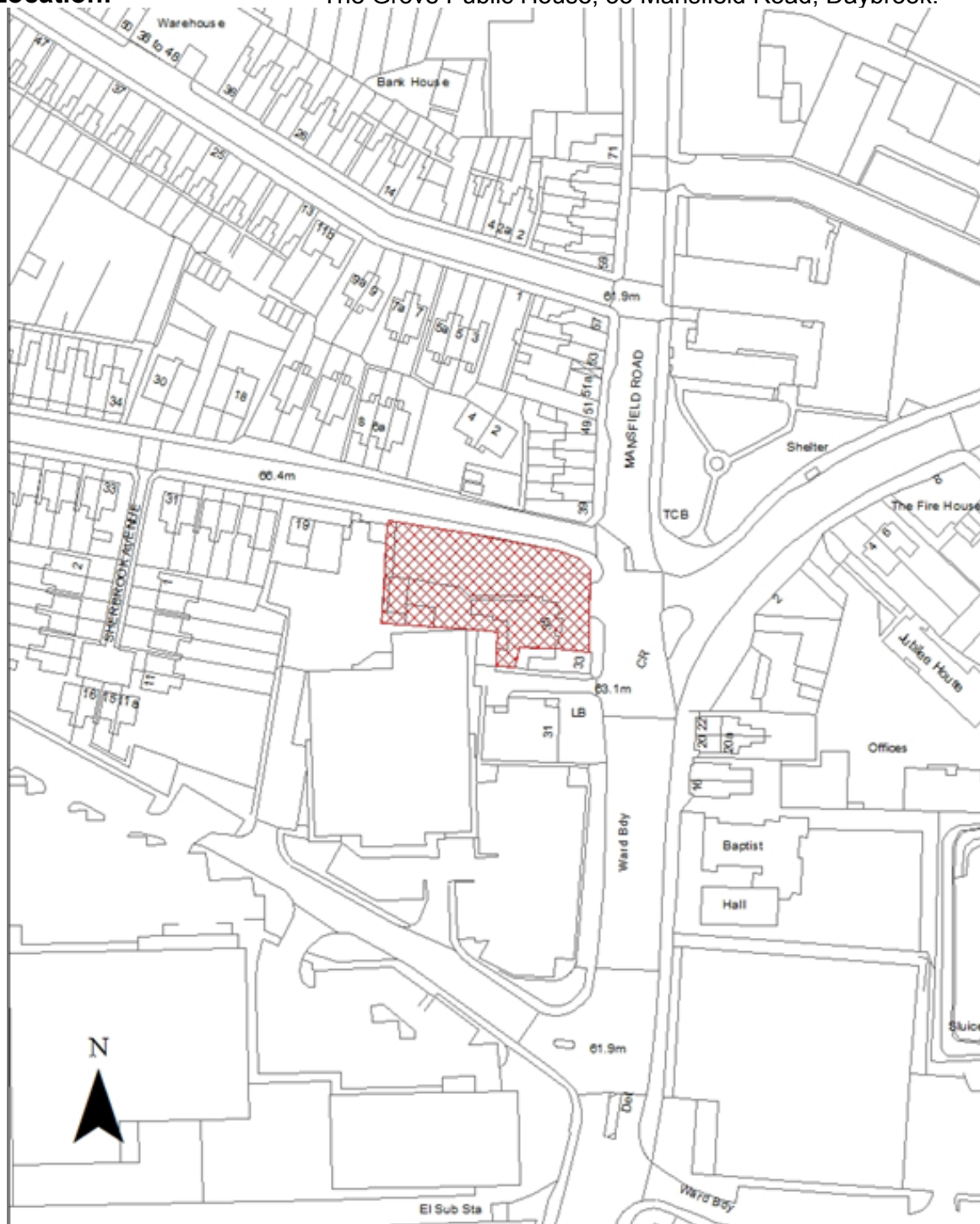




**Application Number:** 2014/1349

**Location:** The Grove Public House, 35 Mansfield Road, Daybrook.



**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**

<b>Application Number:</b>	2014/1349
<b>Location:</b>	The Grove Public House, 35 Mansfield Road, Daybrook.
<b>Proposal:</b>	Proposed erection of 18 flats and 2 houses.
<b>Applicant:</b>	Mr Bob White
<b>Agent:</b>	Mike Price
<b>Case Officer:</b>	Nick Morley

### Site Description

This application relates to site of The Grove, a large, double bay fronted, former public house sited at the corner of Mansfield Road and Sherbrook Road, Daybrook. The property is now vacant.

It is set back from the road, with a former seating area to the front and a large car park to the side, which is accessed from Sherbrook Road. There are two outbuildings within the rear yard of the site. The rear yard is bounded to the south and east by brick walls.

The site is adjoined to the south by the Madford Retail Park and a commercial property, with flat above, which is built up to the back edge of the Mansfield Road footpath. The rear corner of this property adjoins the front corner of The Grove. To the west is the rear car park and service yard for an electrical retailer on Madford Retail Park. Across Mansfield Road to the east are a motorcycle showroom and other commercial properties. To the north are residential properties on Sherbrook Road and a fish bar on the opposite corner of Mansfield Road and Sherbrook Road.

