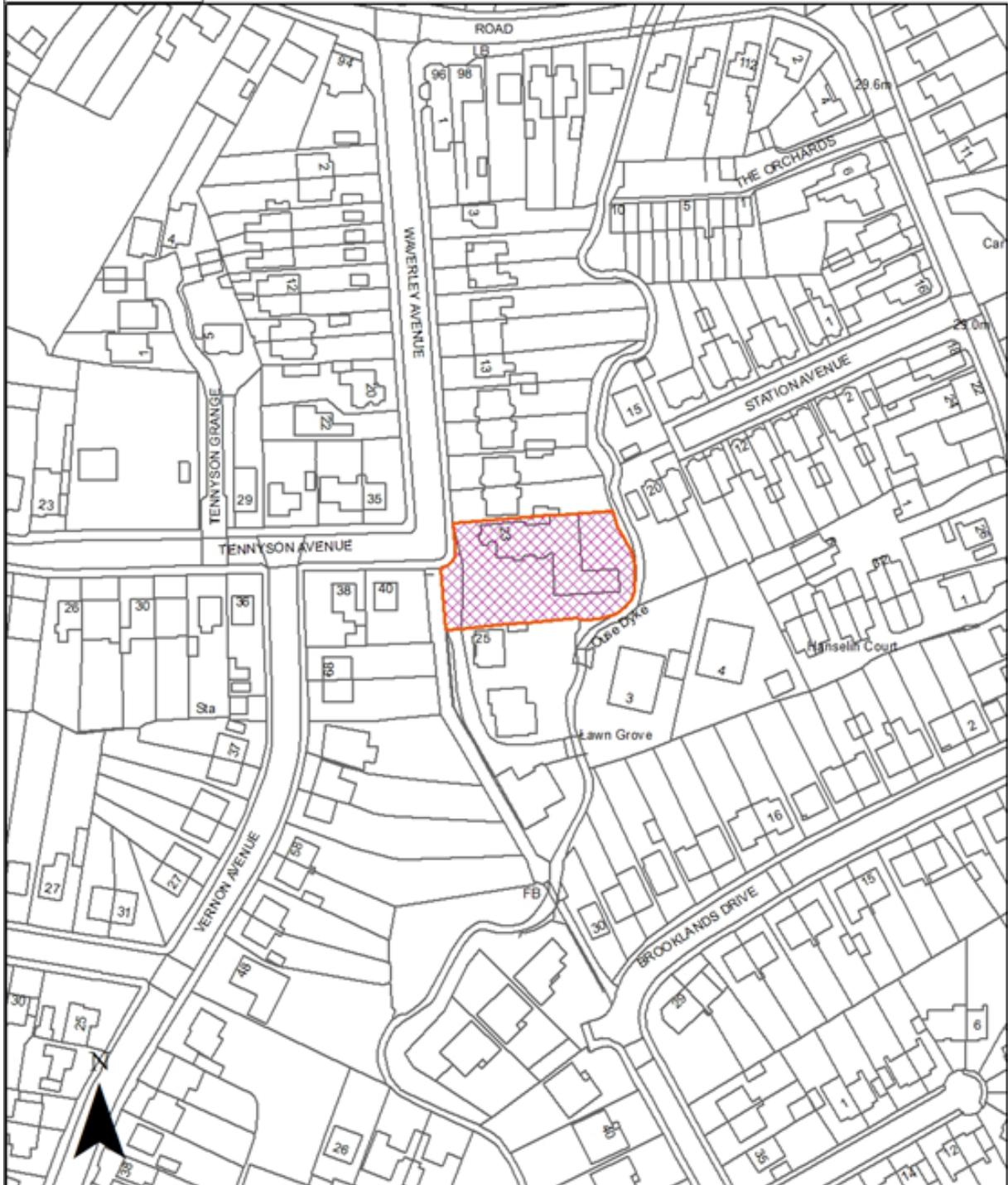


Application Number: 2014/0169
Location: Gedling Care Home, 23 Waverley Avenue, Gedling, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number:	2014/0169
Location:	Gedling Care Home, 23 Waverley Avenue, Gedling, Nottinghamshire.
Proposal:	Revised Plans (Resubmission) Demolition of the care home and construction of 14 apartments, car parking and associated landscaping
Applicant:	Mr R Kalaria
Agent:	Miss Paula Money
Case Officer:	David Gray

The application was presented to Planning Committee in December where a decision was made to approve the application subject to the developer entering into S106 Legal Agreement.

