

REPORT OF CHIEF PLANNER

Allotments Rear Of 108 To 150 , Russell Drive

1 SUMMARY

Application No: 17/00965/PRES4 for approval of reserved matters

Application by: Mr Chris Waumsley on behalf of Avant Homes (England) Ltd
Midlands Division And Commercial Estates

Proposal: Approval of reserved matters relating to housing and nature
reserve phases for outline planning permission reference
12/01583/POUT varied by application reference 15/03129/PVAR3.

The application is brought to Committee because this is a sensitive major application on a site that has generated significant interest.

To meet the Council's Performance Targets this application should have been determined by 3rd August 2017.

2 RECOMMENDATIONS

Grant Planning Permission subject to:

- 1) The conditions listed in the draft decision notice at the end of this report.
- 2.1 The power to determine the final details of the conditions to be delegated to the Chief Planning Officer.

3 BACKGROUND

- 3.1 Outline planning permission was granted on appeal on the 8th May 2014 for residential development and regeneration of allotments, incorporating new public open space, access, drainage infrastructure and ecological enhancement (Planning reference 12/01583/POUT). Subsequently an application to vary conditions attached to the original outline was granted under planning reference 15/03129/PVAR3, to enable the development to be delivered in phases.
- 3.2 The phasing that has been agreed would see the development delivered in two phases. Phase 1 would provide 53 allotments, largely for the existing gardeners being relocated, and work would commence on providing the first 55 dwellings. Phase 2 would involve the provision of the remaining 129 allotment plots and the remaining 34 houses, of the 89 houses currently proposed. The nature reserve and public open space are to be provided as part of the second phase of the development.

- 3.3 This current application relates to the reserved matter details required for the housing, nature reserve and public open space. The reserved matters that need to be approved are appearance, layout, scale and landscaping. The varied outline permission limited the number of dwellings to no more than 110 and it also required the reserved matters submissions to be designed to broadly accord with the master plan approved when the outline application was allowed on appeal. The varied outline planning permission also contains a number of other conditions which seek specific details relating to highway access, ecology, provision of the allotment plots, public open space, drainage, external lighting, contamination, energy and a travel plan. The public open space condition requires this to be provided prior to the occupation of the 55th dwelling.
- 3.4 Details relating to the allotments have been submitted, and are currently pending consideration.

4 DETAILS OF THE PROPOSAL

As indicated above the current application seeks approval of the following reserved matters relating to the housing, nature reserve and public open space elements of the proposed development: appearance, layout, scale and landscaping. The housing element consists of 89 dwellings, comprising a mix of 12 x 2 bed, 24 x 3 bed, 28 x 4 bed and 19 x 5 bed units. The houses would be provided in the south western area of the site and would be accessed from Russell Drive. The housing element bounds existing properties on Torvill Drive, Pembury Drive and Ewell Road. The public open space is proposed between the housing area and the allotments proposed to the north east and southern areas of the site. The nature reserve would be located in an area of land that sits between the eastern boundary of the site with properties on Rudge Close, and Martin's Pond.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

466 people were notified of the application in writing, which included those people whose properties bound the site or who have previously made representations regarding the proposal. The application has also been advertised by a press and site notice. As a result of this publicity 14 representations have been received. These raise the following issues:

- The site has been neglected for too long.
- The allotments should be completed before any housing is built.
- Tree clearance should take place during the winter to safeguard wildlife.
- Starter homes and affordable homes should be provided as part of the development.
- Concerns are raised over suggested access to the Martin's Pond Nature Reserve from the development site. It is advisable that no direct access to the Martin's Pond area is provided, to assist in safeguarding ecology interest and to prevent any safety hazard due to the presence of the pond. It may be preferable to provide a link from the proposed nature reserve to Martin's Pond.
- The boundary of the Allotment site adjacent to properties off Rudge Close is not accurately drawn.
- The development will increase the amount of traffic in the area and add to existing congestion.

