiers.
- 9.8 A rear driveway from no. 6 Sandford Road and rear parking court were originally proposed. For highway safety reasons, the Highway Authority

insisted that this be at a gradient not more than 1:12. This resulted in the height of the proposed rear driveway and parking areas to be, in some parts, 2 metres taller than the nearby neighbouring boundaries. This was considered to be unacceptable from a neighbouring amenity point of view. Without any additional boundary treatment, the elevated driveway would have caused unacceptable issues of loss of privacy onto neighbouring occupiers. However, it is likely that some form of tall retaining wall would have been required to enable the elevated driveway. Precise details of retaining walls were never requested as it was considered that, given the site level difference, the principle of a retaining wall to serve the elevated driveway would cause unacceptable issues of massing / overshadowing and overbearing onto neighbouring properties. As such, the applicant has removed the rear driveway and parking areas in their entirety and amended the scheme so that all car parking is to the front of the building and served directly from Porchester Road. This has overcome the potential overlooking, overshadowing and overbearing issues from the driveway and parking areas.

- 9.9 Neighbours have raised concerns regarding additional noise and disturbance from the new development and garden areas. However, there is no reason why the development would cause unacceptable issues of noise and disturbance above what can be expected in a suburban residential area.
- 9.10 Neighbours have raised concerns regarding noise and disturbance during the build and have asked how long the build will take. If planning permission is granted, then the developer has 3 no. years to implement / start the development. However, there is no timeline to complete the development. Any issues of noise and disturbance during the build will be temporary and can be controlled by the Council's Environmental Health team if it is considered to be a noise nuisance.
- 9.11 The proposed units themselves are of an adequate size to provide an acceptable level of amenity for proposed occupiers, with the smallest unit being 47sqm.
- 9.12 For the reasons stated above, 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 and policies, LPD 32, 37 and 40.

10.0 Highway Safety

- 10.1 As stated in the "Impact on Residential Amenity" section of this report, a rear driveway from no. 6 Sandford Road and rear parking court were originally proposed. For highway safety reasons, the Highway Authority insisted that this be at a gradient not more than 1:12. This resulted in the height of the proposed rear driveway to be, in some parts, 2 metres taller than the nearby neighbouring boundaries. This was considered to be unacceptable from a neighbouring amenity point of view and the applicant was asked to remove this element from the scheme entirely.
- 10.2 This current scheme now proposes 11 no. car parking spaces to the front of the apartment block / side of the dwelling, accessed directly from Porchester

Road. 2 no. of these spaces are allocated to serve the proposed dwelling with the remaining 9 unallocated to serve the development as a whole.

- 10.3 With regards to parking layout, access, visibility splays and highway safety, the Highway Authority has raised no objection to the proposal subject to conditions.
- 10.4 The Council's Parking Provision for Residential and Non Residential Developments SPD (2022) states that the parking requirement for a development of 1-bedroom or 2-bedroom flats, apartments or maisonettes is 0.8 spaces per unit. This development is for 13 no. apartments and, as such, according to the SPD 10.4 car parking spaces are required for the proposed apartments. The SPD also states that for a 3-bedroom dwelling, if there are 2 no. allocated parking spaces then an additional 0.3 of an unallocated space is required. Taking this altogether, 11 no. unallocated parking spaces would be required to serve the development as well as the 2 no. allocated spaces for the proposed dwelling. The proposal is therefore 2 no. car parking spaces short of the standards set out in the SPD.
- 10.5 It is considered that there are few other options to provide further on-site car parking spaces. For the reasons set out in paragraph 10.1 of this report, car parking to the rear of the site is not an option. For the reasons set out in paragraphs 8.6 and 8.7 of this report, tree planting is required to the front of the site which does take up some space that could otherwise be used for car parking.
- 10.6 Paragraph 4.12 of the SPD states that:-
- “The expectation is that parking standards will be met, however if the development is served by one or more regular public transport service, this may be a material consideration justifying a reduced parking provision requirement, especially if a site is located within; or close to a central area.”*
- 10.7 The site is located in a highly sustainable location, within walking distance of Mapperley Local Centre and close to a number of bus routes to Nottingham City Centre. Furthermore, following negotiations with the Planning Officer, the applicant is now proposing 4 no. bicycle parking spaces to serve the development. As such, residents of the apartment blocks could live in this location without relying on a private car.
- 10.8 For the reasons stated above, on balance and in this specific instance, it is considered that the level of on-site car parking proposed is acceptable, with it noted that besides the double yellow lines on the junction, there is unrestricted on-street parking in the area.
- 10.9 For the reasons stated above, it is considered that the proposal complies with the relevant planning policies regarding highway safety set out in Section 6 of this report. In particular, it complies with the objectives of the National Planning Policy Framework Policies, LPD 57, 61 and the Council's Parking Standards SPD.

