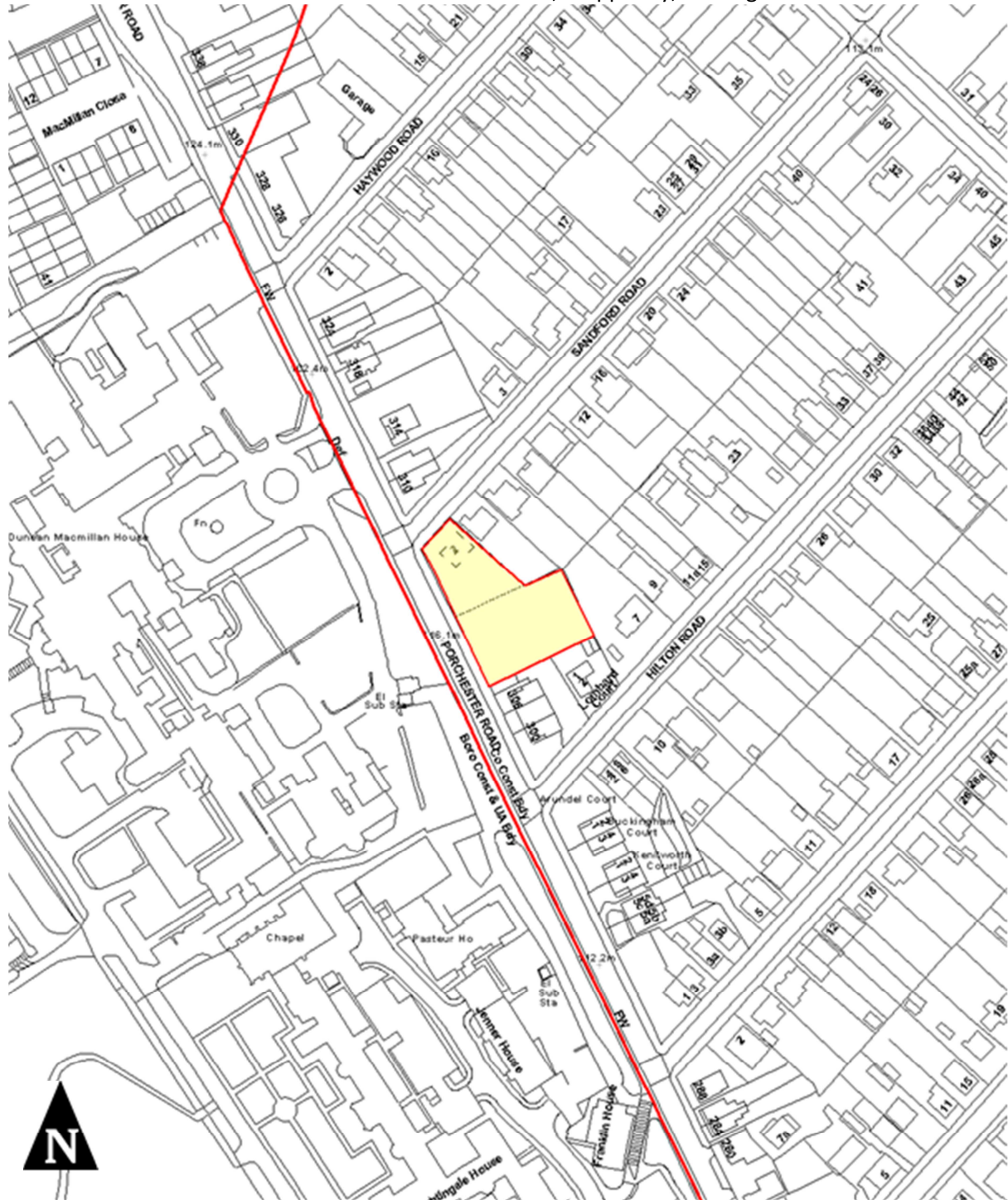


**Application Number:** 2010/0936

**Location:** 2 & 2A Sandford Road, Mapperley, Nottinghamshire



**NOTE:**

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## **Report to Planning Committee**

**Application Number:** 2010/0936

**Location:** 2& 2A Sandford Road, Mapperley, Nottinghamshire, NG3 6AL

**Proposal:** 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.

**Applicant:** Mr Iain Orme

**Agent:**

### Site Description

The application relates to 2 and 2A Sandford Road and the associated garden. The site is a corner plot sharing boundaries with Porchester Road and Sandford Road. The existing vehicular access to the site is off Sandford Road. Residential properties adjoin the site at no.4 Sandford Road and no.7 Hilton Road as well as flats at Barclay's Court and Lombard Court. The existing property on the site is derelict and the associated grounds overgrown. There is a significant change in levels between the boundary of the site with Porchester Road and the rear boundary with no.7 Hilton Road is approximately 8.0m lower than the boundary with Porchester Road.

The neighbouring residential properties include split level properties on Sandford Road, two-storey flats at Lombard Court, a two-storey detached dwelling at no.7 Hilton Road, and two storey flats with basement garaging to the rear at Barclay's Court.

Trees covered by a Tree Preservation Order sit within the site adjacent to the boundary with Porchester Road. A mix of close bordered fencing and hedges exist to residential boundaries.