- There is not the infrastructure available to cope with this proposed development.
- Proximity of the new dwellings to properties in the existing area; noise, disturbance and privacy issues are raised, together with potential impact on a local residents business.
- Lack of a green screen around the boundary.
- Lack of privacy for dwellings on Rudge Close who would be located to the east of the Nature Reserve.
- The new ponds proposed as part of the new nature reserve will affect the water table and could cause subsidence and heave. The allotment site is susceptible to flooding.
- The new ponds could attract insects and also become a breeding ground for mosquitos.
- Concern over loss of habitat particularly for the ringlet butterfly.
- Concern over a bank that runs along the rear of properties on Torvill Drive and the ability to maintain the boundary. A request for the bank to be built up has been made.

Additional consultation letters sent to:

Environmental Health and Safer Places: No objections.

Highways: No objections in principle. They have also suggested a number of conditions relating to construction management, dimensions of car parking spaces, provision of sight lines to vehicular access points, reinstatement of redundant footways and provision of the layout geometry of roads. Highway colleagues have also indicated that the applicants should investigate the need for alterations to Traffic Regulation Orders in the area.

Environment Agency: No objections but have requested that the NCC drainage team are consulted.

English Nature: No objections.

Coal Authority: No objections.

Drainage: No objections and note that the outline permission already contains a number of conditions relating to drainage.

Ecology Officer: Concerns are raised over the level of planting within the scheme. They have advised that there should be public access from the site to Martin's Pond, but that the new proposed nature reserve should have restricted public access.

6 RELEVANT POLICIES AND GUIDANCE

National Planning Policy Framework (March 2012):

- 6.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

- 6.2 The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.3 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.4 Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities.

H2 – Density.

T3 - Car, Cycle and Servicing Parking.

Aligned Core Strategy (September 2014):

Policy A: Presumption in Favour of Sustainable Development.

Policy 8: Housing Size, Mix and Choice.

Policy 10: Design and Enhancing Local Identity.

Policy 14: Managing Travel Demand.

Policy 17: Biodiversity.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues:

- (i) Design, appearance, scale and layout of the housing**
- (ii) Design, appearance, scale and layout of the public open space, nature reserve and relationship to Martin's Pond**
- (iii) Impact on Residential Amenity**
- (iv) Highway and traffic considerations**

**Issue (i) Design, appearance, scale and layout of the housing
(Policy ST1 and Policy H2 of the Local Plan, Policy 8 and Policy 10 of the
Aligned Core Strategy and chapter 7 of the NPPF)**

- 7.1 The scheme has been designed to broadly accord with the approved master plan and the proposal is for 89 dwellings which is less than the 110 dwellings that the

varied outline application permits. Therefore the proposal accords with the parameters set by the varied outline permission.

- 7.2 The proposed mix of housing is considered to accord with the aims and objectives of Policy ST1 of the Local Plan and Policy 8 of the Aligned Core Strategy which seek to encourage family housing.
- 7.3 The NPPF recognises the importance of design in making places better. It states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.4 This is a relatively low density development which respects the general character of this part of Wollaton. Considerable design development has been carried out to ensure that the scale and density of the new dwellings sit comfortably within the street scenes being created. The width of roads and junctions has also been amended to reinforce the character of the development, to reduce vehicle speeds and to improve the environment for pedestrians.
- 7.5 The scheme has been designed to provide active frontages, surveillance over the street and also to secure private rear gardens. The new family dwellings would be two storeys in height and a mixture of detached, semi-detached and short terraces, to reflect the context of the surrounding residential properties. Bin stores are primarily proposed to be located in rear gardens.
- 7.6 The general design aesthetic of the development is of a classic garden suburb. The elevational treatment of the dwellings, together with the palette of materials, would create a clear and cohesive architectural language. The final details of the materials would be dealt with by condition.
- 7.7 New street trees are proposed within the development, along with on-plot trees within front gardens, whilst railings with hedges and brick walls are proposed to provide enclosure to the street frontages.
- 7.8 Concerns have been raised by local residents over the lack of a green screen around the boundary of the site. The depths of the gardens to the new properties along the perimeter of the site have been increased to respect the privacy and outlook of neighbouring properties. Appropriate boundary treatment is also to be provided; it is anticipated that this would include provision of fencing, hedging and trees depending on the specific circumstances of each stretch of the boundary. The precise details of the all enclosures and planting would be dealt with by condition.
- 7.9 Overall the scale/density, layout and design of the buildings are considered to be a positive and well considered response to the site and its context, in accord with the NPPF, Policy 10 of the Aligned Core Strategy and Policy H2 of the Local Plan.