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, subject to a condition, with it indicated that surface water will be discharged via a sustainable drainage system (SuDS).
- 11.3 Foul drainage will be dealt with through the Building Regulations process, should planning permission be granted, and is likely to be served by the existing foul water network.
- 11.4 For the reasons stated above, 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 The site is a brownfield site located within an urban area. There is the possibility that species may be present in the trees on site. A condition should be attached to the grant of any planning permission ensuring that the existing trees are felled outside of the bird nesting season or, if within the bird nesting season, that they are first inspected for the presence of nesting birds. This includes all species of birds. It is noted that a neighbour states that there could be owls nesting in the trees at the site.
- 12.2 The applicant has submitted a Biodiversity Enhancement Strategy in support of the planning application. This has concluded that the development should include the provision of bat boxes (a neighbour has reported that there may be bats present on-site), bird boxes, wildlife-friendly hedgerow planting and hedgehog highway measures. These can be controlled by way of a planning condition should planning permission be granted.
- 12.3 For the reasons stated above, 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 site is close to local transport links, including bus stops as well as being close to local amenities. Replacement tree planting is proposed as part of the development and the site. The scheme is intending to provide a SUDs drainage system. As recommended in Section 17 of this report,

conditions should be attached to the grant of any planning permission requiring Electric Vehicle (EV) 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 2 no. units on the site to be First Homes;
- Transport and travel – a developer contribution of £3,600 for improvements to nearby bus stops;
- Local Labour Agreement – A local labour agreement.

14.2 By way of background in respect of the affordable housing sought, in accordance with the NPPF paragraph 66, where major development involving the provision of housing (10 or more dwellings) is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

14.3 First Homes is the Government's preferred discount market tenure and fully explored within the Planning Practice Guidance (PPG). The guidance identifies that such homes should be secured through planning obligations in a S106 legal agreement and should be sold at not less than 30% against market value. There is an eligibility criteria to qualify for a first home, including being a first time buyer, that occupiers would need to meet. To secure the homes as affordable in the long-term subsequent sale of the house would also need to be sold with a minimum of 30% discount against the market value and there will be a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer. Furthermore, after the discount has been applied, the first sale must be at a price no higher than £250,000 and with a household income cap of £80,000.

14.4 The Planning Practice Guidance provides Local Planning Authorities with discretion to increase the discount above the national minimum of 30%, vary the price cap and include additional eligibility criteria. Interim Planning Policy Statement: First Homes was approved by Cabinet on 6th October 2022. Accordingly, the local requirements for First Homes are as follows:

1. A First Home must be discounted by a minimum of 30% against market value.
2. In Gedling Borough after the discount has been applied, the first sale must be at a price no higher than £173,000
3. Purchasers of First Homes within Gedling Borough, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £38,800.

4. Applicants should either:

- have lived in Gedling Borough Council's administrative area for 3 of the last 5 years; or
- have immediate family member(s) who are living in Gedling Borough Council's administrative area; or
- have permanent employment within Gedling Borough Council's administrative area; or
- are in service of the regular or reserve armed forces of the Crown or have applied within five years of leaving.

Two First Homes are, therefore, required having regard to the change in national guidance and the Interim Position Statement adopted by the Council in October 2022.