Across Mansfield Road to the north-east is the former I and R Morley hosiery factory, which is a Grade II Listed Building, now in residential use.

The site lies within an area protected by Policy E3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### Relevant Planning History

In March, 2009, full planning permission was granted under application no: 2009/0032 for the redevelopment and conversion of The Grove Public House and outbuildings to create 2 retail units and 4 one-bed apartments.

In September 2011, full planning permission was granted under application no: 2011/0816 for the retention of a car wash facility operating on the car park of The Grove.

In May, 2012, full planning permission was granted under application no: 2012/0259 to extend the time limit for implementation of planning permission no: 2009/0032.

In January 2015, an application for prior notification in respect of the proposed demolition of the existing buildings was submitted to determine whether the prior approval of the Borough Council of the method of the proposed demolition and details of any restoration of the site was required. Notice that prior approval was not required was issued in February 2015.

### Proposed Development

Full planning permission is sought for the erection of 18 flats and 2 houses on the site.

The proposed development would have a 'J' plan form, fronting Mansfield Road and Sherbrook Road, with a set-back of between 0.5 to 2 metres behind the highway boundary.

The proposed flats would be three storeys in height, with a pitched roof having a maximum eaves height of 9.2 metres and a maximum ridge height of 11.7 metres.

The proposed pair of semi-detached houses would be two storeys in height with a pitched roof having an eaves height of 5 metres and a ridge height of 8.5 metres. The houses would front Sherbrook Road and would be separated from the proposed flats by the new vehicular access.

A new vehicular access would be created off Sherbrook Road, serving a rear car park with 19 unallocated spaces for the proposed flats and 4 allocated spaces for the proposed houses. In addition, 18 cycle stands are proposed to the rear of the flats. The access and parking spaces would be differentiated by charcoal and grey block paving.

A covered bin store is proposed for the flats adjacent to the new access off Sherbrook Road, with independent bin storage areas being provided for each of the proposed houses.

The main materials proposed for the flats and houses are facing bricks on a blue engineering brick plinth, with re-constituted stone features and artificial slate roofs. Green shaded panels would be used above the main entrance porch at the junction of Mansfield Road and Sherbrook Road, with brown shaded panels and red metal frames used for the rear open deck accesses to the proposed flats. Windows would be grey uPVC with black uPVC rainwater goods, eaves and fascia.

Rear access to the flats would be via open accessways, supported on a metal frame with a dark brown red colour, overlooking the courtyard and car park.

The proposed development would be soft landscaped with shrub planting along the frontages to Mansfield Road and Sherbrook Road and around the rear car park, which would also contain 5 trees.

The proposed means of enclosure includes the retention of existing walls along the south and west boundaries of the site, 1.8 metres high wall, fence and trellis around the rear gardens of the proposed houses, and 1.2 metres high black railings along the site frontages.

In addition to the layout, plans and elevation drawings submitted, the application is also supported by the following documents:

- ☐ Design and Access Statement
- ☐ Phase I Geo-Environmental Desk Study Report
- ☐ Phase II Geo-Environmental Assessment Report

The following revised plans and additional information has been submitted during processing of the application in response to comments received:

- ☐ Air Quality Assessment
- ☐ Daytime Bat Survey
- ☐ Elevations 1, 2 & 3
- ☐ Ground Floor Plans
- ☐ House Plans & Elevations
- ☐ Heritage Impact Assessment
- ☐ Noise Assessment Report (Addendum)
- ☐ Site Plan

### **Consultations**

No re-consultations have been undertaken in respect of the most recent plans and elevations submitted, as these only relate to minor changes to the proposed materials schedule.

Local Residents - have been notified by letter, site notices have been posted and the application has been publicised in the local press.

I have received 5 written representations from local residents, including the joint owner of the adjacent shop, which make the following comments:

#### *Environmental Issues*

- ☐ Noise pollution issues are caused by airborne sound transmission from the taller buildings at this end of Sherbrook Road and noise problems have been created by air conditioning units on Madford Retail Park and by the previous use of The Grove car park as a car wash. Noise abatement issues should be addressed to prevent any future problems from this three-storey building, which is likely to add to noise in the area.

#### *Highway Issues*

- Concern is expressed about the level of car parking provision and whether this is sufficient to provide visitor parking, as well accommodating residents with more than one car. On-street parking is already a problem on Sherbrook Road, and reduces the road to a single lane at busy times, with only one vehicle being able to get through either way at a time. This situation would be exacerbated by the proposed development.
- The additional traffic and access route is a recipe for road traffic accidents and delays for the emergency services. Fire engines use Sherbrook Road as an essential cut through into Bestwood.
- The large industrial site on Sherbrook Road means that it is increasingly being used by HGV's, which would be impeded by the increased traffic resulting from the proposed development, again creating possible road traffic accidents.
- The Mansfield Road/Sherbrook Road junction is already very busy and adding another access/exit drive within the immediate vicinity of this would create further chaos. The pavement is already narrow and dangerous at this point and no improvement is proposed to this dangerous corner by widening the footpath.
- Some drivers attempt to turn right from Sherbrook Road into Mansfield Road and there needs to be clear signage stating that this is not allowed. Pedestrians outside the chip shop walking along Sherbrook Road are in a very dangerous position. The road is going to be busier with the building of the proposed apartments and it is hoped that the Highway Authority will be involved with making improvements.

