



COMMITTEE DATE 26/06/2019 **WARD** Hucknall West

APP REF V/2019/0038

APPLICANT A Smith Muse Developments Limited

PROPOSAL Reserved Matters Permission for Development of 45 Dwellings, 2 Flats and Commercial Space, Together with Associated Infrastructure and Roads.

LOCATION Land to the East of Hurricane Road, Hucknall, Nottingham

BACKGROUND PAPERS A; B; C; D; E; F; H; I; K

WEB LINK: <https://www.google.co.uk/maps/@53.0196117,-1.2245285,151m/data=!3m1!1e3>

App Registered 22/01/2019

Expiry Date 23/04/2019

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Baron to discuss implications with the sites Master Plan and highways safety issues.

The Application

- This is an application seeking approval of Reserved Matters for 45 dwellings, 2 flats and commercial space (2 shop units), together with associated infrastructure and roads.
- This application is for phase 4 (as identified on the illustrative phasing plan), and is located directly to the south of the newly approved primary school.
- The application was deferred at the last Planning Committee to enable further discussions surrounding the retail element. For the benefit of new Committee Members, the first section sets out the wider background to the application and development; with a response to the Committees concerns set out afterward.

Background – Provision of Facilities for the Development Site

A hybrid planning application (Ref. V/2013/0123) was conditionally approved on 14th November 2014; the application comprised a new business park on 27.8ha of land with access from the A611; 31.2ha of residential development, including affordable dwellings; two access points off Watnall Road; public open space provision; a one form entry primary school; provision for community facilities; local retail facilities;

pub/restaurant; care home; strategic footpath & cycle link; and nature conservation enhancement on 58ha of green land.

The application was supported by a Parameter Plan which indicated the general layout of the proposals within the application site, including a Masterplan and Phasing Illustrations. The Parameter Plan envisaged that up to 900 dwellings could be accommodated within the allocated residential phases and that the community, retail and pub/restaurant facilities – shown for indicative purposes only - were more flexible and likely to change through the design of the reserved matters applications to follow.

The care home and school are both under construction, with the Green Infrastructure and Play Provision having already been provided in a timely way. Application reference V/2018/0150 for 120 dwellings, at phase 3, was recently refused by the Planning Committee on the basis it proposed residential development in the area indicated for a local centre on the original parameter plan. There were concerns that a failure to provide local centre facilities, as were originally envisaged, would diminish the functionality of the original masterplan and the community aspirations for the development. Thus, the proposals were considered to be contrary to the National Planning Policy Framework aim to achieve well designed places and create healthy communities (parts 8 and 12). In particular, paragraph 130, which states that planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The applicant and land owner have given further consideration as to how the aspirations of the original masterplan can be achieved, within the context of the changes to the surrounding area, which has included the provision of additional facilities outside the site and concerns over the location of the facilities at the entrance to the site from a highways perspective. This application has been submitted to address these concerns.

The application shows the provision of two retail units and associated car parking, as well as the provision of 47 residential units. The shops are proposed to be located adjacent to the school and form a central location adjacent to other local facilities. In order to ensure the provision of the units in a timely manner a condition is proposed, which will restrict any more than 503 dwellings across the development being occupied, unless the retail units are provided and ready for occupation. It is, however, accepted that it may be some time before this number of units are occupied and it is likely to be 2 to 3 years under current completion rates for the site. However, there were no previous anticipated timescales for the local centre, so this ensures the provision of facilities sooner than may have otherwise occurred.

The 503 dwellinghouse number is derived from existing completions and approvals across the development site. The number of fully approved dwellings is presently 383, these are broken down as follows:

- **V/2014/0652** - Persimmon 171 units - Completed and fully sold.
- **V/2015/0267** - Harron Homes 99 units - Mostly completed and sold
- **V/2016/0525** - Harron Homes 113 units – Approximately 50% sold or under construction.

There is currently an ongoing planning application (Ref: V/2018/0803), for 120 units, which is a resubmission of the previously refused V/2018/0150 application. Approval of that application would take the total number of fully approved dwellings to 503. This application was also deferred at the previous Planning Committee.

The condition is to be applied to every subsequent housing application that comes forward, until the commercial elements are provided. This will ensure that the retail units will be provided, as well as allowing further housing development to come forward.

Previous Planning Committee

The application was deferred at the last Planning Committee to enable further discussions to take place between the Council and the applicant regarding the location, potential uses and amount of retail space on the development site.

