

# 18/00856/FUL

**Applicant** Stagfield Group (Mr Kevin Hard)

**Location** 134A Trent Boulevard West Bridgford Nottinghamshire NG2 5BW

**Proposal** Demolish existing house and ancillary buildings, erect 2x apartment blocks comprising 9x2 bed apartments, 1x1 bed apartment, plus 9 allocated parking spaces.

**Ward** Lady Bay

## THE SITE AND SURROUNDINGS

1. The site, which lies to the south of Trent Boulevard, extends to approximately 890 square metres and comprises the existing dwelling, 134 Trent Boulevard, and a commercial garage with its associated yard area.
2. The site is bounded on its south and east sides by residential properties and on its western side by the recently constructed scout headquarters building.
3. The site lies within flood zone 3, as shown on the Environment Agency flood risk maps, and is shown on the Strategic Flood Risk Assessment, which takes into account the defences, to be in an area equivalent to flood zone 1.
4. The application is supported by a Design and Access Statement, Flood Risk Assessment and Preliminary Ecological Appraisal.

## DETAILS OF THE PROPOSAL

5. The proposal involves the demolition of the existing dwelling and the commercial garage buildings and the development of a three storey building on the frontage comprising 5 flats and a part two/part single storey building at the rear comprising 5 flats. The plans also make provision for an access road and 9 car parking spaces, cycle store and bin store.
6. The frontage building would have a height of 9.1 metres, except for a small section over the stairwell which would be 9.4 metres, whilst the rear building would have a maximum height of 6.3 metres with the single storey section 3.4 metres high.

## SITE HISTORY

7. In June, 2017, planning permission was granted for the demolition of the existing house and development of 9 flats plus gym facilities and parking (ref: 17/00582/FUL). This permission remains extant.

## REPRESENTATIONS

### Ward Councillor(s)

8. One Ward Councillor (Cllr S Mallender) objects to the application on the grounds that the design of the development would be out of keeping with the area, it would represent over development of the site and result in loss of light to, and have an overbearing impact on neighbours. Also, there would be increased traffic on Trent Boulevard due to inadequate on-site parking provision.

### Statutory and Other Consultees

9. The Nottinghamshire County Council as Highway Authority has raised no objection on highway grounds but recommended that one of the originally proposed parking spaces on the frontage be omitted to improve accessibility..
10. The Environment Agency does not object subject to the mitigation measures contained in the Flood Risk Assessment being implemented, including appropriate floor levels and the preparation of flood warning and evacuation plans.
11. The Borough Council's Environmental Health Officer has drawn attention to the proximity of the scout hall and the potential for noise nuisance, including from external plant and equipment. He has recommended that a contaminated land report be submitted, a method statement for control of dust, noise and vibration prior to commencement of development, external lighting be controlled and consideration given to electric vehicle charging points.
12. The Borough Council's Conservation and Design Officer notes that the scheme is very similar to that previously approved and has no objection.
13. The Borough Council's Environmental Sustainability Officer agrees with the findings of the ecological survey and considers there are no ecological or sustainability constraints to the proposals.
14. The Borough Council's Waste and Recycling Officer advises that 4 x 1100 ltr bulk containers would be required.
15. The Nottinghamshire County Council as Lead Local Flood Authority has no comments in relation to flood risk but makes a number of recommendations including that the development should not increase flood risk, disposal of surface water should be by infiltration and SUDS and maintenance thereof should be considered.

### Local Residents and the General

16. 9 written representations (from 8 addresses) objecting to the proposal have been received from local residents. The grounds of objection relate to the following:
  - a. Lack of car parking leading to on-street parking.

- b. Design out of keeping with and detrimental to the character of the surrounding area.
- c. Loss of light and adverse impact on neighbours, therefore contrary to policy GP2 of the RBNSRLP.
- d. Demolition of existing house unjustified.
- e. Over intensive development of the site.

## **PLANNING POLICY**

- 17. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the Rushcliffe Local Plan Part 1: Core Strategy.
- 18. Other material considerations include the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).
- 19. Any decision should therefore be taken in accordance with the Rushcliffe Core Strategy, the NPPF and NPPG and policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan where they are consistent with or amplify the aims and objectives of the Core Strategy and Framework, together with other material planning considerations.

