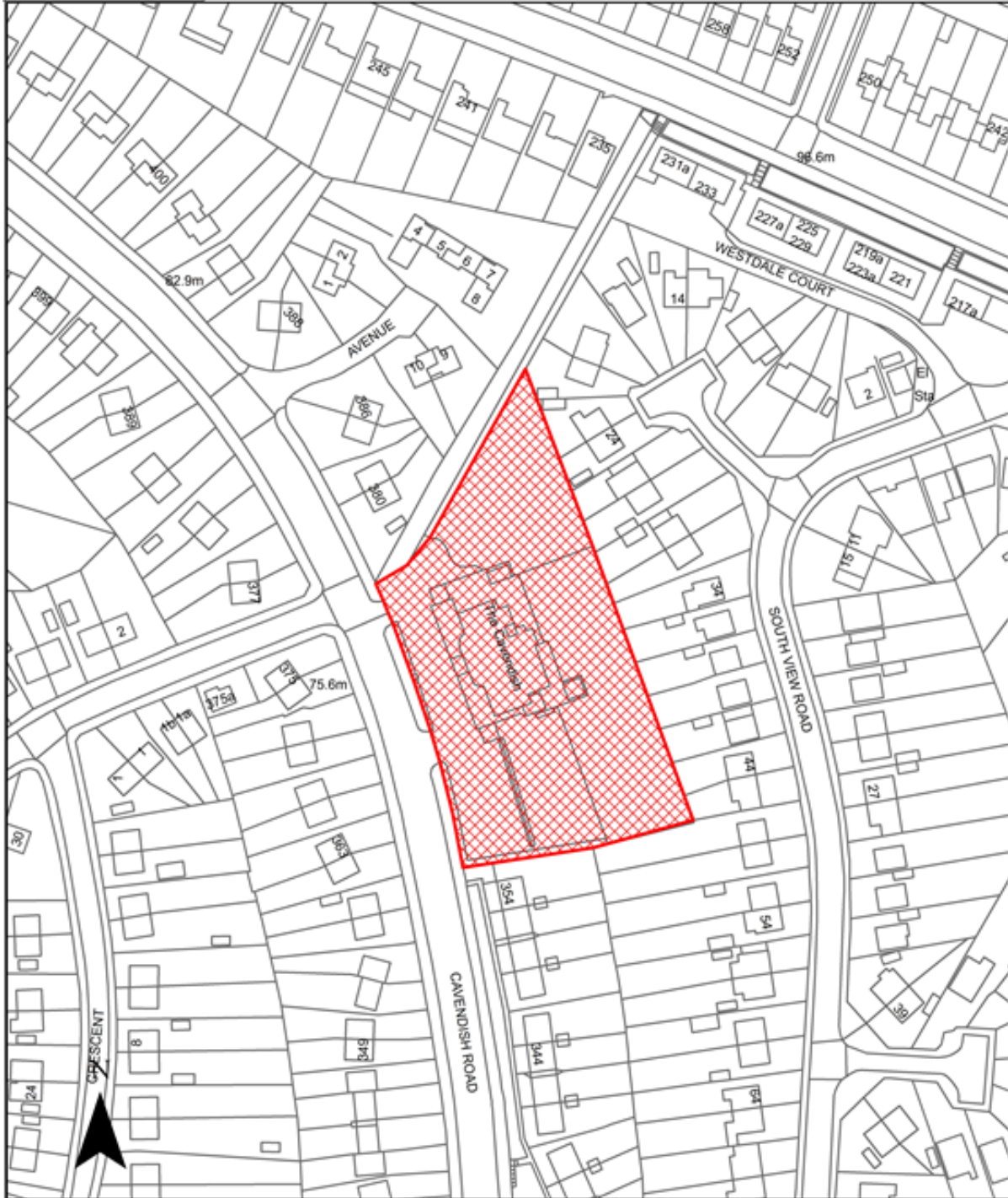




Application Number: 2014/0559

Location: The Cavendish Pub, Cavendish Road, Carlton, Nottingham.



NOTE:

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Report to Planning Committee

Application Number: 2014/0559

Location: The Cavendish Pub, Cavendish Road, Carlton, Nottingham.
Proposal: Revised Plans: Demolition of existing pub and redevelopment of the site to create 41 no residential units (12 no. 1-bed flats, 23 no. 2-bed units and 6 no. 3-bed units).