- 14.5 The bus stop contribution will be spent to the south on Porchester Road, close to junction with Moore Road, and will involve a bus stop pole and flag. The contribution is deemed to comply with relevant guidance on contributions (paragraph 57 of the NPPF) and is supported.
- 14.6 The Local Labour Agreement is also considered to be pertinent to the development in question and is supported by policy LPD48.
- 14.7 All of the above contributions are deemed to comply with guidance as outlined in paragraph 57 of the NPPF, which identifies the tests required to seek a planning obligation, as well as ACS19, LPD48 and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 14.8 A Section 106 Legal Agreement has been drafted to secure the contributions set out in paragraph 14.1 of this report.

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 any grant of any planning permission providing advice for building in a former coal mining area.
- 15.2 The Council's Scientific Officer advises 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 majority of neighbour concerns have been addressed throughout the main body of this report. However, the remaining neighbour concerns are addressed below.
- 15.4 Queries have been raised with regards to who will be responsible for maintaining the communal areas. It is ultimately the landowner who is responsible for the maintenance of the land. For apartment block developments, there is usually a management company in place for such responsibilities.

- 15.5 Concerns regarding Japanese Knotweed have been re-laid to the applicant who confirms that the removal has been dealt with in the correct manner. In any case, the removal of Japanese Knotweed is not controlled through Planning Legislation but through the Wildlife and Countryside Act, Environment Protection Act and The Hazardous Waste Regulations. The Police (the National Wildlife Crime Unit) are responsible for investigating offences related to this matter. The applicant has been made aware of the Government advice regarding Japanese Knotweed and this should also be attached as an informative to any grant of planning permission.
- 15.6 A neighbour raises concerns regarding car fumes close to residential gardens. This was likely in relation to the rear access and car park, which has now been removed from the scheme. In any case, no significant additional pollution would occur beyond that experienced in a built-up residential area. Electric vehicle charging points will be required to be fitted by way of a planning condition, should planning permission be granted, to allow for electric vehicles.
- 15.7 Solar panels are not currently proposed to serve the buildings. Whilst sustainable development is encouraged, the use of solar panels in new developments is not a policy requirement and whilst encouraged cannot be insisted upon.
- 15.8 Access to neighbouring properties following the build would be a private legal matter. In any case, planning permission does not override any legal rights such as land ownership and does not give legal permission for the applicant to build on land outside of their ownership.
- 15.9 It is considered that the submitted plans are correct.
- 15.10 With regards to land stability, the site is within a former coal mining area and as such the standard informatives regarding building within a former coal mining area should be attached to the grant of any planning permission.
- 15.11 Devaluation of property is not a material planning consideration and, as such, I have afforded it limited weight.
- 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 or the setting of the nearby listed buildings or conservation areas. The replacement tree planting locations and numbers are acceptable. 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, 2, 8, 10, 11, 16, 17,

18 and 19 of the ACS, Policies LPD 4, 11, 18, 26, 27, 28, 32, 33, 35, 37, 40, 48, 57, and 61 of the LPD, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision 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 2 no. First Homes (affordable housing) on the site as well as a contribution to bus stop improvements in the area and a local labour agreement 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;-

PA01 Rev D Proposed Ground Floor, received 07/02/2024
PA02 Rev C Proposed Lower First Floor, received 07/02/2024
PA03 Rev D Proposed Lower Ground Floor, received 07/02/2024
PA04 Rev E Proposed Site Layout- Parking Arrangement, received 07/02/2024
Elevation Plans contained within the document entitled Site Context Design Rev C, received 07/02/2024
LP01 Rev A Location Plan, received 19/12/2023
PFL03 Rev C Proposed Finished Levels, received 0/12/2023
Sustainability Statement, received 25/11/2023
Waste Audit Statement, received 25/11/2023
Transport Statement, received 07/11/2023
Application Form, received 08/06/2023
- 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. The scheme as approved shall be carried prior to the first

occupation of the development. 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. These details shall include:

Replacement tree planting species and size (the quantity and location must be in accordance with Plan PA04 Rev E Proposed Site Layout- Parking Arrangement, received 0702/2024);