### Proposed Development

The application was originally validated in January 2011 and the proposal at the time was for the erection of an apartment building with 14no. apartments with commercial space. Concerns were raised by the case officer in respect of the scale and nature of the original scheme. Given the constraints of the site and that the site has been problematic from a Public Protection perspective, Officers agreed to continue dealing with the application to explore without prejudice whether there was a solution which had a better relationship with the character of the area, neighbouring amenity and highway safety.

Extensive negotiations have taken place between the applicant and Officers,

resulting in the applicant submitting the latest plans for the demolition of existing dwellings at 2 and 2A Sandford Road and the erection of a building to provide 10no. dwellings with associated access, parking and rear amenity space. The 10no. dwellings would consist of 6no. four-bedroomed dwellings, 3no. three-bedroomed dwellings and 1no. one-bedroomed dwelling taking into account that the studies proposed to some of the dwellings could easily be converted into bedrooms.

The proposed building would be of a contemporary design and would be split level utilising the slope of the site between the boundary with Porchester Road and boundaries to the rear. The front elevation of the building would be at a lower level to the adjoining highway on Porchester Road by a maximum of 2.5m. Approximately two thirds of the elevation facing Porchester Road would be two-storey with dormer windows serving the roof space. This part of the front elevation would have approximate heights of 5.5m to the eaves and 8.25m to the ridge. The ridge of the building would sit approximately 1.9m higher than the ridge of neighbouring Barclay's Court.

The height of the building would drop to single storey with dormers serving the roof towards the junction with Sandford Road and the boundary with no.4 Sandford Road. The front elevation to this section of the building would have approximate heights of 3.0m to the eaves and 6.0m to the ridge.

To the rear elevation the building would have a maximum height of 14.4m when measured from basement level. The rear elevation would include angled oriel windows to the ground level of the dwellings with the vehicular access ramp and basement level parking below. Windows are also proposed to the first floor level of the dwellings and roof light windows to the rear facing roof slopes.

Proposed materials for the building include brickwork with timber clad sections to the front elevations, render to the rear elevations and tiles to the roof. Modern styled chimneys are proposed clad in metal panelling. The layout plans indicate 2.0m high boundary treatments measured from the level of neighbouring properties and soft planting to the perimeter of the rear grounds. A landscaped bank with new tree planting is proposed to the front of the building with steps from the ground level of the building to pavement level on Porchester Road. Pedestrian access is also available onto Sandford Road. Bin storage is shown to be housed within indents to the ground floor front elevations.

Remotely controlled electric gates are proposed to the front elevation of the building close to the boundary with the neighbouring flats at Barclay's Court. The gates would be set back from the boundary with the Highway by approximately 4.0m and would lead on to a ramp providing access to basement parking. The first 5.0m of the ramp would have a gradient of 1 in 20. Thereafter the ramp would have a gradient of 1 in 12 and would emerge from and sit parallel with the rear elevation of the building before re-entering the building until it reaches the proposed ground level. The edge of the ramp would have a barrier wall measuring some 0.9m in height.

A revised lower ground plan was submitted on 18<sup>th</sup> July 2013 showing a total of 20 car parking spaces are proposed, 6 of which would sit adjacent to the ramp within the building footprint with the remainder to the car park which occupies the majority

of space to the rear of the building. Motorcycle, bicycle storage and lock up units are also shown at basement level as well as a lobby area providing staircase access to the dwellings. Lift access is also shown from basement level to the dwellings.

A revised Design and Access Statement was submitted on 11<sup>th</sup> June 2013 stating inter-alia that the surface finish of the proposed ramp will be such that drainage can be controlled to drain to the sides of the ramp. Ice will be controlled through the roughness of the surface finish and the building management will include provision of a salt box to be spread when required by the management company. Lighting to the ramp is proposed at low level within the barrier wall and not directed towards neighbouring properties or occupiers of the building.

A plan showing the proposed visibility splay relating to the vehicular access has been submitted.

Other supporting documents include a Tree Report and Protected Species Survey report.

### **Consultations**

Arboricultural Officer – Has inspected the submitted report and the trees on site.

The Forestry Manager is of the opinion that although the trees still have some contribution to make in terms of the visual amenity, it is apparent that decline is now being exhibited by the trees themselves and it appears on a physiological level that the trees are now entering the final phase of their collective safe retention. The Forestry Manager is mindful that dead branches or stems could fall onto the highway at some stage in the immediate future.

The Forestry Manager would strongly advise the use of structural engineers to establish the effects of removing trees as they form part of the structure that supports the public highway and as such require careful consideration to be given prior to tree removal.

Any decision taken with regards to the trees removal must be made in the full light of all the facts. This should include replacement planting of trees that will provide adequate visual amenity into the future to be planted in such a manner as to not affect any proposed development.

No evidence of engineering specification or additional detail was submitted with the application and the Forestry Manager raised concerns that the implications of this have not been dealt with adequately, in particular, how the public highway is to be supported and how the tree planting is envisaged to occur to allow future retention to be possible. The Forestry Manager advised that the use of heavy standard trees as replacements would in no way offset the removal of such large and significant trees.

The submitted plans show new tree planting to the proposed landscaped bank between the front of the proposed building and the boundary with the highway. The Forestry Manager initially questioned the viability of this tree planting and following the submission of catalogue details of root barriers and root direction systems for the

proposed replacement trees advised this did not overcome their concerns.

Since the Forestry Managers, a Forestry Officer has spoken to the highway safety team regarding the extension of the County Council's tree stock on Porchester Road between Sandford Road and Hilton Road, Mapperley.