#### *Amenity Issues*

- The side wall of The Grove currently makes the rear of the adjoining property private and secure. This would become exposed and viewable from the proposed apartments, leading to a loss of security and privacy.
- There is occasionally anti-social behaviour in the area. The loss of this building directly to the side and rear would make their property more accessible and unsecure, leaving them vulnerable to potential crime. Reassurance is sought that this project will not affect their security and what measures will be put in place to protect them.
- The proposed flats face towards the rear gardens of residential properties on Sherbrook Road, which would result in a loss of privacy.

#### *Design Issues*

- The streetscene will be much the poorer if this development is approved. The front of the building facing Mansfield Road is very prominent and utilitarian, reminiscent of another building further along Mansfield Road.
- The pavement level is poorly treated with a raised hard landscape treatment, which could be softer, given the height.

- The demolition of The Grove and its replacement with social housing would be an improvement to the area.

Public Protection (Air Quality) – make the following comments:

### *Background*

Road transport is responsible for up to 70% of air pollutants in urban areas. Often the most deprived in society experience the greatest impact, through occupying housing closest to main transport routes.

The understanding of the health effects from Nitrogen Dioxide have recently been enhanced by a WHO report. The result of which could lead to a near doubling of the health effect impacts; bring air pollutions effects on health to levels that are comparable to smoking.

Levels of Nitrogen Dioxide currently exceed the Air Quality Objective along the A60 Mansfield Road; as such, the Council has declared an Air Quality Management Area (AQMA) and produced an Air Quality Action Plan (AQAP).

Section 11 of the National Planning Policy Framework makes reference to the issues relating to development and air pollution:

- The planning system should contribute to and enhance the natural and local environment by ...preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability [paragraph 109].
- To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account [paragraph 120].
- ...Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan [paragraph 124].

Measure 7 a) of the AQAP refers to '*Ensure sustainable development on vacant sites within and in the vicinity of the AQMA*'.

A planning guidance document has been produced to try and define what sustainable development means in the context of air quality, and how the Borough Council might help decrease levels by incorporating mitigation measures into scheme design as standard.

### *Proposed Development*

The Design Access Statement states that the façade facing Mansfield Road has been set back slightly from the kerb. It is well documented that pollution levels fall with distance from the road, as the pollution is mixed and diluted.

Air Pollution monitoring currently conducted on the façade of the Daybrook Fish and Chip Shop and lamp column in front of 31 Mansfield Road continue to indicate breaching of air quality standards.

A pollution level contour plot superimposed onto the proposed site plan indicates the approximate line where the air pollution levels exceed air quality standards and another line which indicates a level where it is considered an unacceptable risk may not be present.

This demonstrates that the ideal position for the façade of the building facing the Mansfield Road would be approximately in line with the current Public House building, set back to allow the pollution to mix and disperse.

Another concern with having the building so close to the Mansfield Road, and being three storeys in height, is the continuation of the 'street canyon'. The street canyon effect is where tall buildings in close proximity to the side of the road can lead to the formation of vortices and recirculation of air flow that can trap pollutants and restrict dispersion.

The Design Access Statement indicates a proposal to mitigate air pollution issues through a combination of an installed mechanical ventilation system (drawing air from the courtyard) and all windows fronting Mansfield Road being un-openable/sealed.

The Statement also indicates that '*...bedroom windows all facing into the quieter cleaner courtyard side.*' However, a review of the proposed plans seems to show otherwise.

Mechanical ventilation or Heating, Ventilation and Air Conditioning (HVAC) systems should not automatically be seen as providing effective mitigation against exposure and should be scrutinised carefully, not only in terms of the acceptability of providing living conditions in what could be described as a hermetically sealed unit, but also in terms of the increase in energy requirements and maintenance that is incurred and the attendant secondary noise effects that can arise.

### *Recommendations*

1. Ultimately, Public Protection would like to see the design amended to move the façade of the building, facing the A60 Mansfield Road, back to a position similar to that of the existing pub building. Whilst the applicant has recognised that distance from the kerb is important, this extra distance from the kerb would provide space for pollutants to disperse; the additional area in front of the building could be used as a green space further attenuating the pollution.
2. Alternatively, as described in the Design and Access Statement, it may be

acceptable to use HVAC systems to draw air from the courtyard, combined with sealed windows on the 'street side'.

In this case, Public Protection would suggest that a planning condition [specific details of which have been provided] is imposed to ensure that any HVAC system is properly designed/considered (including noise assessment, maintenance arrangements etc.) and that windows affronting the Mansfield Road are un-openable and sealed at all times.