Applicant: Mr John Murphy

Agent: Miss Jessica Rowden

Case Officer: David Gray

Site Description

The application site relates to a two-storey former public house / restaurant situated centrally on a large plot measuring approximately 0.588 hectares. The site is located to the east of Cavendish Road within the urban residential area of Carlton. There is a significant drop in level of the site, approximately 10 metres, from the north to the south. To the north of the site is Carlton Parish Unregistered Footpath which is an unregistered right of way between Cavendish Road and Westdale Lane.

Residential properties are located to the north, south and east of the site. The rear gardens of properties on Southview Road back onto the east boundary of the application site and are in an elevated position. The north, east and south boundaries of the site are defined by mature vegetation and trees. The housing to the west of Cavendish Road and to the north of the application site is post war 50's / 60's semi-detached properties. The properties to the south are modern retirement bungalows, in a terrace, fronting Cavendish Road.

The site currently has two vehicle access points onto Cavendish Road. The majority of the site fronting onto Cavendish Road is defined by a tarmac car park that served the public house and provided approximately 52 car parking spaces. Cavendish Road has traffic calming measures to the front of the application site.

Planning History

This application was submitted in December 2014 seeking Full Planning Permission for the demolition of the existing public house and the erection of 38no new residential dwellings consisting of: -

- 8 no. 1 bedroom units;
- 24 no. 2 bedroom units;
- 6 no. 3 bedroom units.

During the processing of the application major revisions were made to the scheme and an extension of time was agreed until 31 July 2015.

Proposed Development

The Revised Proposal now seeks Full Planning Permission for the demolition of the existing public house and the erection of 41no new residential dwellings consisting of:

- 12 no. 1 bedroom flats;
- 23 no. 2 bedroom units;
- 6 no. 3 bedroom units.

The layout plan shows the properties to be set around a central 'T' shaped road layout culminating in two cul-de-sac turning heads and parking courts.

The development would consist of 9 property types.

- 1 apartment block of 12no. 1 bedroom flats – maximum footprint dimensions: some 27 metre (width) x some 23 metres (depth)
- 2 bed properties – footprint dimensions: 5.523 m (width) x 6.569 metres (depth). There are 3 house types with these footprint dimensions accounting for the varying window and door locations and internal layouts.
- 2 bedroom properties – footprint dimensions 4.765 metres (width) x 7.77 metre (depth)
- 2 bedroom properties - footprint dimensions 5.215 metres (width) x 7.77 metre (depth)
- 3 bedroom properties - footprint dimensions 5.523 metres (width) x 7.219 metres (depth)
- 3 bedroom properties - footprint dimensions 4.765 metres (width) x 8.945 metres (depth)

The 7 dwellings fronting Cavendish Road would consist of 1 terrace with 4 x 2 bedroom properties, and 1 terrace with 3 x 2 bedroom properties. The 3 storey apartment block would also front Cavendish Road. The new access road would have a pair of 2 bedroom semi-detached dwellings facing north.

The south boundary of the site would be backed onto by 1 row of terraced properties consisting of 4 x 3 bedroom properties and 1 terrace consisting of 2 x 2 bedroom properties and 1 x 3 bedroom property.

The east boundary of the site would consist of 4 terraces, a mixture of 12 x 2 bedroom properties and 1 x 3 bedroom property with a parking court in the southeast corner of the site.

Cross sections have been provided showing that, when developed, there would be a slight slope on the site from north to south.

Supporting documents include a Design and Access Statement and an Arboricultural

Implications Assessment and Arboricultural Method Statement.

The units are to be adopted by a housing association as affordable dwellings, providing a benefit to local people.

The materials proposed for the external elevations would be a quality buff facing brickwork with contrasting white render to feature gables and spandrel panels.

The adoptable access road would be illuminated at night by standard lighting columns as required. All dwellings would have wall-mounted external lights to their individual garden areas. Low-level bollard-style luminaries would be provided to communal driveways and parking areas to ensure safe level of illumination.