(ii) Design, appearance, scale and layout of the public open space, nature reserve and relationship to Martin's Pond (Policy 10 and Policy 17 of the Aligned Core Strategy)

- 7.10 The general design of the public open space accords with the approved master plan. As indicated above the outline permission contains a condition relating to the public open space, it requires the precise details of its hard and soft landscaping to be provided prior to the commencement of any dwelling, together with details of maintenance and management scheme.

- 7.11 Comments received from the City Ecologist indicate that it was always intended for there to be access from the development site to Martin's Pond, with appropriate fencing and planting. It would be unreasonable to restrict access to the pond as suggested within comments received from local residents. It is also noted that S106 contributions toward habitat improvements are being made to Martin's Pond Nature Reserve as part of the application, which again indicate that access should be provided. Precise details of the boundary treatment to the Pond can be secured through condition.
- 7.12 The City Ecologist has also indicated that the new nature reserve area is not intended to be accessible (unless necessary for management activities) for at least the first 10 years. This is necessary to create a wildlife area and not a mixed use space, to compensate for the loss of habitat as a result of the development. There is a separate condition on the outline application requiring precise details of habitat creation and a habitat management plan. Concerns have been raised regarding the location of the nature reserve to properties on Rudge Close. Making the nature reserve non-accessible would help address privacy issues raised, however the ecology that the ponds would support outweighs any concern over potential increase in the number of insects at the site. The ponds have always been anticipated to be a feature of the nature reserve and formed part of the approved master plan.
- 7.13 The ringlet butterfly is not a protected species; however discussions being held in regards to habitat provision have sought provision of a range of habitats to support a number of different species, including the ringlet butterfly.
- 7.14 With regards to planting issues raised by the Ecologist, discussions are taking place with the developer to ensure that the design of the housing element supports habitat creation/retention. Condition 17 of the outline planning permission requires the precise details of this and also the provision of a habitat management plan. In this way ecology at the site can be safeguarded and enhanced.

(iii) Impact on residential amenity (Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan)

- 7.15 Amendments have been made to the proposed layout to take into account the existing residential properties which abut the site. The garden depths of the new properties along the perimeter of the site have been increased so that they are between 13m and 15m. Consideration has also been given to properties on Torvill Drive which are set at a higher level to the development site. The amendments made ensure that there would be no adverse impact upon the amenities of existing residents or future occupants of the new development, in terms of light, outlook and privacy.
- 7.16 Some local residents have questioned whether the bank that runs along the rear of some of the Torvill Drive properties could be built up through the provision of a Gambian type wall. However this is not possible as the area of land falls outside of the application site and at its highest point rises to about 4-5m in height. This would be beyond the scope of this reserved matters submission. Providing appropriate garden depths to new properties and boundary treatments should ensure that no future maintenance and boundary disputes occur.

- 7.17 Garden depths, provision of boundary enclosures and planting, and the orientation of new properties within the development would ensure that there would be no unreasonable impact in terms of noise and disturbance for either new occupants of the site or those living in neighbouring properties.
- 7.18 The adjustments made to the scheme ensure that the development accords with Policy 10 of the Aligned Core Strategy and Policy NE9 of the Local Plan.