3. If neither of the above options is acceptable or achievable, then Public Protection would have no choice but to recommend refusal, on the grounds that the development does not prevent unacceptable risks from air pollution from traffic on the A60 Mansfield Road.
4. Additionally, during construction there is potential for increased levels of dust from the site. Therefore, to ensure that the potential for short term pollution from dust is considered and mitigated against, Public Protection would request that the standard condition [specific details of which have been provided] is attached to any planning consent.

Public Protection (Land Contamination) – make the following comments:

Public Protection has reviewed the Phase I Geo-Environmental Desk Study and Phase 2 Geo-Environmental Assessment Report submitted in support of the planning application. It is considered that the site has not been fully characterised in terms of contamination, given that the proposal is for two x two bedroom houses and 18 x one bedroom flats, samples taken from five locations is insufficient to be fully representative of the site. Public Protection would expect further sampling to be carried out in other areas, including the footprint area of the The Grove building.

The recommendations for additional ground gas monitoring are noted and Public Protection awaits completion of this prior to commenting on the proposed gas protection measures.

Any topsoil that is to be imported onto the site should be fully certified for chemical composition and approved by Public Protection.

Until the above issues are addressed, Public Protection would recommend the continued use of the full phased contamination conditions [specific details of which have been provided].

Public Protection (Noise) – make the following comments:

Public Protection has reviewed the planning application and the submitted Noise Assessment Report and would raise concerns over the possibility for noise from external sources to be intrusive to residents of the proposed development. The noise report shows that the daytime noise levels at the site would be 69 dB LAeq (16Hr) and that the night time noise levels would be 64 dB LAeq (8Hr).

It is therefore suggested that the properties should be constructed to provide levels



of protection from noise, as recommended in BS 8233:2014. The imposition of a condition [specific details of which have been provided] to secure this is recommended.

Environment Agency – comment that there are limited EA constraints; sensitive groundwater, but it was a formerly a public house so unlikely to have contaminated the site. Standing advice for surface water disposal applies.

Severn Trent Water (STW) – no objection to the proposal, so long as the development is not commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

This is to ensure that the development is provided with a satisfactory means of drainage, as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Nottinghamshire County Council (Highway Authority) – observe that the principle of a residential development on this plot is acceptable to the Highway Authority (HA). The HA has had previous pre-application discussions with the applicant and is pleased that the comments given at that time have been taken on board.

As part of the development proposals, the existing access point would need to be re-instated as footway and a new access point constructed. This would involve works within the public highway, which is land outside of the applicant's control and subject to the provisions of the Highways Act 1980. The applicant should be advised to contact the HA in relation to the correct mechanism for undertaking these works.

It is also noted that the existing Bus Stop on Sherbrook Road would need to be relocated and the applicant should be advised to contact the Public Transport team at the County Council in this regard.

A number of appropriate conditions are recommended [specific details of which have been provided], regarding:

- ☐ The private drive, parking and turning areas to be surfaced in a hard bound material.
- ☐ The provision of a dropped vehicular footway crossing.
- ☐ Permanent closure of the existing site access and the access crossing reinstated as footway.
- ☐ The provision of cycle parking.
- ☐ Measures to prevent the deposit of debris upon the adjacent public highway.

There are also a number of notes for the applicant [specific details of which have been provided].

Nottinghamshire County Council (Nature Conservation Unit) – notes that the bat survey report indicates that the three buildings on the site were surveyed on 3rd December 2014; therefore the survey results are up-to-date. No evidence of roosting bats was found in any of the buildings, and the potential of these to support bat roosts was considered to be very low or absent. Furthermore, there was considered to be a lack of suitable foraging habitat or habitat connectivity around the site.

No further assessment is recommended in the survey report, and it is stated that the results are valid for 12 months from the survey date. However, the report does conclude by saying that in the unlikely event that a bat is found during demolition works all works must immediately cease and a suitably qualified ecologist should be contacted.

Nottinghamshire Wildlife Trust (NWT) – observe that a protected species survey should be carried out, as the possible presence of bats within the buildings to be demolished should be a material planning consideration.

Having viewed the bat report, the NWT is satisfied with the approach taken, the conclusions drawn and recommendations made. No further work or specific mitigation for bats is required.

In the unlikely event that a bat is found, the developer should be aware of their legal duty to stop work and seek further ecological advice. Should works be delayed beyond a year of the date of the daytime bat survey, a re-survey may need to be carried out.

Economic Development – would like to see a condition imposed that relates to Local Employment Agreements for this application. As it is for construction, Economic Development would want to adopt the Construction Industry Training Board (CITB) methodology, which may require the wording within the agreement to be amended slightly as this application is for social housing.

Estates – no objections.

Nottinghamshire County Council (Education Authority) – confirms that as 18 of the proposed 20 dwellings are for 1 bedroom properties, an education contribution is not sought for this development.

NHS England – confirms that the Derbyshire and Nottinghamshire Area Team does not require a health contribution for this development.