Consultations

Nottinghamshire County Council (Highway Authority) –

Further to the receipt of the swept path analysis it is noted that the wrong refuse lorry has been used for the calculations, together with the swept path going into the car parking area which is on private land outside the applicant's control. However, due to the principles of the layout being previously agreed with the carriageway widths/footpaths and service margins as stated by the agent, on this occasion the Highway Authority will accept the discrepancies as highlighted above.

The revised layout is now acceptable in principle, subject to a detailed design to be undertaken under a section 38 / 278 agreement. No objections subject to recommended conditions which cover providing the parking and turning areas, details to prevent debris onto the highway, and the details of the new road.

No S106 contributions have been sought for integrated transport measures.

Severn Trent Water – No objections subject to condition requiring drainage plans to be submitted and approved.

Wildlife Trust –

Habitats:

No particularly notable habitats were recorded on site, although trees, scrub and grassland should be retained where possible. The report recommends mitigation for the loss of brash and dead wood coverings which should be secured.

Bats:

The lack of internal inspection of the building is considered to be a constraint to the survey. Although few access points were noted from external inspection, the report does not rule out the possible use of the building by roosting bats. An internal inspection of the building, together with emergence/re-entry surveys where appropriate should therefore be carried out prior to determination of the application.

The report summary suggests that mature trees are present on site. If these are to be affected by the development, they should be fully assessed for bat roost potential

(including emergence/re-entry surveys where necessary) prior to determination of the application.

The Wildlife Trust can provide further comment regarding bats, including any proposals for mitigation, once the above surveys have been carried out.

Other mammals:

Due to lack of suitable habitat and field signs, it would be unlikely that there would be any impact on otter, water vole and badger is considered unlikely.

Breeding birds:

Suitable habitat and direct evidence of nesting activity was recorded on site and therefore any works will be constrained by the bird breeding season. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds should take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority. All birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (as amended).

The recommendation for mitigation for any loss of nesting habitat in the form of native tree and shrub planting and installation of artificial nest boxes is supplied.

Great crested newts, amphibians:

We are satisfied that the present of great crested newts on the site is highly unlikely due to a lack of suitable habitat. Should any common amphibians be encountered during works, they should be carefully moved to an undisturbed area of the site where suitable cover is present - gloves should be worn. Any potential refugia such as brush piles should be dismantled by hand.

Reptiles:

The report has assessed the site and finds that suitable habitat for slow worm exists. Survey work would be required to be carried out between mid-March and early October. This survey work should be carried out prior to determination of the application to ensure that potential impacts on this protected species are properly considered and to enable any required mitigation to be incorporated into development plans. Slow-worm are protected under Schedule 5, Section 9 (1 and 5) of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 against deliberate or reckless killing and injuring and sale.

Invertebrates:

The site is unlikely to support any notable invertebrate species. It is suggested that the record of girdled snail should be submitted to the Nottinghamshire Biological and Geological Records Centre to assist with monitoring of this alien species.

No further comments to add following on from the re-consultation.

Ramblers Association (Gedling and Dukeries Group) – Support the application and welcome the protection of the existing footpath. It is expected that the width of the footpath would be retained and the flanking of the grass verges be minimal with the lighting maintained.

No further comments to add following on from the re-consultation.

Nottinghamshire County Council (Forestry Manager) – The survey presented should be viewed as factually correct and that it offers an appropriate detail to enable appendix 3 of the tree survey document to be used as a non-standard condition to ensure adequate and safe tree retention on site should development be granted.

No further comments to add following on from the re-consultation.

Housing Strategy and Development – The principle of the development is supported as it fits with the Council's priorities of providing more homes of the right type, in the right place. It also makes use of previously developed land.

There is a requirement of at least 20% of the properties (i.e. 8) to be provided as affordable rent, and in accordance with the provisions of Affordable Housing SPD.

Nottinghamshire County Council (Education) – The Development of 41 dwellings would yield an additional 9 primary and 6 secondary places. Based on current pupil projections, the additional 6 secondary aged pupils can be accommodated in existing schools. The catchment school (Haddon Primary) is, however at capacity and unable to accommodate the additional 9 primary places. An education contribution of £103,095 (9 x £11,455) to provide additional primary provision to serve the proposed development would be sought.