However, since then it has been brought to the Council's attention that there were minor inaccuracies within the Committee Report and therefore it is considered to be in the interests of probity to re-present the application to Committee with the errors corrected to allow Members to make the planning balance again with the full facts.

The first was that the amended plans were not all referenced in the planning conditions – specifically the site layout and ground floor plans – this is a technical point as the plans have all been available for public viewing and the omission of the plans from the condition only results in the developer being unable to seek amendments through a S73 planning application later on.

The second inaccuracy is substantive and Members should reconsider this issue. The Committee Report refers to 15 parking spaces being available, however the amended scheme provides 12 – this is still policy compliant – and NCC Highways raised no issue – but it is of significance and Members may wish to look at this factor again.

When referring to the Gedling Borough Council Parking Provision for Residential Development SPD the proposed development of 14 apartments would require 11 unallocated car parking spaces. I consider that in a built up and fairly urban area, the fact that the scheme provides more than the policy required level of parking (which equates to 11 unallocated spaces) it is an appropriate level of provision and compliant with all relevant policy and guidance.

Site Description

The application site, 23 Waverley Avenue, is occupied by a large residential care home (Use Class C2), formerly known as Gedling Care Home.

The site is within a built up residential area, typical of an urban residential townscape. The surrounding streets are predominantly detached and semi-detached dwellings of varying ages and styles, mostly Victorian/Edwardian in Waverley/Tennyson Avenues, with a fairly uniform 'building line' leading up to the care home along Waverley Avenue.

The existing building is a large, imposing three-storey white-washed building in a tired condition, its presence in the street scene detracts from the character of the area. The building has more modern red brick extensions to the rear and a large area of hardstanding which formerly provided parking to residents and their visitors and the staff at the care home.

The site is accessed via an existing drop-kerb on the corner of Waverley Avenue, an access shared with 'Lawn Grove' gated properties; the nearest (25 Waverley Avenue) has a blank elevation facing the site.

The site occupies an area measuring approximately 0.12ha with a frontage onto Waverley Avenue measuring approximately 27.8 metres.

To the rear of the site is a watercourse, Ouse Dyke, which requires a 9m easement and which directly results in the area in which the site is located being classed as 'high risk' on the Environment Agency's flood risk maps, although the agent believes that due to the elevated site levels the true classification should be Flood Zone 1 – lowest risk.

There are trees on site but these are not intended to be affected by the development.

The site is currently vacant and is secured with 'Heras' style fencing and is locked shut.

Proposed Development

The proposed development involves the complete demolition and clearance of the existing building and the erection of three apartment blocks.

There have been several iterations of the scheme through inception to the application proposals which have been amended twice during the application process to address issues on the site; the first significant amendment was to move the apartments further away from the dyke at the rear to address flood risk issues. More recently revised plans were received omitting Juliette balconies from the first and second floor front elevation to reduce the impact upon a neighbouring residential property, the occupiers of which had expressed concerns about overlooking of their private garden area. This amendment also incorporated new projecting balconies with screens on the rear elevation of the apartment block at first and second floors.

The current set of proposals, being presented for determination by the Planning Committee, comprise 14 apartments divided into three blocks - mainly three-storey but with a two storey element on the rear block where it is adjacent to number 21 Waverley Avenue.

The design of the apartment blocks would be very modern/contemporary with the materials being a mixture of brick, timber cladding and render and reconstituted slate roof tiles.

The access would be as existing, a drop kerb on the corner of Waverley Avenue, and 12 parking spaces would be provided.

Consultations

Nottinghamshire County Council (Planning and Conservation Project Support)

Request an education contribution of £34,365.

Nottinghamshire County Council (Highways)

Initial concerns, however following amended plans confirm that the scheme is acceptable from a highways perspective.

- Advise conditions.

Nottinghamshire County Council (Lead Local Flood Authority)(LLFA) – The application is acceptable subject to the developer demonstrating that they have considered pluvial flooding and that the development would not increase the risk of flooding elsewhere and where possible reduces flood risk overall.