It was recommended that highway trees were not planted at this location and it seems it may not be best practice begin to extend the County Council's highway tree population on to Porchester Road.

Public Protection – It is unlikely that there will be any adverse environmental protection issues.

Notts County Council (Highways) –following the receipt of the amended plans showing the new car parking layout, the Highway Authority consider the latest plans give better movement around the car park.

The Highways Authority consider the proposals are acceptable subject to a series of conditions being attached to any consent.

The Highway Officers have raised visibility concerns from the access and junction with regards to the replacement of the trees covered by a Tree Preservation Order with new trees on the footway. The trees would also raise other issues such as drainage damage, kerb and footway heave, leaves blocking the channels/gullies, branches overhanging the road striking buses and HGVs, the need for traffic management to maintain and trim the trees, branches dripping water on to the road was leading to accelerated surface damage, pedestrians appearing suddenly from behind trees as they step into the road and obscuring pedestrians' view of oncoming traffic.

Notts County Council (Ecology) – Having looked at the Protected Species Survey report (dated January 2011) notes that this found no evidence of bats within the building. Nevertheless, the recommendations made in section 6.1.2 of the report in relation to bats should be adhered to and secured through a planning condition. A planning condition should also be used to require that no vegetation clearance take place during the bird nesting season (March to August inclusive).

Environment Agency –The application is covered by the Environment Agency's Flood Risk Standing Advice.

Severn Trent Water – No objection to the proposal subject to a condition being attached to any consent requiring drainage plans for the disposal of surface water and foul sewage.

Nottinghamshire Wildlife Trust – Have looked at the ecological report (EMEC Ecology, January 2011) and support the survey methodology and recommendations set out in section 6. The Trust wish to highlight the following advice:

- Paragraph 6.1.1 recommends precautionary working procedures to protect badgers, the first paragraph of 6.1.2 sets out precautionary working procedures to protect bats and appendix 1 details the *“procedure to follow if*

*bats are found*". The Trust recommend this advice is secured through placing an advisory note on any decision notice.

- With reference to paragraphs 6.1.2 & 6.1.3, given that the Trust understand that mature trees are to be removed, they strongly recommend that the tree works take place outside of the bat activity and bird nesting season (i.e. avoid March to October inclusive). The Trust recommend this is secured by placing a condition on any decision notice. Although the Trust would recommend against it, should it not be possible to avoid the months of March to October then an ecologist must survey the trees ahead of any works.
- We would wish to see bird boxes installed as a compensatory measure/enhancement (paragraph 6.1.3).

Urban Design Consultant – Following extensive negotiations, considers the latest proposals for a building to provide 10no. dwellings is a good scheme for a very difficult site bearing in mind the shape of the site and the position of adjoining dwellings.

The contemporary design is good and the building line respecting the frontages is also good. The difficulty of providing an access which satisfactorily negotiates the change in levels on site has been overcome.

Considers there should be a substantial planting scheme around the boundaries, a dense scheme using semi mature trees and a mix of deciduous and coniferous trees/shrubs. Materials for the building should be conditioned.

Following the receipt of amended plans showing a change to levels and comparative heights between neighbouring properties the Urban Design Consultant made the following further comments:

No issue with the change in height. Still considers that the development would have an acceptable relationship with the street scene.

Notts County Council (Education) – The revised application for 10 dwellings would equate to a primary requirement of £22,910 for 2 additional places. The primary schools are at capacity so the County Council would request the contribution to provide additional primary places to serve the development.

Police Architectural Liaison – Provided comments on the original scheme and recommended that the entrance gates to the basement car park be fitted with access control and automated access. Concerned that access gates might allow for the possibility of climbing over and therefore recommended a roller shutter fitting to prevent unlawful access, together with CCTV to monitor access and egress. Lintels should be placed in the ground to address any level difference to meet the bottom of the gate/roller shutter.

The Architectural Liaison Officer also recommended that all ground floor doors and windows are to be Secured by Design standards and fitted with laminated glazing.

No further comments have been received relating to the latest proposals.

Natural England – The application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Natural England would, in any event, expect the LPA to assess and consider the possible impacts resulting from this proposal on the following issues when determining this application:

- Green infrastructure
- Protected species
- Local wildlife sites
- Biodiversity enhancements
- Local landscape

Housing – No comments received

Planning Policy – The application site is located within the built up urban area approximately 400 metres from Mapperley District Centre. It is noted that this proposal is a revision to an earlier application for 14 apartments and commercial space for which Planning Policy provided comments on 9<sup>th</sup> February 2011. These latest revised proposals are for a wholly residential scheme and do not include a commercial element. Consequently, the revised Planning Policy observations relate solely to a residential scheme and largely reflect the previous comments made in relation to the residential element of the previous proposal.

In summary, Planning Policy would have no objection to this proposal provided Development Management is satisfied that it meets ACS Policy 10 Policies ENV1, H7, H16 and H17

Waste Services – No comments received

Adjoining neighbours have been consulted and site and press notices have been posted – Since the application first went out to consultation in January 2011, 21 no. written representations have been received.

12 no. written representations were received on the original scheme for 14no. apartments with commercial space raising objections to the proposal. In particular, but not exclusively, the objections related to the scale of the proposals and the impact on neighbouring amenity by virtue of the bulk, scale and layout of the building and the presence of, and activity on, the access ramp adjacent to neighbouring boundaries. Concern was also raised in relation to the safety of the access ramp, the appropriateness of commercial element of the proposal in this location and the general level of detail within the application.