Parks and Street Care – An offsite capital contribution is required because no open space provision is allowed for onsite. The contribution is required to improve amenity open space and play provision in the immediate area surrounding the development. The reduced figures of commuted capital sum of £33,364.10 and a 10 year maintenance sum of £13,871.00 is required.

Waste Services – No comments received.

Nottinghamshire County Council (Rights of Way) – The application could impact on Carlton Parish Unregistered Path, which runs alongside the northern boundary of the site. Although not a registered Right of Way this path accrued public rights over the years.

Whilst not an objection this office would require that the availability of the path is not affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders. That the Rights of Way officer is consulted in any resurfacing or gating issues, also developers should be aware of potential path users in the area who should not be impeded or endangered in any way.

No further comments to add following on from the re-consultation.

National Health Service – From the information provided NHS England Nottinghamshire Area Team is aware that the application outlines the development of 41 dwellings. The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy.

Neighbouring Properties were notified (10.11.2014) and a Site Notice posted (22.05.2014) and 7 letters of representation were received as a result. The following comments were received following the consultation on the 1st scheme prior to the amendments. The comments can be outlined as follows: -

Design and Layout

- It is requested that the car parking court adjacent to the footpath is relocated, as it could attract anti-social behaviour.
- The parking court is not overlooked by any of the residential properties.
- The dark grey windows would be out of keeping with other properties in the area.

Residential Amenity

- Concerns have been raised over the boundary treatments being adequate and suitable for security.
- Concerns raised over the proximity of plots 11 and 12 to the rear of properties on South View Road.
- The car parking court would result in an unpleasant outlook from properties on South View Road. Car lights approaching the car parking court to the south of the site would shine directly into windows of properties on South View Road.
- The two car parking courts could attract anti-social behaviour to the detriment of properties that back onto the areas on South View Road.

Other Considerations

- Comments received with regards to the surfacing, maintenance, and lighting of the parking court.
- Thought should be given to the potential for renewable energy to be incorporated into the scheme.
- The car parking court to the north corner of the site could attract fly tipping and anti-social behaviour.
- Questions have been raised on the height and materials for the retaining wall in the northeast corner of the site.
- It is requested that the footpath has a barrier.
- Concerns raised with regards to the potential pollution caused by on site preparation and development.
- Trees and foliage should be removed in the proper manner.
- Bollards or gates should be incorporated at the entrance to the footpath to prevent vehicular access.

Following receipt of revised plans a further neighbour consultation has been undertaken on 10th June 2015. Neighbouring Properties were notified and a Site

Notice posted and 3 letters of representation have been received. The comments can be outlined as follows: -

- Concerns are raised over the properties facing onto Cavendish Road being out of keeping with the traditional residential look in the area.
- Questions are raised over the time frames for the development and the hours in which construction would be taking place.
- Questions are raised over the tenure of the properties.
- Plots 13, 14, 15 and 16 could potentially unduly overlook neighbouring residential properties.
- Confirmation of the boundary treatments are sought for the shared boundaries.

Planning Considerations

The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:

- 6. Delivering a wide choice of quality homes
- 7. Requiring good design

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings... decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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. The following policies are relevant: -

- Policy 2 – The Spatial Strategy.
- Policy 8 – Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- ENV1 – Development Criteria
- H7 – (Residential Development On Unidentified Sites Within the Urban Area and the Defined Village Envelopes)
- H16 (Design of Residential Development)

Criterion a. c. and d. of Policy ENV1 of the Replacement Local Plan are relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter alia that 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 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 and that 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.

Policy 10 of the ACS also looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and the Replacement Local Plan policies.

In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

In making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main planning considerations in relation to this proposal are: -

- a) The principle of developing the site;
- b) Whether the proposal makes efficient and effective use of the land;
- c) Whether the design of the development is acceptable;
- d) The highway implications of the development, including parking provision;
- e) Whether there would be an adverse impact on neighbouring properties;
- f) Other matters raised by local residents.

Each of the above aspects is considered in detail below.

The Principle of Developing the Site

The site is located within the main urban area of Greater Nottingham and therefore accords with Policy 2 of the ACS which adopts a strategy of urban concentration with regeneration.