## **Relevant National Planning Policies and Guidance**

- 20. The National Planning Policy Framework carries a presumption in favour of sustainable development and states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.
- 21. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF goes on to state that there are three overarching objectives which are interdependent, comprising economic, social and environmental objectives.
- 22. Paragraph 127 states that planning decisions should ensure that developments: will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change, establish or maintain a strong sense of place to create welcoming and distinctive places, optimise the potential of the site to accommodate an appropriate mix of development including green and other public space, create places that are safe, inclusive and accessible.

## **Relevant Local Planning Policies and Guidance**

- 23. Policy 1 of the Rushcliffe Local Plan Part 1 - Core Strategy states that the Borough Council will take a positive and proactive approach to planning

decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

24. Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy requires that development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
25. In the context of the Rushcliffe Borough Non Statutory Replacement Local Plan, the relevant policies are GP2 (Amenity and Design), HOU2 (Development on Unallocated Sites) and WET 2 (Flooding).
26. Policy GP2 requires that any developments are sympathetic to the character and appearance of neighbouring buildings and the surrounding area in terms of scale, design, materials, etc., do not have a detrimental impact on the amenity of neighbours by reason of overlooking, loss of light, overbearing impact or the type of activity proposed and a suitable means of access and parking facilities can be provided.
27. Policy HOU2 states that planning permission will be granted for development on unallocated sites so long as a number of criteria can be satisfied, including that the development would not extend the built-up area of the settlement and would not result in the loss of a site which makes a significant contribution to the amenity of the area by virtue of its character or open nature, etc.
28. Policy WET 2 (Flooding) states that development will not be permitted in areas of flood risk unless it is in a developed area, can be adequately protected against potential flood risk and would have no adverse effects on the management of flood risk.

## **APPRAISAL**

29. The site is conveniently located for services and facilities, including bus services, and comprises a sustainable location, as required by the NPPF. Furthermore, as stated above, the site benefits from an extant permission so the principle of the development has been established. Apart from the replacement of the proposed gym with a flat, the main changes now proposed include the provision of a parking space on the site frontage and the re-arrangement of fenestration on the rear building.
30. In terms of impact on neighbours, the layout and arrangement of the single storey and two storey rear building, which are basically the same as the approved scheme, and arrangement of fenestration pays particular attention to the relationship with the neighbouring properties at 132 and 136 Trent Boulevard and 53 Mona Road. Although these properties have habitable rooms facing the site, loss of privacy is minimised through the inclusion within the new building of high level windows in the north and south elevations, with only full height first floor windows being in the west elevation, which faces the scout centre. Also the rear section of the frontage building has been stepped

at the rear corners, the section adjacent to no.132 comprising balconies with glazed screens to prevent overlooking.

31. Whilst concern has been expressed over traffic and parking, it should be noted that the County Council has raised no objection. Furthermore, not only is the site conveniently located for local facilities and services, including public transport, but the current commercial use obviously generates a certain amount of activity, as could any future intensification of the commercial use, which may not require planning permission.
32. The site is in Flood Zone 3 on the Environment Agency's flood zone maps, which has a medium to high probability of flooding. However, the Strategic Flood Risk Assessment indicates that the site falls outside of the area outlined to be 1 in 1000 annual chance of flooding. As such the area has a low probability of river flooding equivalent to Flood Zone 1. In view of this and the guidance in the NPPG, it is concluded that the site is equally comparable to other sites identified in the Strategic Housing Land Availability Assessment in West Bridgford, and the sequential test has been passed. As the Environment Agency (EA) and the Lead Local Flood Authority do not object and the site is in a sustainable location close to local services/facilities, employment and public transport, it is considered that the Exception Test is also passed.
33. As stated above, the essence of paragraph 127 of the NPPF is that innovative design, in this case contemporary, should not be stifled so long as there is acknowledgement of local characteristics. In light of this, the design of the frontage building includes an element of verticality which reflects a feature of buildings in the surrounding area, whilst retaining the contemporary approach. Also, a subdued colour scheme is proposed. In view of this, it is considered that the design is acceptable and would add interest to the street scene.
34. Emergence surveys were carried out as part of the Protected Species Report which found no evidence of bat use of the existing buildings.
35. Whilst the Environmental Health Officer has recommended the submission of a noise assessment in relation to external noise, this was not a requirement on the extant permission and it is not considered that it would be justified now, given the relatively minor change proposed.
36. There were no pre-application negotiations and, therefore, no advice was offered prior to submission of the application. However, there were no problems during the course of processing the application and, therefore, no reason to contact the applicant. Consequently, a recommendation that planning permission be granted has been made without any delays.