The drainage design should follow sustainable principles. There should be a 2-stage (minimum) treatment train for run-off before it enters the final disposal point. The treatment train may include permeable paving, swales, filter-strips, cascading features etc. Ciria 697 should be used as reference. The hierarchy of infiltration, drainage to watercourse, drainage to surface water sewer and finally, drainage to combined sewer should be followed. Evidence for the method used or discounted should be provided in the form of investigations, test results, correspondence and calculations.

Surface water drainage design should meet the hydraulic standards of no surcharge in a 1year event, no flooding in a 30 year event and no flooding off the site in a 100year + 30% cc event.

Following consultation of the wording of the condition to deal with sustainable urban drainage the LLFA confirm that the condition is sufficient to secure the above requirements.

Environment Agency

Initially objected but removed their objection following additional information

including the Sequential Test and GBC Officer's confirmation that the Council accepted the findings of that test.

- Conditions advised.

Gedling Borough Council Scientific Officer - Public Protection

Advises conditions regarding unexpected contamination and dust control during construction.

Gedling Village Preservation Society

Object on the following grounds:

- 1) Density of apartments and impact on the street scene.
- 2) Highway issues.
- 3) Flooding risk.
- 4) Danger to residents and pupils of Carlton Le Willows Academy.

Urge refusal of the application in current form, ask that the number of apartments be reduced from 14 to 8 -10 and refer to the 'garden grabbing' legislation from 2010.

Also reiterate objections set out below from neighbours.

Public

The application was publicised by way of a site notice and notification letters were sent to adjoining neighbours.

In total, following submission of the original scheme, then with further letters following the amendments to the scheme, some of which reiterate earlier comments, there have been approximately 40 representations objecting to the proposals, some with additional signatories.

Following the submission of amended plans to move the apartment blocks away from the watercourse at the rear of the site letters of objection were received, objecting on the following grounds;

- All the other houses on Waverley Avenue are either 2 storey properties with roofs or 2 storey with dormer upper floors and the building now proposed will be 3 storey which is fully out of characteristic with the environment. Even the existing building is 3 stories but with a dormer 3rd floor.
- The detail of the plans does not show any clear thought and sympathy to the neighbourhood.
- The plans are out of context with the existing architecture in the area, the existing houses are all traditional Victorian or 30s design – the plans take no account of the existing buildings and will jar against the existing make-up of the street. Pathetic attempt at architecture.....not having any architectural merit.
- Waverley Avenue was built and designed to accommodate 23 homes....not 37.

- No precedent for having buildings that far back in the site.
- Level of density too high and not justified – detailed comments upon Gedling policy on density in light of Green Belt etc (Local Plan policy H8) – local density is 20 – 45 dwellings per hectare, this development would be 116 dwellings per hectare.
- Excessive over-development – existing building is considerably overdeveloped.
- All the buildings are 4 storeys overall.
- Land-grabbing. Whilst I do not object to the site being developed, I believe that forcing in three blocks makes no sense. There is no precedent for having any buildings that far back in the plot. None of the neighbouring plots have buildings that far back. All only go as far as the front two blocks in the proposed plan. If this plan had been submitted with two blocks, then I doubt it would have been objected to.
- One of the blocks is 10m from the objectors property – would seriously affect their enjoyment of their property and privacy – contravenes the Human Rights Act – Article 8.
- Number of residences should be seriously reduced.
- Only 2 bedroom apartments proposed contrary to emerging plan policy 8 as lack of mix of dwelling size.
- All of the apartments have a net internal area of 51m² – Government has issued national Technical Housing Standards – within these national standards the minimum size for a 2 bed apartment is 70m² the size for a 1 bed apartment is 50m² therefore the developer is proposing fourteen 2 bed apartments at a size barely larger than the nationally prescribed space for a 1 bed apartment. Clearly some of the rooms do not provide sufficient clearance around furniture to allow circulation – suggest it is not possible to design a 2 bed apartment of that size that can actually function. Rooms too small (bathrooms) to function.
- All of the proposed units would fail to meet building control regulations for an accessible wc or bathroom on the entry level.
- Development is not to a high standard as set out in Gedling's policies – represents a development which is sub-standard due to size of apartments.
- Loss of light and impact upon rights to light.
- Level of road noise and congestion will be greatly increased.
- Number of flats...14 is way too high for the position of this site.
- You are building upwards taking out trees and grass areas the full area will, including roofs and drives now not have any natural drainage and the rain water will end up running into the Ouse Dyke or back into the area where Waverley Avenue and Tennyson Avenue join – objector refers to recent flooding and states that there has recently been over a foot of water and that this is now a fairly common occurrence when there is persistent rain. Adjacent property is considering a flood defence barrier.
- The drains are old and too small to handle the amount of water now experienced in our current climate.
- Existing drainage has passed its maximum many years ago.
- This corner is lower than the water table – building a large development with no consideration or allowance for excess water drainage on an already waterlogged site will make this problem even worse for residents.
- Often flooded in heavy downpours to a height of 2 or 3 feet and becomes