The proposal is for the demolition of a Public House for residential development. Policy C4 of the Replacement Local Plan (2014) states that planning permission will not be granted if development would lead to the loss of community facilities. The reasoned justification at paragraph 6.25 refers to retaining facilities such as public houses in rural locations. Similarly, the NPPF refers to retaining community facilities

such as public houses in villages. The proposed development involves a loss of a community facility outside a local centre and within the urban area of Carlton, not within the local centre or within the rural area. The application site is within the urban area of Carlton and is close to community facilities and services including the nearby centres of Carlton Hill and Mapperley Plains. I therefore do not consider the loss of the Public House would lead to the loss of a community facility in a rural location.

When referring to the NPPF the definition of brownfield land is 'previously developed land that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure'.

Given the location of the development within the established residential area of Carlton and its former use previously developed and therefore brownfield land, there is no objection in principle to the redevelopment of the site for residential purposes. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The redevelopment of the site is therefore considered acceptable in principle.

Efficient and Effective Use of Land

The development is to provide 41 homes on a site of 0.588 hectares, equating to a residential density of 69 dwellings per hectare, which accords with the requirements of Policy H8 of the Replacement Local Plan 2014 which requires 30 dwellings per hectare.

I am also of the opinion that the application site is of sufficient size to accommodate the 41 no residential units with the layout proposed without appearing cramped or over-intensive.

The proposed development is being brought forward for affordable housing to reflect demand for that type of housing within the local area. The provision of housing that is of a size, type and tenure that meets local needs will assist in ensuring that land is used as effectively and efficiently as possible providing a wider mix of housing to serve the local community.

Whilst it is noted that all the units of the scheme are to be provided by a Housing Association, the council's requirement is for only 20%. Therefore in this instance it is only reasonable to condition that at least 20% of the units are provided as affordable. Should planning permission be forthcoming a condition would be attached requiring details of the arrangements that will be put in place to ensure that 20% the housing is provided as affordable housing as defined by Annex 2 of the NPPF.

Design

Policies ENV1, H7 and H16 of the Replacement Local Plan require development to be of a high standard of design. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural

surveillance, and defensible space and well considered layouts and landscaping.

I note that the surrounding area is defined by a wide range of architectural styles. Whilst the area is predominantly 50's / 60's post war semi-detached dwellings, immediately to the south of the site are long terraces of bungalows fronting onto Cavendish Road.

I note that the proposal would result in a high density development that would not reflect the density of the surrounding area. However I consider, given the limitations of the site, that every opportunity has been taken to provide green space and gaps in the built-up frontage for the development not to appear cramped or over-intensive within the existing streetscene.

Given the mixture of architectural styles in the immediate vicinity and the size of the application site I consider that taking the opportunity to create a sense of place, introducing contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene. The design also incorporates feature buildings on the access to the site creating a gateway into the development. These architectural features would help integrate the contemporary design into the existing street pattern creating its own identity within the existing streetscene.

I note the representations received with regards to the properties on the frontage of the development onto Cavendish Road. It is my opinion that, given the limited height of the proposed apartments that the proposed elevations onto the streetscene would not be overly dominant and would integrate well the surrounding area.

I consider the scale of the properties would be in keeping with the existing properties on Cavendish Road and would not detract from the architectural characteristics of the surrounding area.

I am satisfied that an imaginative layout has been achieved. Despite the limited dimensions of the site and the number of properties being proposed, the layout achieves a frontage onto Cavendish Road with architectural features of merit. I consider this will ensure a positive contribution to the streetscene.

During the processing of the application, amendments were made to the design to ensure that the development was not over dominated by hardstanding for car parking, breaking up the car parking spaces with green space fronting onto Cavendish Road. Positive changes were also made to the scheme creating vistas through the development to feature buildings on visually prominent areas of the site.

The use of a contemporary architectural style and materials is considered appropriate for this site and the resulting development. The layout and design of the access, parking and open space proposals are also acceptable with the unregistered right of way between Cavendish Road and Westdale Lane being retained, maintaining a good linkage for pedestrians.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and

landscaping criteria of Policies ENV1 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

In my opinion, the proposed development would also meet the relevant design elements of Policy 10 of the ACS/PV in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

Highway Safety, Car Parking Provision and Rights of Way

When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The proposed development is for 41 residential units with allocated car parking provision of 38 spaces. 12 of the units are 1 bedroom flats that would share a communal car parking area with 10 shared spaces. When referring to the Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 the developments allocated provision would result in an additional demand of 12.4 unallocated spaces.