9 no. of written representations have been received since the scheme was amended

to a building for 10 dwellings, the comments of which can be summarised as follows:

- The building is too high and will have an overbearing impact on adjacent properties.
- The building and ramp are will overshadow Lombard Court on Hilton Road.
- There are too many parking spaces, 27 for just 10 dwellings. There are bus stops close by and more landscaping should be considered.
- Question whether the entrance is gated.
- Is the access large enough for emergency vehicles?
- What is the height of the barrier edging the access ramp? It needs to be high enough to avoid aggravation to neighbours from car headlights.
- Where will refuse bins be placed and how will they be collected?
- How will the ramp be lit so that adjacent properties are not affected?
- More detail required on boundary treatments. Concerns boundary treatments could have an overbearing impact particularly on Lombard Court. Also concern that trees would impact on the stability of the boundary with Lombard Court.
- Lack of detail on lighting on the site - Car park security lighting should be designed to have minimal effect on local residents.
- Fears of subsidence and damage to the neighbouring building and drainage system. Conditions should be attached requiring the property developer to fund an independent surveyor to risk assess and photographically record the neighbouring building at Barclay's Court with reassessment for a minimum of 10 years after completion of the build for any cracks or structural damage caused by subsidence as a result of the new development.
- Safety of the ramp, will there be a speed limit.
- More detail requested on any retaining wall to the boundary with Lombard Court. Will there be space to maintain the neighbouring garages?
- Concern about the height of the car park in relation to Lombard Court.
- Concerns about how drainage of the site will be dealt with and impact on neighbouring property.
- Compensation for any damage to neighbouring properties or cars.
- Defensive shrubbery (not trees) should be planted adjacent to a proposed boundary wall.
- That the height of the proposed boundary walls are measured from the ground level of adjoining properties.
- The ramp should be fitted with a security gate.
- Question the site levels. If the proposed car park is above head height in relation to Lombard Court (similar to the car park serving Barclay Court) this would be unacceptable.
- Concerns about overlooking impacts.
- Japanese Knotweed is present on the site. How will this be removed effectively to prevent problems in the future?
- Development of the site would be of benefit to the area. The proposed plans are an improvement.

### **Planning Considerations**

The main planning considerations in the determination of this application are the



principle of residential development on the site and the size and design of the proposal and its relationship with the appearance of the area and neighbouring amenity. The potential highway implications are also a determining factor.

The following core planning principles of the National Planning Policy Framework are relevant in the consideration of this planning application:-

- 6. Delivering a wide choice of high quality homes (paragraph 49)
- 7 Requiring good design (paragraphs 56-68)

The following saved policies of the Gedling Borough Replacement Local Plan (2005) (Saved Policies 2008) are relevant to this planning application:-

- Policy ENV1: Development Criteria
- Policy ENV2: Landscaping
- Policy ENV47 Tree Preservation Orders
- Policy H7: Residential Development on unidentified sites within the Urban Area and the Defined Village Envelopes
- Policy H16: Design of Residential Development
- Policy T10: Highway Design and Parking Guidelines

Gedling Borough Council at its meeting on 13<sup>th</sup> February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents (ACS) than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are particularly relevant:

- ACS Policy 8 (Housing Size, Mix and Choice)
- ACS Policy 10 (Design and Enhancing Local Identity)
- ACS Policy 19 (Developer Contributions)

In terms of delivering a wide choice of homes paragraphs 47 and 49 of the NPPF are relevant which seek to boost the supply of new homes and to consider applications for housing in the context of the presumption in favour of sustainable development.

Policy 8 (Housing Size, Mix and Choice) of the emerging Gedling Borough Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create mixed and balanced communities. All residential developments should contain adequate internal living space, and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants.

Paragraph 56 of the NPPF states that Government attaches great importance to good design which is a key aspect of achieving sustainable development. Paragraph 60 advises that planning decisions should not attempt to impose architectural styles however, it is proper for Local Planning Authorities to promote or

reinforce local distinctiveness. Paragraph 65 advises that planning permission should be refused for development of poor design that fails to take the opportunity to improve the character and quality of an area and the way it functions.

Policy 10 (Design and Enhancing Local Identity) of the emerging Gedling Borough Aligned Core Strategy reflects national policy and Policy 10.1 a) states that new development should be designed to make a positive contribution to public realm and sense of place; and 10.1 c) refers to development reinforcing valued local characteristics. Policy 10.2 states that development will be assessed against a number of design elements set out in criterion a) – i) of which a) relating to the orientation and positioning of buildings and d) massing scale and proportion are particularly pertinent to this application. There were no significant objections to these elements of ACS Policy 10 and therefore these design policy principles can be given significant weight in policy terms.

Policy 19 (Developer Contributions) states that planning obligations will be sought to secure all new infrastructure necessary to support new development either individually or collectively.

Policy H7 of the Replacement Local Plan states planning permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided:-

- '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 materials;
- 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 contained in this Local Plan.'

The site is located within the urban area where the principle of residential development is generally accepted subject to the relevant criteria in H7 being satisfied. The proposal would also help increase the supply of homes in Gedling Borough which is a key objective of national planning policy.

### **Design of the proposal and impact on the appearance of the area**

With regards to design and amenity issues, Policy H16 of the Replacement Local Plan states that planning permission should be granted for new residential development if it meets the design criteria set out under this policy including that the proposal is sited and designed to relate to the roads, footpaths and open spaces, laid out and design in such a way as to reduce the risk of crime, that the proposals are of a high standard of design and that dwellings should conserve energy and use it efficiently.