impassable. This was the case four times in 2014.

- In respect of flood risk number 40 (Tennyson Avenue) is the most vulnerable.
- Surface water runs to this corner – need to find an alternative outlet – not available or Severn Trent would have pursued it – letter signed by 6 people.
- The properties will flood. The developer has upped the ground floor level by 300mm in the plans to ease this flood risk. But the corner where this development is situated regularly exceeds this level. The flood documentation associated with this plan does not mention this. The flood assessment also does not account for the objections raised by the Environment Agency. The flood assessment has added a new appendix E with the objection listed, but then not addressed the objection.
- Average car ownership rates indicate that depending on number of people in the apartments -possibly up to 56 cars – there are not enough parking spaces and the result will be on-street parking in front of neighbours properties/drives – obstructing peoples drives – or obstructing the view of drivers if parking right on the corner to avoid being outside peoples properties.
- Both Waverley and Tennyson Avenues are swamped with vehicles which mean that most houses have to park their cars on the street and half on the pavement which is a potential problem for wheelchair users, the blind families with prams and other vulnerable pedestrians – potential accident/fatality.
- Zero provision for visitors. No provision for residents having more than one vehicle.
- The site is located at the corner of two heavily used roads. The plans have only limited car-parking with less than one space assigned to each flat, despite them all being two-bedroom flats. There will be conflict with the local residents and other highway users. I live close to the junction and regularly see vehicles coming round the sharp 90-degree bend on the wrong side of the road, this will only get worse with the increase in cars that will be parked on the street as a result of this large development. Please do not accept the developer's statements that there will be no disruption, which will just be false and completely unrealistic.
- During construction local residents would be hampered by construction vehicles.
- In the Local Plan (2005) Policy H11 states that conversions or changes of use to residential will be granted where the proposals do not cause unacceptable harm to the amenities of nearby residents. This structure would not only block out an afternoon sunlight but invade our privacy.
- The top end of the parking is very close to the Ouse Dyke and any possible fluid leakage from any of the vehicles would mean a catastrophic result on existing wildlife in and around the water.
- The parking spaces are not wide enough.
- Blind corner – 2 car crashes in 7 years.
- There are only 12 parking spaces.
- You have only to look down Waverly and Tennyson Avenues to see the problem – the proposed flats are 2 bedrooms as far as I can see from the plans which I would suggest is from single to 4 persons occupancy - even taking an average of 2 persons per flat and a reasonable compromise on 1.2 cars per flat you have approx 17 cars - however if you look at the other side of the coin, a 2 bedroom apartment could house 4 people, 4 people could have 3 - 4 cars which would then equate to a possibility of 56 cars!!! - where on the

plans you only have 12 all week parking spaces. The true prospect is that more people will own more cars over time (just look at the current state of both adjoining roads) and it's very easy to see that there are not enough parking spaces for the occupants nor for the prospect of visitors or service people.