## **RECOMMENDATION**

It is **RECOMMENDED** that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall not proceed beyond foundation level until details of the facing and roofing materials to be used on all external elevations have been submitted to and approved in writing by the Borough Council and the development shall only be undertaken in accordance with the materials so approved.

[To ensure the appearance of the development is satisfactory and to comply with policy GP2 (Design and Amenity Criteria) of the Rushcliffe Borough Non-Statutory Replacement Local Plan]

3. The development shall be carried out in accordance with the mitigation measures included in the Flood Risk Assessment March 2017 / 17-0036/BSP Consulting.

[To ensure protection against flooding and to comply with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan].

4. The development shall not be brought into use until the proposed access and parking/turning area, the bin store and bicycle storage facilities have been constructed with the access driveway fronted by a dropped kerb vehicular crossing with any redundant sections returned to footway. These facilities shall be retained for the lifetime of the development.

[To ensure adequate car parking facilities are provided in connection with the development; and to comply with policies GP2 (Design & Amenity Criteria) and MOV9 (Car Parking Standards) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

5. The development shall not be brought into use until details of means of enclosure have been submitted to and approved in writing by the Borough Council and the approved means of enclosure have been completed. Thereafter, they shall be retained for the lifetime of the development unless the Borough Council gives written consent to a variation.

[In the interest of amenity and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

6. Before development is commenced, a Contaminated Land Report shall be submitted to and approved in writing by the Borough Council. Where the Report identifies potential contamination a remediation report and validation statement confirming the agreed remediation works have been completed, will also be required.

[To ensure that the site is free from contamination and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non Statutory Replacement Local Plan. A Contaminated Land Report is required prior to development commencing because it may be necessary to carry out remediation measures which could not be carried out once development has commenced.]

7. Details of any proposed external lighting shall be first approved in writing by the Borough Council and the lighting shall be installed and maintained to accord with the approved details, for the lifetime of the development.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

8. Prior to demolition of the existing buildings, a method statement detailing techniques for the control of noise, dust and vibration shall be submitted to and approved in writing by the Borough Council and the works shall be carried out in accordance with the approved details.

[To protect the amenities of neighbouring residential properties and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan. A method statement is required prior to demolition commencing to ensure that the demolition will be carried out in a safe way and without adverse effects on neighbours].

9. Prior to the development being brought into use/occupied, the open areas of the site shall be finished in hard surfacing and soft landscaping in accordance with details to be submitted to and approved by the Borough Council. The open areas of the site shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

[In the interests of amenity and to comply with policy EN13 (Landscaping Schemes) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

10. The development shall be carried out in accordance with the submitted plans no. 16058-A-2001 rev P08, 16058-A-0002 rev P02, 16058-A-2002 rev P08, 16058-A-3010 rev P07, 16058-A-4001 rev P06 and 16058-A-4002 rev P05.

[For the avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

11. The roof area above flats 7, 8, 9 and 10 shall not be used as a balcony, roof garden or similar amenity area.

[To protect the amenities of neighbouring residential properties and to comply with policies GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

### **Notes to Applicant**

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If

you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins.

All workers / contractors should be made aware of the potential of protected / priority species being found on site and care should be taken during works to avoid harm (including during any tree works) , if protected species are found then all work should cease and an ecologist should be consulted immediately.

All work impacting on buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.

The use of external lighting (during construction and post construction) should be appropriate to avoid adverse impacts on bat populations, see [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html) for advice and a wildlife sensitive lighting scheme should be developed and implemented. No night work should be carried out.

Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

It is recommended the installation of bat box and bird boxes be incorporated into the buildings.

Consideration should be given to energy efficiency, water sustainability, management of waste during and post construction and the use of recycled materials and sustainable building methods and sustainable transportation.