The design for the proposed development should also meet the criteria set out in Policy ENV1 of the Replacement Local Plan, in particular (a) 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; (b) 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; (c) development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children; and (d) it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping.

Given the constraints of the site, in terms of the significant change in levels from the boundary with Porchester Road and the irregular shape of the site, development of the site necessitates an innovative design solution. Extensive negotiations have taken place with the applicant, and the Urban Design Consultant has been involved in these discussions. I am satisfied that the scheme makes effective and efficient use of the site bearing in mind the considerable constraints in terms of the site's shape and topography. The Urban Design Consultant is also supportive of the contemporary design which reflects the alignment of existing properties on the frontage of Porchester Road and Sandford Road. Whilst contemporary in design the building also incorporates traditional building forms including pitched roofs and materials including brick elevations and tiles roofs. I also note the Urban Design Consultant has raised no concerns with regards to the height of the proposal within the street scene and whilst the ridge of the building would be higher than neighbouring buildings I am satisfied the difference in levels is not so significant so as to have an undue impact on the appearance of the area.

The latest plans also negotiate the significant change in levels between the boundary of the site with Porchester Road and the rear of the application site though the use of a vehicular access ramp which addresses much of the change in levels within the building footprint. The external part of the ramp sits tightly against the rear elevation of the proposed building helping to reduce the footprint of the proposal. Precise details of the external face of the ramp can be requested as part of a condition attached to any consent requiring precise details of materials.

With regards to the Police Architectural Liaison Officer's recommendations to reduce the risk of crime, precise details of the gate to the access ramp and details of a CCTV system could be conditioned as part of any consent. A note could be attached to any consent highlighting the Police recommendation for windows and doors to be Secured by Design standards and the final details could be considered under a condition requiring details of materials in line with the advice of the Urban Design Consultant.

### **Impact on neighbouring amenity**

Policies H7 and H16 of the Replacement Local Plan required proposals to be designed so as to not adversely affect the area and Policy ENV1 of the same Local Plan states proposals should 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 level of traffic generated.

I have given very careful consideration to the potential impact of the proposal on neighbouring residential properties particularly given the height of the proposal, the levels on the site and adjoining sites, the distances between properties and the individual design of the proposal to address the very specific characteristics of the site.

In my opinion the design of the proposal, which has been significantly reduced in height, bulk and footprint since the original proposals were submitted, will have no undue impacts on neighbouring amenity. The rear elevation of the building is set back from the rear elevations of no.4 Sandford Road and Barclays Court. The building has a maximum ridge height 1.9m above the ridge of Barclays Court and steps down in level close to the boundary with no.4 Sandford Road. With regards to windows facing neighbouring properties, the proposed building incorporates oriel windows serving its ground floor level with windows facing away from no.4 Sandford Road. The nearest habitable window to the flats at Lombard Court would be a minimum of 15.0m to the rear elevation of this neighbouring property and would be located at an angle and height significantly above the main windows serving this neighbouring building. The rear elevation of the building would be some 25.5m from the rear boundary with no.7 Hilton Road and no windows are proposed facing Barclays Court.

The latest plans show the access ramp to be sited a minimum 12.0m away from the rear elevation of Lombard Court at its highest point on the rear elevation of the proposed building. At this point the ramp would be approximately 6.5m higher than the level of the land at the rear boundary of this neighbouring property and 1.5m higher than the eaves level of this neighbouring building. The ramp then has a gradient of 1m in every 20m meaning that it reaches a level below the ground level of no.4 Sandford Road at its nearest point to the boundary with this property. I am also conscious that there will be some noise from vehicles using the ramp although this will be limited given the number of vehicles likely to be using the ramp and the gradient of the ramp. I note that Public Protection consider there are unlikely to be any adverse environmental protection issues.

I am satisfied that given the shape and height of the ramp, the ground levels and distances between these properties, and the likely level of activity on the ramp, this feature of the design is acceptable and these factors are sufficient to ensure that the impact of this ramp on these neighbouring residential properties will not be so significant so as to warrant a refusal of planning permission. I have no concerns with regards to the relationship of the ramp with properties at Barclays Court and 7 Hilton Road given the distance and orientation of the ramp in relation to these properties.

Given the above factors I am satisfied the proposal would not result in any undue overbearing, overshadowing or overlooking impacts on neighbouring properties.

I note concerns raised with regards to the potential for vehicle lights from the proposed ramp towards neighbouring properties. Given the shape of the ramp which curves away from the boundary with Lombard Court, the 0.9m barrier wall proposed to the edge of the ramp, that lights towards 4 Sandford Road would be at a significant distance from the windows on this property and would be below ground level closer to the boundary with this neighbour, and the distance and relationship

with habitable windows on other neighbouring properties, I consider it unlikely that there will be any significant adverse impact from vehicle lights on these neighbouring properties. The Design and Access statement confirms that lighting to the ramp itself would be set at low level within the barrier wall. I also consider lighting to the proposed car park should also be of a low level (e.g. bollard style lighting) to reduce to potential for light to spill onto neighbouring properties. Precise details of lighting to ramp and car park can be conditioned as part of any consent.

I am mindful of the comments received relating to the extent of the car parking and its position in relation to the boundary with neighbouring properties. A revised Lower Ground plan was submitted on 18<sup>th</sup> July 2013. The revised plan shows a reduction in the number of car parking spaces and subsequent deletion of some of the spaces closest to neighbouring boundaries and a subsequent increase to the landscaping adjacent to neighbouring boundaries.