- Parents and school children use the road – an accident waiting to happen.
- Refuse storage less than 2m to natural stream where rats and other vermin live – could cause an infestation of vermin/pests.
- The upper balconies on the rear flats would not only overlook private property as all the trees need to be removed for the parking spaces, but would also be at an angle to look straight into bedrooms and living areas of the adjacent property.
- Direct views into garden, conservatory and bedrooms and lounges.
- Bay windows would overlook neighbouring properties and bedrooms.
- Should be one or two normal 2 storey houses which would not alter the existing street/adjacent houses nor add to parking or flood problems – anyone considering putting flats in a normal housing environment is just adding to a problem.
- There is more than enough space at Gedling Colliery site – too greedy – will result in 8/10 flats which is not required or wanted.
- Garden grabbing – developer seeks to maximise profits which will benefit neither the new residents nor the neighbourhood in general.
- New plan does nothing to address the problem of density and the problems the high density causes.
- Can you actually get furniture in a two bedroomed apartment of 52 square metres?
- Where would you put all the refuse bins? Will they all fit on the pavement of Waverley Avenue?
- No design and access statement submitted.
- Concerns about anti-social behaviour – risk of fire etc.
- Anti-social behaviour statements are a blatant attempt to force through the flats – it is because the developer has not secured the property until recently – no reason to force through an ill-conceived and poorly developed plan.
- Detrimental effect on property values.
- Illogical solution to transfer problem (objections from 40 Tennyson Avenue) to more immediate neighbour at 25 Waverley Avenue, inclusion of a privacy screen will in no way mitigate problem of overlooking of garden. Balcony only a metre from the site boundary. Balconies should be removed.
- Lack of time for re-consultation – changes not clearly marked.
- Critical pieces of information not submitted – Design and Access Statement, Sunlight/Daylight Report, Energy Statement, Transport/Highways statement.

There were objections to the application following its original submission, which raised issues mostly covered above but also raised concerns about the development intruding into the easement required for the Ouse Dyke, and the following additional comments:

- Will worsen existing situation for 25 Waverley Avenue, will be a sizeable mass that is overbearing, restricting light and views to property and garden. Larger, higher and closer than existing building. Contravention of local plan policies

- on amenity.
- The land has been raised over the last 30 years which has an impact upon neighbouring properties.
 - Dust and dirt during construction.
 - Reference to restricting to over 55's.
 - Number 40 Tennyson Avenue takes the main flood threat.
 - Road has water damage from flooding.
 - Footings to new buildings will result in cellars of neighbouring properties flooding. Will GBC pay to rectify the problem?
 - Committee for Climate Change reports that garden grabbing is a major factor in flooding.
 - Traffic speeds.
 - Street has become a rat-run with school traffic and two shops at the end of the road.
 - 28 bins – should have allocated spaces for 'ownership' and be sheltered from the sun.
 - The bins will smell during warm weather and effect enjoyment of garden as will noise of the bins being wheeled around.
 - Question use of black pvc and timber cladding – not in favour of design.
 - Building over 10m in height would limit light to all surrounding buildings.
 - Effect on wildlife.
 - Over-development, building on rear garden, out of keeping with Victorian/Edwardian properties in the area.
 - Overlooking of gardens – will be like living in a 'goldfish bowl'.
 - Bats seen flying around the garden, emerging from in or around the care home.
 - Foundations at 21 Waverley Avenue are only 1 foot deep due to age of property – concerns about compromising the structure of the building – insist on a Stability Risk Assessment Report.

Planning Considerations

The issues as previously considered are set out again below:

The main issues for consideration in the determination of this application 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) Flood Risk;
- g) Other matters raised by local residents.

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 Defined Village Envelopes;
- H16 – Design Criteria.

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) Flood Risk;
- g) 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 development of an existing care home in a built up urban area. It is therefore my opinion that the redevelopment of the site to housing would be acceptable in principle within the well-established urban residential area of Gedling.

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 Gedling and its former use which falls within the definition of 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 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.

Objectors have questioned the validity of the application as they believe key documents have not been submitted. This is incorrect, a Planning Statement was submitted which is functionally the same as a 'Design and Access Statement' and is perfectly acceptable in terms of validating and assessing a planning application – the other documents referred to are not required for such an application.

Efficient and Effective Use of Land

I am of the opinion that the application site is of sufficient size to accommodate the 14 no. dwellings with the layout proposed without appearing cramped or over-intensive and is an efficient use of land.

An interested party has raised the issue of room sizes, and has referred to and sent links to a Department for Communities and Local Government publication 'Technical housing standards – nationally described space standard'. The party who has raised this, points to the fact that the room sizes in the proposed apartments are smaller than the room sizes set out in the above publication.

However, the document referred to is guidance not policy and Gedling Borough Council has no such policy within the Local Plan, nor in the emerging plan. I am content that this application, if approved, would help to diversify local housing stock to add to the mix of dwellings available to smaller households and single people in particular and would be entirely compliant with the planning guidance within the National Planning Policy Framework.

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 proposal would result in a high density development that would not reflect the density of the surrounding area. However given the mixture of architectural styles in the immediate vicinity, the previous use of the site for a 26 bedroom care home 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.