### **Planning Considerations**

The key planning considerations regarding this application are how the proposed development relates to current national and local planning policy, whether it would meet the main principles of sustainable development and how environmental issues would be addressed.

The other main planning considerations which must be assessed are the impact of

the proposed development on:

- ☐ Highway Safety
- ☐ Residential Amenity
- ☐ Heritage
- ☐ Design
- ☐ Nature Conservation

These planning considerations are assessed below, as are any other relevant issues.

### Relevant Policies & Background Information

#### *National Planning Policies*

National planning policy guidance is set out in the National Planning Policy Framework (NPPF), at the heart of which is a presumption in favour of sustainable development. With regard to delivering sustainable development, the following core planning principles of the NPPF are most relevant to this planning application:

- ☐ NPPF Section 4: Promoting Sustainable Transport (paragraphs 29–41)
- ☐ NPPF Section 6: Delivering a wide choice of high quality homes (paragraphs 47-55)
- ☐ NPPF Section 7: Requiring good design (paragraphs 56-68)
- ☐ NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- ☐ NPPF Section 11: Conserving & enhancing the natural environment (paragraphs 109-125)
- ☐ NPPF Section 12: Conserving and enhancing the historic environment (paragraphs 126-141)

In March 2014, National Planning Practice Guidance (NPPG) was published. This provides guidance on how to apply policy contained within the NPPF.

#### *Local Planning Policies*

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014), which is now part of the development plan for the area. It is considered that the following policies of the ACS are most relevant:

- ☐ ACS Policy A: Presumption in Favour of Sustainable Development
- ☐ ACS Policy 1: Climate Change
- ☐ ACS Policy 2: The Spatial Strategy
- ☐ ACS Policy 8: Housing Size, Mix and Choice
- ☐ ACS Policy 10: Design and Enhancing Local Identity
- ☐ ACS Policy 11: The Historic Environment
- ☐ ACS Policy 14: Managing Travel Demand
- ☐ ACS Policy 17: Biodiversity

The ACS is subject to a legal challenge under Section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts of the ACS. The challenge is largely to ACS Policy 2 (The Spatial Strategy, which sets out housing targets and broad locations for new housing) and Policy 3 (The Green Belt). The fact that there is a challenge to the ACS is a material consideration and so must be taken into account when determining this application and considering the ACS.

In this instance, significant weight has been given to the ACS. However, should the ACS be quashed, I do not consider that a different recommendation would be reached given that the policies mirror the guidance contained within the NPPF.

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant:

- ☐ RLP Policy E3: Retention of Employment
- ☐ RLP Policy ENV1: Development Criteria
- ☐ RLP Policy ENV3: Development on Contaminated Land
- ☐ RLP Policy H7: Residential Development on Unidentified Sites within the Urban Area and the Defined Village Envelopes
- ☐ RLP Policy T10: Highway Design and Parking Guidelines

Additionally, the following Supplementary Planning Document (SPD) is relevant:

- ☐ Parking Provision for Residential Developments SPD (2012).

In determining planning applications, the degree of weight given to each document depends on whether they are up to date and whether or not specific elements of them have been superseded.

#### Principle of Development

Policy 2 of the ACS promotes a strategy of urban concentration with regeneration and seeks to provide most development in or adjoining the main built up area. Policy H7 of the RLP sets the approach for dealing with residential development within the urban area. It states planning permission should be granted provided the development:

- a. It is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or material;
- b. It would not result in the loss of buildings or other features, including open space, which make an important contribution to the appearance of the area; and
- c. It is not contrary to other policies in the Local Plan.

In my opinion, the appearance, layout and scale of the proposed development would complement the Mansfield Road streetscene. The application site is within the main built up area and would not result in the loss of buildings or features which make an important contribution to the appearance of the area.

Whilst it is noted that the site lies within an area protected for employment uses by

Policy E3 of the RLP, the Nottingham City Region Employment Land Study recommended that this protection be removed. A decision was made in 2008 to agree with that recommendation, although the protection will only be released upon adoption of the Local Planning Document, which is expected in summer 2016. Given this, and the fact that the planning permission to create 2 retail units on the site remains extant and is not in accordance with Policy E3, it is considered that the principle of non-employment use on the site has already been established. As such, it is considered that the applicant does not need to undertake marketing of the site in accordance with Policy E3, and that the proposal is acceptable in this regard.

Members will also be aware that the Borough Council does not currently have a Five Year Housing Land Supply, as identified in the Five Year Housing Land Supply Assessment, January 2015, and this proposal would contribute towards this.

As such, I am satisfied in principle that the proposed development accords with the aims of Policy 2 of the ACS and Policies E3 and H7 of the RLP.

### Sustainability Considerations

The most relevant policies for this site that need to be considered in relation to sustainability are set out in Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS.

Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that local planning authorities should plan for a mix of housing.

Section 10 of the NPPF steers new development to areas with the lowest probability of flooding.

Policy A of the ACS requires that, where the development plan is out of date, planning permission should be granted unless:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS states that all development proposals will be expected to deliver high levels of sustainability in order to mitigate against and adapt to climate change, and to contribute to national and local targets on reducing carbon emissions and energy use.