With regards to the proposed levels of the car park and its relationship with neighbouring properties, I am satisfied that the level differences between properties are acceptable and will not unduly impact on neighbouring amenity. In particular I note the levels to the rear garden at Lombard Court. The proposed car park would be approximately 0.75m higher than the neighbouring ground level. I have also inspected the level of land at Lombard Court on site and whilst there is a gentle slope along the rear boundary of this property, the change in level between the south western corner and north eastern corner of this boundary is no greater than approximately 0.5m. A condition can be attached to any consent to state that the boundary treatment to this boundary is not as set out on the submitted plans and that precise details be submitted to address any change in level. I consider it likely that a boundary treatment on the Lombard Court site consisting of a retaining wall and boundary treatment totalling between 2.5m and 2.8m in height would be sufficient to prevent any undue overlooking impact on this property and I am satisfied that such a boundary treatment would not unduly impact on the amenity of this neighbouring property. Any impact on the existing garages at Lombard Court including access for maintenance of these garages would be a private legal matter.

With regards to other neighbouring boundaries, the submitted plans again show 2.0m boundary treatments measured from neighbouring land levels and a hedge to the boundary with no.7 Hilton Road is to be retained. Precise details of boundary treatments can be conditioned and details of any works to the existing hedge can also be subject of a condition.

### **Landscaping and Impact on protected trees**

Policy ENV2 of the Replacement Local Plan states that where landscaping is required as part of a new development it should complement the buildings on site, where possible retain, incorporate and enhance established features, reflect the character of the surrounding landscape, provide effective all year round screening when required, use native species where practicable, where possible create new or enhance existing features of nature conservation value and incorporate the use of appropriate species on defensible boundaries in an attempt to prevent crime.

Policy ENV47 of the Replacement Local Plan states that development will not be

permitted if it would damage or destroy one or more trees protected by a Tree Preservation Order unless the removal of such trees would be in the interests of good arboricultural practice, or result in development which outweighs the amenity value of the protected trees, or not have a seriously detrimental effect on the visual amenity of the area.

Removal of the protected trees to the boundary with Porchester Road is required to enable development of the site. The County Council's Forestry Manager has advised that the trees are now entering the final phase of their collective safe retention. I therefore consider the removal of these trees would be in the interests of good arboricultural practice. Whilst the possibility of replacement trees has been explored both in terms of tree planting to the earth bank to the front of the site and potential street trees on highway land, a solution for replacement planting has not been found. The proposed earth bank would not provide suitable ground for root systems to establish themselves and trees on the footway would obscure visibility for drivers approaching Porchester Road from the application site, Sandford Road and Hilton Road. The removal of these trees to enable development of the site, without replacement, would assist in increase the supply of homes in Gedling Borough which is a key objective of national planning policy. The site has also been derelict for several years and there have been problems of anti-social behaviour. Development of the site would therefore also assist in reducing the risk of crime. On balance, I consider these considerations outweigh the amenity value of the protected trees.

A condition can be attached to any consent requiring a method statement for the removal of the trees to ensure the stability of land on the application site and adjoining highway is not unduly impacted upon.

Given the constraints of the site and that a communal building has been designed to make the most efficient use of the site, the need to provide an appropriate level of car parking has restricted the level of soft landscaping that can be provided. In any case any landscaped area would be a shared amenity space and potential occupants might be dissuaded from using this space given it borders the proposed parking area and is not private.

The revised car park layout for 20 spaces has provided an opportunity to increase the depth of soft landscaping towards the rear boundary of the site and I am satisfied that this will provide some visual relief from the hard surfacing proposed. The revised plans indicate that all planting shown is indicative of soft planting and therefore not necessarily trees. Final details of soft landscaping can be controlled by condition and consideration can be given as to whether defensive shrubbery might be more appropriate than trees bearing in mind the proximity to the hard surfaced car park and the need to ensure any trees can be planted with an opportunity to establish themselves. With regards to the concerns relating to the removal of Japanese Knotweed from the site, any landscape condition can also require a method statement for the removal of any invasive plants from the site.

A condition would need to be attached to any consent requiring details of maintenance to soft landscaped areas.

### **Highway and access issues**

Policy T10 of the Replacement Local Plan requires reference to be made to the Highway Authority's highway design and parking guidelines when considering proposals for new development.

Under the Borough Council's 'Parking Standards for Residential Developments' the minimum parking requirement for this proposal would be 20 spaces if each dwelling is allocated 1 space or 18 spaces if all spaces are unallocated spaces. This is based on a development which counts the proposed studies as bedrooms given their potential to be used as such. I note the proposed parking is for 20 spaces and provided any consent is conditioned to ensure the parking spaces are unallocated, the number of spaces exceeds the minimum requirement for spaces to serve this development.

Concerns have also been raised by members of the public as to the safety of the vehicular access ramp and whether there should be a speed limit. The Highway Authority has not raised any concerns subject to the proposals being implemented in accordance with the gradients shown on the submitted plans. I also consider that the shape of the ramp will lead to drivers needing to reduce their speed. With regards to the use of the ramp in icy conditions, the Design and Access Statement confirms that surfacing of the ramp will be such that it provides a rough surface and also that a management company will be set up to distribute salt in severe conditions. Means of anti-skid surfacing of the ramp and details of salt and grit boxes and their location to ensure their availability for residents/staff of any management company can be conditioned as part of any consent.