The breakdown of car parking provision for the proposed development is as follows:

12	x	1 bedroom flats:	0	allocated spaces
20	x	2 bedroom Properties:	1	allocated space each
3	x	2 bedroom Properties:	2	allocated spaces each
6	x	3 bedroom Properties:	2	allocated spaces each
TOTAL:			38	allocated spaces
Unallocated Car Parking Provision:			19	unallocated car parking spaces.

10 of the unallocated car parking spaces are accounted for to provide flexible car parking for the 12no flats. The result would be an unallocated car parking provision for visitors to the site of 9 car parking spaces. This would result in an under provision of unallocated off street car parking provision of 3.4 spaces.

I note the development would result in an under provision of car parking. However; given that the under provision is by only 4 car parking spaces, that provision has been made for unallocated / visitor car parking and the majority of the properties are 1 and 2 bedroomed affordable properties, it is therefore my opinion that the development would provide sufficient off street car parking. It is also noted that the application site is in close proximity to a local centre with good public transport, cycling and pedestrian facilities in close proximity.

I also note that the Highway Authority have been consulted and have not objected to the level of car parking provision. Should planning permission be forthcoming I would suggest attaching the conditions from the Highway Authority with regards to the parking/turning and servicing areas, the new access provision, and details to prevent the deposit of debris upon the public highway with reference to the amended plan.

I note the comments from the Rights of Way Officer and should planning permission be forthcoming I would suggest attaching an informative to any approval advising that should the path be affected or obstructed in any way by the proposed development then appropriate closure orders or diversion orders should be sought. The surfacing of the unbuilt on portions of the site would be secured by condition and the Rights of Way office would be consulted should the surface of the path be proposed to be altered.

Residential Amenity

I note that the topography of the land drops in level from the rear boundaries of properties on South View Road onto the proposed development site. I also note that the gardens with the shortest length would back onto the rear boundaries of residential properties in the new development and would be sited in an elevated position. It is my opinion that the design of the scheme carefully considers the topography of the land, the location of neighbouring properties and adjoining garden depths to minimise any potential undue impact on neighbouring amenity. I am satisfied that the design and layout of the scheme would not result in any undue overlooking, overshadowing or overbearing impact on neighbouring amenity.

I note the comments with regards to the proximity of plots 11 and 12 to properties on South View Road these have now been omitted from the scheme and replaced 2 bedroom residential dwellings. Given the properties would be at a lower level with a minimum distance of 23 metres between the properties, I am satisfied that there would be no undue impact on residential amenity as a result of this relationship.

I note the concerns which have been raised with regards to the parking courts and the potential for anti-social behaviour. However, one of the parking courts has been omitted from the scheme. With regards to the southeast corner of the site the Gedling Borough Council Parking Provision for Residential Properties accounts for the car parking demand of individual properties whilst appreciating that there can be additional demand for visitor car parking. Unallocated car parking on new development allows for a flexible approach to allocated parking, reducing the requirement for allocated spaces, whilst providing on street car parking to service additional demand. The proposed parking courts account for the additional demand for visitor parking whilst retaining a development that is not overly dominated by off-street allocated car parking provision to the front of individual properties.

Whilst I note the concerns that are raised with regards to the potential for anti-social behaviour in the parking court areas, during the processing of the application one of the parking courts has been omitted from the scheme. I note that the same concerns are raised to the parking area adjacent to properties in the southeast corner of the site. It is my opinion, given the front elevations of the properties in this area face onto the parking areas, that this would provide sufficient natural surveillance to mitigate any potential for anti-social behaviour in this area. Should planning permission be forthcoming, a landscape condition would be attached to any approval requiring precise details of the column lighting and bollard-style luminaries to be used to ensure adequate crime prevention measures, natural surveillance, and defensible space.