As stated above, Policy 2 of the ACS seeks to provide most development in or adjoining the main built up area.

Policy 8 of the ACS requires that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

Policy 14 of the ACS states that the need to travel, especially by private car, will be reduced by securing new developments of appropriate scale in the most accessible locations.

### *Affordable Housing*

The site is currently in the ownership of the Borough Council, which acquired the site for the provision of affordable housing.

All the housing proposed is general needs rented housing, comprising 18 one bedroom flats and 2 two bedroom houses.

I consider that the proposed development would contribute positively towards the mix of housing tenures, types and sizes in the area.

### *Layout & Design*

The proposed development is located within the main built up area of Nottingham.

The Design and Access Statement provides information on the energy efficiency measures proposed within the development, including the use of renewable energy. The scheme would meet the 'Code for Sustainable Homes', level 3 and be designed to meet 'Lifetime Homes', a standard which provides a model for building accessible and adaptable homes.

The proposed development would incorporate all the features required by Secured-by-Design and the parking areas would be lit and would benefit from natural surveillance.

### *Accessibility*

With regard to accessibility, I note that the site is located within the urban area, on one of the main arterial routes, and with bus stops into and out of the city in close proximity. The site is also within easy walking distance of a wide range of convenience and comparison shopping facilities, both within and outside of Arnold Town Centre.

I am satisfied, therefore, that the location is accessible to a wide range of services and facilities in Mapperley and also in Nottingham in accordance with Policies 2 and 14 of the ACS.

### *Flood Risk & Sustainable Drainage*

The site is located within Flood Zone 1 and is considered to have a low risk of fluvial flooding. I would agree that the proposal is in an area of low probability of flooding and accords with the sequential test for locating development in low risk flood zones, as set out in Section 10 of the NFFP and Policy 1 of the ACS.

I note that no objections have been raised by the Environment Agency and consider that an appropriate condition can be attached to any permission requiring the submission of drainage details to ensure that sustainable surface water management

is achieved, in accordance with Policy 1 of the ACS.

### *Education, Healthcare & Public Open Space*

No requests for contributions towards education or healthcare facilities have been received in connection with the proposed development and the site is below the threshold for public open space provision.

### *Conclusion*

As such, I am satisfied in principle that the proposed development can be considered to be sustainable in accordance with Sections 6 and 10 of the NPPF and Policies A, 1, 2, 8 and 14 of the ACS, and subject to other material considerations, as discussed below.

### Environmental Considerations

The relevant planning policies which need to be considered in relation to pollution are set out in Section 11 of the NPPF and Policy ENV3 of the RLP.

Section 11 of the NPPF states, at paragraph 109, that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 121 of the NPPF states that planning decisions should ensure that the site is suitable for its new use, taking account of ground conditions, including pollution arising from previous uses, and any proposals for mitigation including land remediation.

Paragraph 124 of the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

Policy ENV3 of the RLP states that development will not be permitted on contaminated land or land where there is a risk of contamination unless practicable and effective measures are taken to treat, contain or control any contamination so as not to expose the occupiers of the development and neighbouring land users to any unacceptable risk or threaten the structural integrity of any building built, on or adjoining the site. The Policy goes on to state that the Borough Council will impose conditions relating to required remedial measures or monitoring processes where appropriate.

I appreciate the concerns which have been raised by Public Protection with regard to air quality, land contamination, dust and noise, but note that these concerns can be dealt with by the imposition of appropriate conditions. In view of this, I have not sought to amend the design, which would be detrimental to the appearance of the proposed development within the streetscene.

In this respect, the applicant's agent has confirmed that the recommended conditions are acceptable and achievable.

It has also been confirmed that there are bedroom windows facing onto Mansfield Road, but these would be included in the technical solution proposed to discharge the recommended condition.

Subject to the imposition of appropriate conditions, it is considered that the proposed development would accord with Section 11 of the NPPF and Policy ENV3 of the RLP.

### Highway Considerations

The relevant planning policies which need to be considered in relation to highway matters are set out in Section 4 of the NPPF and Policies ENV1 and T10 of the RLP. The Borough Council's Parking Provision for Residential Developments SPD is also relevant here.

Section 4 of the NPPF states at paragraph 32 that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets.

I appreciate the concerns expressed by local residents with regard to on-street parking and road safety at the Mansfield Road/Sherbrook Road junction, but note



that the Highway Authority has no objections in principle to residential development on this site and that the Highway Authority has had previous pre-application discussions with the applicant, which have been taken on board. The Highway Authority has not requested that the existing footpaths are widened as part of the proposed development.

With regard to the proposed car parking arrangements, the development would provide 2 allocated off-street parking spaces for each of the proposed dwellings and 19 unallocated off-street spaces for the proposed flats. This results in a slight over provision of off-street parking, when assessed against the Parking Provision for Residential Developments SPD.