(iv) Highway considerations (Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan)

- 7.19 The proposed scheme provides varying levels off- street parking within the plots of the proposed dwellings, relative to the size of the properties. Provision has also been made to provide on-street car parking for visitors. The extent and the integration of the parking provision is acceptable and complies with Policies 10 and 14 of the Aligned Core Strategy and Policy T3 of the Local Plan.
- 7.20 Concerns have been raised by local residents in relation to the level of traffic that the development would generate. The impact of the development on the local highway network was considered as part of the appeal process related to the outline application 12/01583/POUT. The Inspector considered that limiting the development to no more than 110 dwellings would make the proposal acceptable.
- 7.21 Highway colleagues have suggested a number of conditions relating to construction management, footways, vehicular access and car parking. However this is a reserved matters application specifically in relation to appearance, layout, scale and landscaping. The introduction of the conditions suggested would be outside the scope of this application. On appeal the Planning Inspector did not consider such conditions necessary, though it is noted that there is a condition on the outline application which requires precise details of the Russell Drive access design, which would provide the geometry details requested by Highways.

Other Matters

Infrastructure and Planning Obligations

- 7.22 A number of local residents have raised concerns over whether there is capacity within the local area to cope with the number of additional dwellings proposed. The principle of the development and the need for infrastructure were considered at the time the outline application was permitted. A planning obligation was agreed at that time, which was carried through to the varied outline permission. The current application is for reserved matters approval and as such there is no opportunity to revisit the agreed planning obligation. The planning obligation makes the following provisions:
- 1) Provision for 20% of the dwellings to be provided as affordable dwellings (based on 89 dwellings this would equate to 18 dwellings;
 - 2) A contribution towards education provision at Fernwood Primary School (approximately £183,509) and Fernwood Academy (approximately £122,891) (based on 89 dwellings);
 - 3) Provision of travel passes for each new household on occupation;
 - 4) Provision of £50,000 towards pedestrian crossing improvements on Russell Drive and £40,000 towards the improvement of two bus stops on Russell Drive, adjacent to the proposed access;

- 5) Provision of a pedestrian footpath up to the sites boundary with Torvill Drive;
- 6) Provision of £10,000 should travel plan targets not be met;
- 7) Provision off £150,000 for the enhancement of the Martin's Pond and Harrison's Plantation.

7.23 The layout provided shows the location of 18 affordable dwellings, 12 of which would be 2 bedroomed properties and 6 would be 3 bedroomed properties. The number and mix of units accords with the agreed planning obligation.

Phasing of the development

7.24 A number of representations have raised queries over the precise timing of each element of the overall development. Phasing has already been agreed and is controlled through a phasing condition imposed as part of the varied outline planning permission, details of which are referred to at paragraph 3.2.

Drainage and flooding

7.25 Conditions were attached to the varied outline planning permission in relation to drainage in order to safeguard against flooding. The drainage scheme to be submitted needs to take into account the hydrological and hydrogeological of the site which should assist in safeguarding against inappropriate changes to the areas water table.

Boundaries

7.26 The applicant is aware of the boundary issues raised by local residents. The precise location and responsibilities of boundary enclosures falls outside of the planning remit; however planning does not override the need to respect any other legal rights relating to these.

8. SUSTAINABILITY / BIODIVERSITY

Conditions have been attached to the outline permission which seek to enhance and safeguard the ecological value of the site. The requirement for precise landscaping details can also ensure that planting to public areas enhances the biodiversity of the site.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham: Provision of sustainable residential development.

Safer Nottingham: The development is designed to contribute to a safer and more attractive neighbourhood.

14 CRIME AND DISORDER ACT IMPLICATIONS

None

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 17/00965/PRES4 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OPD4Q2LYISJ00>

17 Published documents referred to in compiling this report

Nottingham Local Plan (November 2005)

Contact Officer:

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Key

City Boundary

Description

No description provided