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 Waverley Avenue with architectural features of merit. I consider this will ensure a positive contribution to the streetscene.

The use of a contemporary architectural style and materials is considered appropriate for this site and the resulting development.

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.

I note that the surrounding area is a typical built up and urban area with a variety of ages of buildings and architectural styles, with the immediately surrounding area a mixture of detached and semi-detached dwellings.

I note that the proposed development would be in three blocks of apartments, 14 dwellings in total. The buildings would be a modern design style with balconies, including Juliet balconies, and the use of timber cladding and render as well as brickwork to give a contemporary feel to the development.

Whilst the apartment blocks would be a mixture of two-storey and three-storey elements, this reflects the scale and massing of the existing care home in general terms, and given the orientation of the elevations with windows and the distances to the neighbouring dwellings, I do not consider that the proposed development would be out of scale or keeping with the existing dwellings in the immediate vicinity.

Having considered the overall design of the development and the constraining factors of this 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.

Given the urban residential nature of the surrounding area I am satisfied that modest planting and raised shrub borders to the frontage of the development would be satisfactory to soften the built form of the development and would add visual interest to the locality. Should planning permission be forthcoming I would suggest attaching a condition requiring the submission of a detailed landscape scheme to be implemented.

I note that the preliminary materials proposed for the surfacing and external appearances of the development have been outlined on the site plan. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring precise details of the bricks, tiles and means of surfacing to be approved before development commences.

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

Given the above considerations I am satisfied that the design of the proposed development is acceptable and accords with the above Policies.

Highway Safety, Car Parking 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 SPD requires 0.8 parking spaces per 2 bedroom flat, this would equate to 11 spaces for this development.

The development proposes 12 unallocated car parking spaces which are over and above the requirements of the SPD. Given the proposal accords with SPD I do not

consider that there would be an adverse impact on highway safety by way of under provision of off street car parking.

Additionally, it is noted, in agreement with the applicants Planning Statement, that there does not appear to be any great issue with on-street parking on Waverley Avenue allowing some room for occasional periods of additional need, and that the site is highly sustainable, being within walking distance of local facilities and close to the main bus-route into Nottingham City Centre.

As such I am satisfied that the development complies with the requirements of the SPD.

Objectors have raised concerns about highway safety and feel that increased parking and traffic movements as well as the potential for over-spill parking leading to problems with visibility and safe passage of vehicles in the context of the heavy use of the road by school traffic, school children and their parents is a safety hazard

However, I note the comments from the Highway Authority who do not object, and as such, I am satisfied that the proposed development would not result in any adverse Highway Safety implications.

Residential Amenity

The proposed development replaces an existing, large, three-storey building. The proposals offer an opportunity for betterment of the situation relating to 21 Waverley Avenue, to the northern boundary, which is currently dominated by the existing care home to quite a significant degree. The apartment blocks would be sited sympathetically and would minimise the impacts upon neighbouring properties, in particular the situation for number 21 Waverley Avenue would be improved in relation to the current arrangement of buildings.

The nearest dwelling to the south, 25 Waverley Avenue, has a blank elevation facing the site and the impact of the apartment block adjacent to that boundary would not be unacceptably adverse, especially with a condition to require the agreement of site and finished floor levels and a requirement for privacy screens on the balconies.

Objections have been received, including from 40 Tennyson Avenue who are concerned that overlooking of their private garden area from the apartments would impact their amenity.

Following this concern being raised Officers discussed the matter with the agent and amended plans have been submitted which alter the internal layout and substitute rear balconies in place of the Juliet balconies previously shown.

Now there would be standard bedroom windows facing 40 Tennyson Avenue, with the distance involved (11.5m), which is over a vehicular access, a cycleway and with a large tree adjacent, the actual material impact would be entirely acceptable and not untypical for new residential development in an urban area.

The two apartments, which potentially could have given rise to concerns of

overlooking from Juliet balconies, have been amended to provide the living space and balcony to the rear elevation and bedrooms now form the front elevation of the block.

Whilst the plans have been amended to protect the amenity of the occupiers of 40 Tennyson Avenue it is critical that no unacceptable material harm is thereby created to other adjoining or adjacent properties.