I note the representation received with regards to the potential negative impact from car headlights. However, I am satisfied that there is a sufficient distance of approximately 15 metres to the rear elevations of the neighbouring properties and that suitable boundary treatments along the shared boundary would be sufficient to mitigate any undue luminance from headlights in this area.

I note the representation received with regards to appropriate boundary treatments being implemented. I am satisfied that appropriate boundary treatments can be implemented and that appropriate details should be secured by condition in this instance.

Ecology

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

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.

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.

I note the comments from the Wildlife Trust with regards to the potential for bat roosts in the existing building. The current building is not currently derelict and I consider that an informative advising the applicant that bats are protected under the Conservation of Habitats and Species Regulations 2010 and should bats be found during the demolition then work should stop and the Bat Conservation Trust should be contacted to give advice.

I also note the comments with regards to the suitable habitat for slow worms that can be seen on the application site. Likewise I consider that an informative be attached to any approval advising that should slow worms be discovered on site a suitably qualified ecologist should be contacted to give specialist advice.

Arboricultural Considerations

The relevant planning policy which needs to be considered in relation to trees is set out in Policy 10 of the ACS which states that development must have regard to the local context, including valued landscape characteristics.

I note the comments from the Forestry Manager that the tree survey presented is factually correct and that it offers appropriate detail. Should planning permission be forthcoming a condition would be attached requiring the works to be carried out in

accordance with the submitted Tree Survey to ensure adequate and safe retention of trees on the site.

Other Considerations

I note the concerns raised with regards to the materials for the proposed retaining wall and the details of lighting on the parking courts. I am satisfied that appropriate details can be secured by condition in this instance.

I note the comments received with regards to vehicle movements during construction. However this would not be a material planning consideration in the determination of this application.

Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in Policy C2 of the RLP, Policies 18 and 19 of the ACS and paragraphs 173-177 and 203-205 of NPPF in relation to plan-making and decision- taking.

Policy C2 of the RLP states that in considering applications for new development, the Borough Council will have regard to the need for the provision of community facilities arising from the proposal. Planning obligations will be sought in order to secure appropriate community facilities or financial contributions thereto, reasonably related to the scale and kind of development proposed.

Similarly, Policy 18 of the ACSSD requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACSSD states that all development will be expected to:

- Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- Provide for the future maintenance of facilities provided as a result of the development.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Public Open Space

I note that the development would be over the threshold of 0.4Ha and that a contribution towards open space would be required. The necessary improvements to open space can be secured by means of a financial contribution as part of a S106 Agreement, should members agree with the recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

Education

I note that the development would be over the threshold of 0.4Ha and also over 25 dwellings and that a contribution towards education facilities would be required. The necessary improvements to education facilities can be secured by means of a financial contribution as part of a S106 Agreement, should members agree with the recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

Healthcare

I note that the development would be over the threshold of 0.4Ha and also over 10 dwellings and that a contribution towards health care would be required. The necessary improvements to health care can be secured by means of a financial contribution as part of a S106 Agreement, should members agree with the recommendation, in accordance with Policies 12 and 19 of the ACS and paragraph 204.

Affordable Housing

I note the comments received from Housing Strategy and Development that support the proposed development. I also note that the development is being brought forward as 100% affordable housing. Whilst I note the agreement to provide 100% affordable housing the affordable housing SPD would only require 20% of the site to be affordable.

The necessary affordable housing of at least 20% can be secured as part of a S106 Agreement, should members agree with the recommendation, in accordance with the affordable housing SPD.

The current position in relation to the Heads of Terms for the Section 106 Agreement between the applicant and the Borough Council is for financial contributions towards the following:

- Educational Facilities
- Healthcare Facilities
- Public Open Space
- Affordable Housing

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be granted.