I also note that the proposed access is further away from the Mansfield Road/Sherbrook Road junction than the existing access which served the former public house. In addition, I would advise Members that the planning permission for converting the building into 2 ground floor retail units, with four 1 bedroom apartments to the first floor, and which would utilise the existing access and parking facilities remains extant.

In my opinion, the proposed development provides good opportunities for sustainable transport modes and that safe and convenient access and circulation of pedestrians and vehicles would be achieved.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Section 4 of the NPPF, Policies ENV1 and T10 of the RLP and the Parking Provision for Residential Developments SPD.

### Amenity Considerations

The relevant planning policies which need to be considered in relation to residential amenity are set out in Policy 10 of the ACS and Policy ENV1 of the RLP.

Policy 10 of the ACS states, amongst other things, that development will be assessed in terms of its treatment of the impact on the amenity of nearby residents and occupiers.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACS.

With regard to the potential impact of the proposed development on adjacent properties, I am satisfied that the proposed layout and design would ensure that there would not be any adverse loss of amenity to the nearest residential properties in terms of overlooking, overshadowing or overbearing impacts.

Whilst I appreciate the concerns which have been expressed with regard to the potential loss of security and privacy to adjacent properties, I note that the proposed development would incorporate all the features required by Secured-by-Design and there would be good natural surveillance of the car parking area. In my opinion, this would discourage opportunities for crime and anti-social behaviour in accordance with the aims of Policy 10 of the ACS and Section 17 of the Crime and Disorder Act 1998.

I note that Public Protection has requested the imposition of a condition to secure a Dust Management Plan to control potential air pollution during construction.

There is no indication from Public Protection that the proposed development would result in increased noise to adjacent properties.

In my opinion, the proposed development would not have an unduly detrimental impact on the amenity of nearby residents in accordance with the aims of Policy 10 of the ACS and Policy ENV1 of the RLP.

### Heritage Considerations

The relevant planning policies which need to be considered are set out in Section 12 of the NPPF and Policy 11 of the ACS.

Section 12 of the NPPF states at paragraph 126, amongst other things, that local planning authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness and opportunities to draw on the contribution made by the historic environment to the character of a place.

Policy 11 of the ACS states, amongst other things, 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.

I note that cultural heritage issues have been assessed within the Heritage Impact Assessment, which states that the proposed development has been designed to complement the location and to form a well-constructed urban environment, which does not compete with the importance of the existing listed buildings in the vicinity.

In this respect, the impact of the proposed development on the setting of the Grade II listed former I and R Morley hosiery factory is the main heritage consideration.

Having regard to the design of the proposed development, and the photomontages provided within the Heritage Impact Assessment, which demonstrate the relationship of the proposed development to this listed building, I am satisfied that the proposed development would not have any undue impact on the setting or significance of this nationally designated asset. In my opinion, the layout and scale of the proposed development would enhance the setting of the listed building.

I am satisfied, therefore, that the proposed development would accord with the aims

of Section 12 of the NPPF and Policy 11 of the ACS.

### Design Considerations

The relevant planning policies which need to be considered in relation to design are set out in Section 7 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

Section 7 of the NPPF states that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area; respond to local character and history; and are visually attractive as a result of good architecture and appropriate landscaping.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the layout; density and mix; impact on the amenity of nearby residents and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

The sustainability of the design and how it responds to local character and history has already been considered under the 'Sustainability' and 'Heritage' considerations above.

The replacement of the existing two storey building, which is set back from the road, with a three storey landmark building on this prominent site, would be in keeping with the character with the area and the surrounding streetscene.

I am also mindful that the Borough Council's Urban Design Consultant was engaged at the pre-application stage and supported a similar form of development on this site to that which is proposed.

I am satisfied, therefore, that the proposed development would achieve a sufficiently high standard of design in accordance with Sections 7 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

### Nature Conservation Considerations

The relevant planning policies that need to be considered in relation to ecological matters are set out in Section 11 of the NPPF and Policy 17 of the ACS.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant

harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 17 of the ACS states that development on or affecting non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that there is an overriding need for the development and that adequate mitigation measures are put in place.

I note that a bat survey has been provided and that the County Council's Nature Conservation Unit has no objections to the proposed development.

I am satisfied, therefore, that the proposed development would not result in any harm to biodiversity and that the proposed landscaping scheme would enhance biodiversity on the site.

As such, I consider that the proposed development would accord with the aims of Section 11 of the NPPF and Policy 17 of the ACS.

### Conclusion

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate.

In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

There is no requirement for a planning obligation towards community or infrastructure facilities as a consequence of the proposed development.

The Secretary of State for Communities and Local Government does not need to be consulted under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

### **Recommendation:**

**That the Borough Council GRANTS PLANNING PERMISSION subject to the following conditions:**

### **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 constructed in accordance with

the following approved plans: Flats - First Floor (2265/P 103 A), Flats - Second Floor (2265/P 104 A), and Roof Plan (2265/P 105 A), received on 3rd December 2014; Proposed Site Plan (2265/P 101 B), and Flats - Ground Floor (2265/P 102 B), received on 13th January 2015; and Flats - Elevations 1 (2265/P 106 C), Flats - Elevations 2 (2265/P 107 E), Flats - Elevations 3 (2265/P 108 D) and House Plans & Elevations (2265/P 109 A), received on 23rd February, 2015.

3. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council a design scheme for a mechanical ventilation system. The air for the required mechanical ventilation system shall be drawn from the rear of the property and all windows along the Mansfield Road elevation shall be sealed and un-openable at all times. The design scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of a sound insulation scheme. The sound insulation scheme shall include the glazed areas and any associated acoustical ventilation scheme. The sound insulation scheme shall also include third octave band analysis and all assumptions made (e.g. glazing and façade areas) and should be designed to achieve the following internal noise levels: (1) Not exceeding 30 dB LAeq,8hr and not exceeding NR 25 in bedrooms between 23:00 and 07:00; and (2) Not exceeding 35 dB LAeq,16hr and not exceeding NR30 for bedrooms and living rooms between 07:00 and 23:00. The sound insulation scheme shall be implemented in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
5. Prior to the commencement of the development hereby approved, excluding the demolition of the existing buildings, a written assessment of the nature and extent of any potential or actual contamination shall be submitted to and approved in writing by the Borough Council. This assessment shall 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. The assessment shall be undertaken by a competent person and shall assess any contamination of the site whether or not it originates on site.
6. In the event that remediation is required to render the development suitable for use, a written remediation scheme and timetable of works shall be submitted to and approved in writing by the Borough Council. The scheme shall then be implemented in accordance with the approved details. Prior to the development being first occupied, a Verification Report (that satisfactorily demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Borough Council.

7. 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 Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken in accordance with the requirements of condition 5 above. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
8. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details.
9. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the deposit of debris upon the adjacent public highway. The approved measures shall be provided before development is commenced and shall be maintained in working order at all times during the construction period and shall be used by every vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
10. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of the proposed means of enclosure of the site. The means of enclosure shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of a Local Employment Agreement to cover the construction of the development hereby permitted. The Local Employment Agreement shall be implemented in accordance with the approved details, unless otherwise

prior agreed in writing by the Borough Council.

13. No part of the development hereby permitted shall be first occupied until the private drive, parking and turning areas are surfaced in a hard bound material in accordance with drawing number 2265/P 101 B, behind the highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
14. No part of the development hereby permitted shall be first occupied until details of a dropped vehicular footway crossing have been submitted to and approved in writing by the Borough Council. The dropped vehicular footway crossing shall be constructed in accordance with the approved details before the development hereby permitted is first occupied and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. No part of the development hereby permitted shall be first occupied until details of the proposed means of closure of the existing site access and re-instatement of the access crossing as footway have been submitted to and approved in writing by the Borough Council. The existing site access shall be permanently closed and the access crossing reinstated as footway in accordance with the approved details before the development hereby permitted is first occupied and shall be retained as approved for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. No part of the development hereby permitted shall be first occupied until the cycle parking layout indicated on drawing no: 2265/P 101 B has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
17. The proposed means of surfacing shall be implemented before the development hereby permitted is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
18. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree, shrub or seeded area 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 Borough Council.

## **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 protect the occupants of the proposed development, in accordance with the aims of Section 11 of the National Planning Policy Framework.
4. To protect the occupants of the proposed development, in accordance with the aims of Section 11 of the National Planning Policy Framework.
5. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure that practicable and effective measures are taken to treat, contain or control any contamination, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure the development is provided with a satisfactory means of drainage and to minimise the risk of pollution, in accordance with Section 11 of the National Planning Policy Framework and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
11. To protect the residential amenity of the area, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 10 of the Aligned Core Strategy for Gedling Borough (September 2014).
12. To seek to ensure that the construction of the site provides appropriate employment and training opportunities, in accordance with Policy 4 of the Aligned Core Strategy for Gedling Borough (September 2014).
13. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).



14. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
15. In the interests of highway safety in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
16. To promote sustainable transport, in accordance with the aims of Section 4 of the National Planning Policy Framework and Policy 1 of the Gedling Borough Aligned Core Strategy Submitted Documents.
17. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
18. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

The development has been considered in accordance with the National Planning Policy Framework, the Aligned Core Strategy for Gedling Borough (September 2014) and the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014), where appropriate. In the opinion of the Borough Council, the proposed development largely accords with the relevant policies of these frameworks and plans. Where the development conflicts with the Development Plan, it is the opinion of the Borough Council that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan.

### **Notes to Applicant**

The development makes it necessary to construct and alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Office to arrange for these works to be carried out.

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.

The development makes it necessary to relocate an existing bus stop in the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Public Transport Office to arrange for these works to be carried out.

Should any bats be found during demolition, work must stop immediately. If the bats do not voluntarily fly out, the aperture shall be carefully covered over to provide

protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust (08451 300228) or an appropriately qualified ecologist should be contacted immediately for further advice and any advice must be followed before any further demolition work takes place.

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](http://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](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.