With this in mind, the side elevations of the new, rear, balconies would be screened to ensure that no unacceptable overlooking would be created, particularly to 25 Waverley Avenue – this can be ensured by condition. The details of the privacy screens would need to be submitted to the Council for full consideration before details were agreed.

The screens would reduce and mitigate any overlooking to only oblique views and would be acceptable in terms of protecting amenity.

The agent confirmed that in considering the revised plans and in relation to the layout it was viewed that moving the apartment block back into the site would create an issue of massing on the boundary for no 25 Waverley Avenue and accordingly it was not considered to be an appropriate amendment – this view is shared by Officers.

It is my opinion that the design and layout of the proposed scheme carefully considers the location of neighbouring properties to minimise any potential 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.

Flood Risk and Sustainable Urban Drainage

Whilst objectors make several references to flooding events in the vicinity of the site it is well established as a principle in planning that new development is not expected to be burdened with resolving existing problems in an area, if it is demonstrated to have no additional impacts in terms of flooding and would not result in a worsened situation, and would itself be made safe from the risk of flooding, then new development should be allowed to go ahead.

I note the site is located within an area at risk of flooding and that the Environment Agency raised no objections to the proposed development. The design of the proposed dwellings accounts for the risk and Finished Floor Levels are to be provided that accord with the Environment Agency advice.

The proposed development would result in a significantly smaller area of the site being covered by buildings/impermeable hardstanding – so that the impermeable area would be about 50% of that currently.

To the rear of the site is a watercourse, Ouse Dyke, which requires a 9m easement and which directly results in the area in which the site is located being classed as 'high risk' on the Environment Agency's flood risk maps. The agent believes that due

to the elevated site levels the true classification should be Flood Zone 1 – lowest risk, however the Environment Agency’s Flood Risk maps have not been altered and the development must be assessed on the basis of a classification of ‘high risk’.

Therefore a Sequential Test was required to be carried out. The applicant provided a Sequential Test document which was found to be acceptable to Officers.

With regards to the Exception Test, the site is brownfield, the provision of housing particularly of a smaller scale to diversify the Borough’s housing stock I consider to be a wider sustainability benefit and the applicants Flood Risk Assessment demonstrates that the development will be safe in terms of flood risk – I therefore conclude that the Test is passed.

I also note that the Lead Local Flood Authority have raised no objections subject to an agreed condition. Should planning permission be forthcoming a condition would be attached to any approval requiring the surface water drainage to be completed in accordance with details to be submitted to and approved by the Local Planning Authority.

Environmental Protection

The Council’s Scientific Officer has considered the proposals and has commented that they have no real concerns; however, conditions should be imposed to protect against unexpected contamination and dust during construction. In accordance with that advice the relevant conditions are included at the end of this report.

Planning Obligations

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.

As the site and number of proposed dwellings are below the relevant thresholds there would be no requirement for affordable housing or open space, however an education contribution is required and the development will fall to be liable under the CIL Regulations – the agent has confirmed acceptance of both.

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 subject to the applicant completing a S106 legal agreement to provide an education contribution of £34,365 and the relevant CIL payment.

In light of the above considerations and that the development accords with current

policy I do not consider the amendments to the report would warrant a refusal of this application.

Recommendation:

GRANT CONDITIONAL PLANNING PERMISSION, subject to the applicant entering into a s.106 Agreement with the County Council as education authority for the provision of financial contributions towards Educational Facilities, 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 constructed in accordance with the following approved plans: - 108/02/A, 108/03/A, 108/07/C- 108/05/C- 108/04/C- 108/06/C Received November 2015 - Location Plan Received 13 February 2014.
3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Borough Council and development must be halted immediately on that part of the site until such time that the Borough Council has given written approval for works to recommence on site. Once contamination has been reported to the Borough Council, an assessment of contamination must be undertaken in accordance with the requirements of condition 5 above. Where remediation is necessary, a written remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Borough Council. The Remediation Scheme shall be implemented as approved.
4. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of a Dust Management Plan. The plan shall be produced in accordance with 'The Control of Dust and Emissions from Construction and Demolition' (Best Practice Guidance). The plan shall be implemented in accordance with the approved details.
5. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council details of measures to prevent the deposit of debris upon the adjacent public highway. The approved measures shall be provided before development is commenced and shall be maintained in working order at all times during the construction period and shall be used by every vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no mud, dirt or other debris is discharged or carried on to a public road.
6. Before development is commenced, there shall be submitted to and approved in writing by the Borough Council drainage plans for the proposed means of

disposal of surface water and foul sewage. The scheme shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