Recommendation:

That the Borough Council GRANTS PLANNING PERMISSION, subject to the applicant entering into a Section 106 Agreement with the Borough Council as local planning authority, the County Council as education authority and the National Health Service for the provision of, or financial contributions towards Affordable Housing, Educational Facilities, Healthcare and Open Space; 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 permitted shall be completed in accordance with the approved plans drawing no's: 7595 70-001 (Site Plan as Existing), 7595 70-002 REV F (Site Plan as Proposed), 7595 20-000 Rev A (Block Elevations as Proposed), 7595 20-001 Rev A (Block Elevations as Proposed), 7595 20-002 Rev A (Block Elevations as Proposed), A-7595-20-006 (Apartment Elevations), 795 00-000 Rev A (Typical Unit Floor Plans as Proposed), and 7595 20-004C (Street Elevations).
3. The development hereby permitted shall be completed in accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement: Appendix 3, dated April 2014.
4. No part of the development hereby permitted shall be brought into use until the private car parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 7595 70-002 REV F. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of cars.
5. No development shall commence on any part of the application site until a new access junction has been provided onto Cavendish Road as shown on drawing number 70-002-RevD to the satisfaction of the Local Planning Authority.

6. No part of the development hereby permitted shall be brought into use until the visibility splays are provided in accordance with the approved plans. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions.
7. No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such bound material for the life of the development.
8. No part of the development hereby permitted shall take place until details of the new road (shown on plan no. 7595 70-002 REV F (Site Plan as Proposed)) have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.
9. No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the unregulated discharge of surface water from the driveways and parking areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
10. No development hereby permitted shall commence until wheel washing facilities have been installed on the site in accordance with details first submitted to and approved in writing by the LPA. The wheel washing facilities shall be maintained in working order at all times and shall be used by any 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.
11. The development hereby permitted shall not commence 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.
12. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the bricks and tiles to be used in the external elevations of the proposed development. Once approved the development shall be carried out in accordance with these details.
13. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of enclosure of the site and precise details of the materials and structure of the retaining walls. Thereafter the means of enclosure shall be erected and retained in

accordance with the approved details.

14. Before development is first commenced full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Once approved the works shall be carried in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme of works that has been prior agreed in writing with the Local Planning Authority.
15. The hard and soft landscaping details to be submitted in relation to condition 14 above shall include the following; proposed finished levels or contours of the site; hard surfacing materials for car parking areas, and other vehicular and pedestrian access and circulation areas; minor artefacts and structures such as column lighting and bollard style luminaries to communal car parking areas; planting plans; written specifications; schedules of plants (noting species, plant sizes and proposed numbers/densities) and a schedule of landscape maintenance for a minimum period of five years from the date that the soft landscape works are completed.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure the adequate and safe tree retention on site in the interests of good Arboricultural practise.
4. 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.
5. To ensure the development is constructed to adoptable standards
6. To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.
7. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
8. To ensure the development is constructed to adoptable standards.
9. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
10. In the interests of Highway safety.
11. To ensure 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.

12. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
13. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
14. To ensure that the details of the development are acceptable , in accordance with the aims of Policy 10 of the Aligned Core Strategy and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
15. To ensure that the final form of the development complies with policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with Policy 10 of the Aligned Core Strategy (2014) and H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)

Notes to Applicant

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application and during Pre Application discussions to address adverse impacts identified by officers to address concerns in connection with the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework (March 2012).

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.

Notwithstanding any planning permission if any highway forming part of the development is to be adopted by the Highways Authority the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the 6CsDG.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The Highway Authority should be contacted with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the Highway Authority is contacted as early as possible.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact the County Council for details.

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.

This consent will require approval under Section 19 of the Nottinghamshire County Council Act 1985 and where the new streets are to be adopted an Agreement pursuant to Section 38 of the Highways Act 1980 will be required. Please contact Nottinghamshire County Council to ensure that approvals and agreements are secured before commencement of works.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site

I bring your attention to Carlton Parish Unregistered Footpath that passes through the site from Cavendish Road to Westdale Lane. The availability of the footpath should not be affected or obstructed in any way by the proposed development at this location unless subject to appropriate diversion or closure orders.

It is noted that suitable habitat for slow worms exist on site. Should any slow worms be found during works to clear the site, work must stop immediately until a suitably qualified ecologist has attended the site to ensure that potential impacts on this protected species are properly considered and to enable any required mitigation to be incorporated into the development. Slow Worms are protected under Schedule 5, Section 9 (1 and 5) of the Wildlife and Countryside ACT 1981 and the Countryside and Rights of Way act 2000 against deliberate or reckless killing and injuring and sale.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property

Search Service on 0845 762 6848 or at www.groundstability.com.

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to 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 should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.