With regards to the concerns raised in relation to the security of the access and the design of the access gates, a condition can be attached to any consent requiring precise details of the gates and their operation to be submitted.

I have sought the verbal advice of the Borough Council's Building Control Team in relation to access for emergency vehicles and I have been advised that any fire could be tackled from the front of the building. I also note all properties have ground floor front door access.

I am mindful of the comments of the Forestry Manager and their concerns about the removal of the protected trees to the boundary with Porchester Road and the impact this could have on the stability of land supporting the adjoining highway. I consider that a condition should be attached to any consent requiring a method statement for the removal of the trees to be submitted prior to the commencement of any works. This information can then be passed on to the Highway Authority for comment before any such details are approved.

### **Other issues**

I note that the latest plans indicate bin storage to the front of the proposed properties. However, the only pedestrian access to the front of the properties on Porchester Road appears to be a stepped access. Such an access would also restrict access for users of the building. A condition can be attached requiring precise details of ramped access with balustrades to facilitate access to the building

and aid refuse collection.

I note the comments raised in respect of the potential for subsidence and comments received relating to compensation for any damage to cars or properties on neighbouring sites caused by development of the application site. Such issues are private legal matters and not material planning considerations in the determination of this planning application.

With regards to concerns raised in respect of surface water drainage on the site, precise details of drainage can be required by a condition attached to any consent in line with the advice of Severn Trent Water. Any drainage scheme can be designed to ensure water does not runoff onto neighbouring land. Similarly the design details for drainage of the access ramp can be subject to a condition.

With regards to the comments of the Environment Agency the application site is not located within the Flood Zone.

### **Section 106 Agreement**

The applicant has confirmed they are willing to enter into a Section 106 Legal Agreement with the County Council as Education Authority in respect of the requested contribution towards primary school places and the County Council have drafted an agreement. Work towards completing the Legal Agreement could take place should the Committee resolve to support a recommendation to grant conditional planning permission and the formal decision issued once the agreement is in place. The applicant has agreed for an extension of time for the determination of the application to the end of 2013 in order to allow this work to take place.

### **Conclusion**

On balance, given the above considerations, I am satisfied that the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway. The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour outweighing the amenity value of the protected trees which need to be removed to facilitate development. The proposal therefore complies with the National Planning Policy Framework (2012) the emerging Aligned Core Strategy and Policies ENV1, ENV2, ENV47, H7, H16 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Recommendation:**

To GRANT PLANNING PERMISSION subject to the applicant entering into a Section 106 Agreement with the County Council for a contribution towards Education and 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 approved, other than the means of enclosure of the site and the details of new tree planting adjacent to the boundary with Porchester Road shown on the submitted plans, shall be built in accordance with drawing nos.0001 Rev A, 0011 Rev A and 0006 Rev A received on 15th April 2013, drawing nos.0100 Rev A, 2000 Rev A, 0004 Rev C, 0005 Rev B, 0008 Rev B, 0009 Rev C received on 11th June 2013, drawing no. 0010 Rev C received on 20th June 2013 and drawing no.0003 Rev D received on 18th July 2013.
3. Before development is commenced a sample of the materials to be used in the external elevations of the building, including to the exterior wall of the proposed vehicular access ramp, shall be submitted to and approved in writing by the Borough Council.
4. Before development is commenced precise details of the materials to be used in surfacing of external areas outside of the building including anti-skid surfacing to the proposed ramp shall be submitted to and approved in writing by the Borough Council.
5. The development shall be completed in the external elevation materials and the surfacing materials approved under Conditions 3 and 4 of this consent.
6. The development hereby permitted shall not commence until drainage plans for the disposal of surface water (including to the proposed car park and vehicular access ramp) and the disposal of foul sewage from the site and buildings/structures have been submitted to and approved by the Borough Council.
7. The development shall be completed in accordance with the drainage plans approved under condition 6 of this consent.
8. Before development commences a method statement setting out measures to ensure the safe removal of the trees to the boundary with Porchester Road shall be submitted to and approved in writing by the Borough Council.
9. The trees to the boundary with Porchester Road shall be removed in accordance with the method statement approved under condition 8 of this consent.
10. Before development is commenced, notwithstanding the details of enclosure shown on the approved plans, there shall be submitted to and approved by the Borough Council precise details of the means of enclosure to the site including any works to the hedge to the boundary with no.7 Hilton Road.
11. The means of enclosure shall be erected in accordance with the details approved under condition 10 of this consent and retained at all times unless alternative means of enclosure are agreed in writing with the Borough Council.

12. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing precise details of retaining structures adjacent to neighbouring boundaries, the position, type and planting size of all trees and shrubs proposed to be planted including where appropriate details of existing trees to be felled and retained, and details of how any invasive plants (e.g. Japanese Knotweed) shall be removed from the site.
13. Before development commences precise details of internal and external lighting to the proposed car park and access ramp shall be submitted to and approved in writing by the Borough Council.
14. Any internal or external lighting serving the car park and vehicular access ramp shall be retained and maintained in accordance with the details approved under Condition 13 of this consent.
15. Before development is commenced, details of an access ramp with balustrade to facilitate pedestrian access onto Porchester Road shall be submitted to and approved in writing by the Borough Council.
16. The pedestrian access ramp onto Porchester Road shall be provided in accordance with the details approved under Condition 15 of this consent prior to the occupation of any of the approved dwellings.
17. Before development is commenced precise details of the proposed access gates, which shall be electronic and shall open into the site, together with details of CCTV to monitor access and egress shall be submitted to and approved in writing by the Borough Council.
18. The details of the vehicular access gates and CCTV system approved under condition 17 of this consent shall be installed prior to the occupation of the first dwelling and shall be operational and maintained in accordance with the approved details thereafter.
19. Before development is commenced a schedule indicating how the proposed soft landscaping is to be maintained shall be submitted to and approved in writing by the Borough Council. The schedule should cover a minimum period of five years. Any planting material that becomes diseased, dies or is damaged shall be replaced with a suitable plant of similar size and species within the next available planting season.
20. The works to trees on the site shall take place outside the bat activity and bird nesting season (March to October inclusive) unless an ecologist has surveyed the trees prior to any such works commencing and details of the ecologists recommendations have been submitted to and approved in writing by the Borough Council.
21. Before development is commenced precise details of bird boxes to be installed as part of the development, as recommended at Paragraph 6.1.3 of

the Protected Species Survey (January 2011) submitted as part of this application, shall be submitted to and approved in writing by the Borough Council.

22. The bird boxes approved under condition 21 of this consent shall be installed prior to the occupation of the first dwelling and shall be retained in accordance with the approved details at all times.
23. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
24. No part of the development hereby permitted shall be brought into use until the existing dropped kerb access on Sandford Road that has been made redundant as a consequence of this consent has been reinstated with full height kerbs constructed in accordance with the Highway Authority specification to the satisfaction of the Borough Council.
25. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4 x 43m in both directions as shown on drawing no: (0004 Rev C) are provided.
26. No part of the development hereby permitted shall be brought into use until the access to the car parking 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.
27. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary, and never exceeding 1:12 thereafter, as shown on plan ref: 0004 Rev C.
28. No part of the development hereby permitted shall be brought into use until the motorcycle and cycle parking facilities as indicated on drawing no 0003 Date rev D have been provided. The motorcycle and cycle parking facilities shall not thereafter be used for any purpose other than the parking of motorcycles and cycles.
29. The development shall not be occupied until the car parking area has been surfaced and drained and the individual parking spaces clearly marked out as per drawing no.0003 Rev D. The spaces shall be kept available for unallocated parking in association with the development thereafter.
30. Any planting along the frontage of the site shall not be planted as to cause visibility concerns for cars exiting the access to the parking area.
31. Before development commences precise details of salt and grit boxes to be provided as part of the development and the proposed location of these features shall be submitted to and approved in writing by the Borough

Council. The salt and grit boxes shall be provided in accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained thereafter in accordance with the approved details for the life time of the development.

## **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 order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
4. In order to ensure that the site and in particular the ramp (which should have a rough surface) are surfaced in appropriate materials so that the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
5. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008) and to reduce the risk of flooding.
6. 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.
7. 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.
8. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained.
9. In the interests of public safety and to ensure the structural stability of the adjoining highway is retained.
10. In order to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
11. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
12. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough

Replacement Local Plan (Certain Policies Saved 2008).

13. In order to protect neighbouring amenity and ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
14. In order to protect neighbouring amenity and ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
15. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
16. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
17. In the interests of crime prevention in order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
18. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
19. In order to ensure the details of the development are satisfactory in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
20. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
21. In order to compensate for the loss of bird nesting provided by trees and shrubs to be removed as part of the development in accordance with the guidance set out at Paragraph 118 of the National Planning Policy Framework (2012).
22. In order to ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
23. In the interests of Highway safety.
24. In the interests of pedestrian and highway safety.
25. In the interests of pedestrian and highway safety.
26. To reduce the possibility of deleterious material being deposited on the public

highway (loose stones etc.).

27. In the interests of pedestrian and highway safety.
28. To promote a sustainable development.
29. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
30. In the interests of Highway safety.
31. In the interests of highway safety.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development makes effective and efficient use of the application site whilst having an acceptable relationship with the character of the area, the amenity of neighbouring residents and the adjoining highway. The development of the site for housing would increase the supply of homes in Gedling Borough and reduce the potential for crime on a site which has experienced problems of anti-social behaviour outweighing the amenity value of the protected trees which need to be removed to facilitate development. The proposal therefore complies with the National Planning Policy Framework (2012) the emerging Aligned Core Strategy and Policies ENV1, ENV2, ENV47, H7, H16 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

### **Notes to Applicant**

Your attention is drawn to the attached comments of the Police Architectural Liaison Officer which includes information relating to the access gates to be considered under condition 17 of this consent as well as the recommendation that all ground floor doors and windows are to Secure by Design standards and fitted with laminated glazing.

Your attention is drawn to the attached comments of the Nottinghamshire Wildlife Trust and in particular the reference to the advice as set out in Paragraphs 6.1.1, 6.1.2 and appendix 1 relating to working procedures to protect badgers and bats.

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website

at [www.coal.decc.gov.uk](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).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

This decision is subject to a Section 106 Agreement.

You must contact the Borough Council's Building Control Section with regard to any proposed demolition of buildings on the site at least 4 weeks prior to any site clearance commencing.

The proposal makes it necessary to construct a vehicular crossing and reinstatement of redundant 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 Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.

The new tree planting to the front of the building shown on drawing no.0004 Rev C does not form part of this approval and details of this tree planting are not required as part of Condition 12 of this consent.