7. Before development is commenced, excluding the demolition of the existing buildings, there shall be submitted to and approved in writing by the Borough Council details of the proposed means of enclosure of the site. The means of enclosure shall be implemented in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details and samples of the materials to be used in the external elevations of the proposed dwellings. Once approved the development shall be constructed in accordance with these approved details unless otherwise agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained.
10. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
11. No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
12. The proposed access, parking and turning facilities shall be surfaced in permanent materials in accordance with details, including plans of the facilities showing their precise location, to be approved in writing by the Borough Council as local planning authority before the development hereby permitted is first occupied. The access, parking and turning facilities shall be maintained as approved for the lifetime of the development and shall not be used for any purpose other than the manoeuvring and parking of vehicles.
13. No part of the development hereby permitted shall be occupied 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 which never exceeds 1 in 12 thereafter, in accordance with details to be approved in writing by the Borough Council as local planning authority.

14. The development hereby permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D, prepared by SCC Consulting Engineers in September 2015 and in particular the following mitigation measures detailed within the FRA: 1. The internal finished floor levels shall be set no lower than 300mm above the existing ground levels. 2. The design and layout of the building shall incorporate an 8.0m wide unobstructed easement from the top embankment of the Ouse Dyke. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
15. The development hereby permitted shall not be commenced until such a time as a scheme to ensure that there is no loss of floodplain storage and that the existing overland flood flow routes are not compromised as a result of the redevelopment of the site has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by, the Local Planning Authority.
16. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme to be submitted shall: - undertake infiltration testing in accordance with the BRE 365 guidance to clarify whether or not an infiltration type drainage strategy is an appropriate means of managing the surface water runoff from the site;- demonstrate that the surface water drainage system is designed in accordance with CIRIA C697 and C687 and the National SUDS Standards;- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to the Greenfield runoff rates for this site. As a minimum the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site;- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year plus climate change return periods;- confirm how on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

17. Before development is commenced there shall be submitted to and approved by the Borough Council details of the height of proposed floor levels of the proposed building(s) relative to existing levels.
18. All balconies shall be fitted with privacy screens in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be implemented in accordance with the approved details before the development is first occupied and shall maintained thereafter for the lifetime of the development.
19. Prior to the development hereby approved first being brought into use, individual parking spaces shall be clearly marked out on site in accordance with the approved plan reference 'Site Plan' (108/02/A). Parking spaces shall be kept unallocated and available for parking in association with the development thereafter.

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

9. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).
10. In the interests of road safety, in accordance with the aims of policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).
11. In the interests of road safety, in accordance with the aims of policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).
12. To ensure that adequate off-street parking provision is made to reduce the possibilities of the development leading to on-street parking in the area.
13. In the interests of road safety, in accordance with the aims of policies ENV1 and T10 of the Gedling Borough Replacement Local Plan (Certain Saved Policies 2008).
14. To reduce the risk of flooding to the proposed development and future occupants and to allow future maintenance and emergency activities relating to Ouse Dyke to be undertaken without obstruction.
15. To prevent flooding elsewhere by ensuring there is no loss of flood plain storage and that the existing overland flood flow routes are not compromised as a result of the redevelopment of the site.
16. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.
17. To ensure that the details of the development are acceptable , in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).
18. To prevent the overlooking of neighbouring properties in accordance with Policy H10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. In the interests of highway safety.

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, on flood risk 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

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.

Your attention is brought to comments received from Severn Trent Water. For any new connection(s), into the public sewer or the reuse of an existing sewer connection(s), you will need to apply under Section 106 Water Industry Act 1991 as amended by the Water Act 2003. Severn Trent New Connection Team currently processes Section 106 applications and can be contacted on 0800 707 6600 for an application pack and guidance notes (or visit www.stwater.co.uk). Applications to make such connections should be made separately from any application for adoption of the related sewers under Section 104 Water Industry Act 1991 as amended by the Water Act 2003.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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 these works you will need to enter into an agreement under Section 278 of the Act. Please contact Matt Leek on 0300 500 8080 for details.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers and the Highway Authority 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).