Aftercare details for replacement tree planting;

A schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of 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 has been installed on Porchester Road and is available for use and constructed in accordance with the Highway Authority specification.
- 7 The proposed driveways / parking areas shall not be brought into use until the visibility splays of 2.4 x 43m are provided in both directions. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections.
- 8 No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossings are reinstated as footway 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 all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel). The surfaced drives and any parking or turning areas 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 From the date of first occupation, every property built on site shall be provided with access to electric vehicle (EV) charging points in line with Part S of the Building Regulations. All EV charging point(s) 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.
- 12 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.
- 13 No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 2023.10173, December 2023, and the Construction Design Solutions company., has been submitted to, and approved in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - o No surcharge shown in a 1 in 1 year.
 - o No flooding shown in a 1 in 30 year.
 - o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm
 - Evidence to demonstrate the viability (e.g condition, capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
 - Details of Severn Trent Water approval for connections to existing network and any adoption of site drainage infrastructure.
 - Evidence of approval for drainage infrastructure crossing third party land where applicable.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

- 14 The development hereby permitted shall be carried out in accordance with details contained in the submitted Biodiversity Enhancement Strategy, received by the Local Planning Authority 24th October 2023. In particular;-

No building on site shall be occupied until details of bird nest boxes, bat boxes, wildlife-friendly hedgerow planting and hedgehog highway measures have been implemented in accordance with Appendix 1 of the Biodiversity Enhancement Strategy. The bird and bat boxes, hedgerow planting and hedgehog highway measures shall then be retained thereafter for the lifetime of the development.

- 15 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.

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 the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration Chapter 9 of the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 12 To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality within the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.
- 13 A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.
- 14 In the interests of maintaining and enhancing biodiversity.
- 15 In the interests of maintaining and enhancing biodiversity.

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 or the setting of the nearby listed buildings or conservation areas. The replacement tree planting locations and numbers are acceptable. 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, 2, 8, 10, 11, 16, 17, 18 and 19 of the ACS, Policies LPD 4, 11, 18, 26, 27, 28, 32, 33, 35, 37, 40, 48, 57, and 61 of the LPD, Gedling Borough Council's Interim Planning Policy Statement: First Homes, Parking Provision SPD and Low Carbon Planning Guidance for Gedling Borough.

Notes to Applicant

- 1 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

- 2 The proposal makes it necessary to construct/ improve / reinstate vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection fee will apply. The application process can be found at <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>
- 3 With regards to condition 12, 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.
- 4 It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
- 5 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.
- 6 With regards to condition 15 all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).
- 7 With regards to condition 5 replacement trees typically should be of heavy standard; size of 12-14cm in girth or greater and be of a height of 300-400cm or greater. Replacement tree planting should be carried out during the first planting season (October – March) following occupation of the first unit on site.
- 8 With regards to any Japanese Knotweed present on the site;-

Permanent removal of Japanese knotweed usually requires a programme of work lasting a number of years. Treatment by herbicide can be used as a method of controlling the plant. However, Japanese knotweed rarely produces viable seeds and is spread by rhizomes (underground root-like stems) and

rhizome fragments. Even after cutting and or treatment with herbicide, rhizomes can remain dormant in the soil for up to 10 years.

Any soil or material containing Japanese knotweed and or its rhizomes (rootstalks) is considered to be a controlled and hazardous waste and is therefore subject to The Environment protection Act 1990 and The Hazardous Waste Regulations 2005.

Rhizomes can grow to at least 7m horizontally and over 2m in depth, so each plant has the ability to contaminate a large area land. Complete removal and appropriate disposal of all material and soil does however have the potential to prevent the growth of the plant. Similarly, careful removal of every single rhizome fragment also has the potential to significantly reduce the chances of re-growth.

For further, detailed information about knotweed and its control, please visit [www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive_plants](http://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants) which includes guidance on the legislation covering the plant and a link to the Japanese Knotweed Code of Practice.

- 9 The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2023). 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.