Amount of Retail Space

The applicant has since produced an updated report with regard to the provision of retail accommodation. In summary, this identifies that:

- There is no interest from national convenience store operators in either the Watnall Road, or Shepherd Street locations.
- And that a national convenience store is a key factor in attracting other potential retail operators.
- There is limited demand for an independent local convenience store for Shepherd Street, although preliminary discussions are taking place with a local operator.

Potential Uses

The Planning Committee also discussed the potential for a Micro Pub and other Community Uses. In response, the applicant has identified the following:

- Rolls Royce has an existing community and leisure facility accessed from Watnall Road. This facility is open to Rolls-Royce employees and the general public.
- The facility provides sporting, gym facilities as well as a venue for wedding reception and parties.

- It is understood that the 'wet-lead' element of the community facility (i.e. social drinking) struggles financially.
- There a number of public houses and craft bar operators within the immediate vicinity including on Watnall Road.
- The property is situated within the heart of a residential scheme and is unlikely to benefit from passing trade from the wider Hucknall area.
- Passing trade is likely to be essential for the commercial viability of a craft bar/public house.
- The proximity of the building in relation to the school could result in complaints.

Location of Retail

Lastly, in terms of the concerns over the location of the retail element raised by members. The applicant has noted that the Highways Authority have raised concerns over the location of retail space on the main roundabout, due to potential parking and highways safety issues. They have also stated that the revised central location represents a more accessible location within the heart of the development for future residents.

Consultations

Site Notice and Press Notices have been posted together with individual notification of surrounding residents. Below is a summary of comments from consultees:

A.D.C Drainage - The Local Lead Flood Authority need to be consulted on this application.

A.D.C Landscaping – The Councils landscaping team have provided comments in respect of the sites landscaping, layout and boundaries. The salient points are listed below:

Layout

- The pedestrian link between plots 33 and 36, along with the retention of trees along the main routes is welcomed.
- Consideration needs to be given to the road terminating between plots 7 and 8, with bollards provided.

Boundary Treatments

- The boundary treatments are generally acceptable; however, a few changes are recommended - including the inclusion of metal railings along the primary frontage facing Lovesey Street.

Landscaping

- The approach and strategy of landscape design is supported; however, some changes/clarifications are required to certain species.

Severn Trent - Foul water is proposed to discharge into the public foul water sewer, which will be subject to formal section 106 sewer connection approval. Surface water

is proposed to discharge to a watercourse in the established SUDs scheme, therefore no further comment is made.

Local Lead Flood Authority – No objections.

NHS Nottingham North and East Clinical Commissioning Group – Originally requested an obligation toward healthcare provision, this is a Reserved Matters proposal and that all the financial contributions have been secured through the existing Section 106, which included Healthcare contributions. The CCG responded acknowledging this.

NCC Highways -

- The number of spaces for the retail units should be increased to 14 in the interests of highways safety.
- Parking spaces should have sufficient visibility and width.
- The gravel strips should be removed from the layout.
- A means of preventing unauthorized vehicular access from Hurricane Road will be needed, such as a bollard.

All these elements have either been addressed through amended plans, or conditions.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework [NPPF] 2018

- **Part 5** - Delivering a sufficient supply of homes.
- **Part 6** - Building a strong, competitive economy.
- **Part 8** - Promoting healthy and safe communities.
- **Part 9** - Promoting sustainable transport
- **Part 12** - Achieving well-designed places.
- **Part 15** - Conserving & enhancing the natural environment.

Ashfield LP Review 2002 – Saved Policies

- **HG3** - Housing Density
 - **HG4** - Affordable Housing.
 - **HG5** - New Residential Development
 - **HG6** - POS in New Residential Developments
 - **RC2** - Open Areas
 - **ST1** - Development
 - **ST2** - Main Urban Areas
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- **Ashfield Residential Design SPD 2014**
 - **Ashfield Residential Car Parking Standards SPD 2014.**

- **Nottinghamshire County Council - The 6 C's Design Guide**

Relevant Planning History

V/2013/0123: Hybrid outline planning application for a business park; residential development; two access points off Watnall Road; public open space provision; a one form entry primary school; provision for community facilities; local retail facilities; pub/restaurant; care home; strategic footpath & cycle link; and nature conservation enhancement. Conditionally Approved and subject to a S106 Agreement, 14/11/14

V/2014/0585: Application for Reserved Matters following the hybrid outline consent for Phase 1 Infrastructure. Approved 19/3/15

V/2014/0652: Application for Reserved Matters following the hybrid outline consent, in respect of the Phase 1 development of 171 dwellings for Persimmon Homes. Conditionally Approved 5/6/15.

V/2015/0267: Application for Reserved Matters following the hybrid outline consent, in respect of the development of 99 dwellings for Harron Homes. Conditionally Approved 28/7/15.

V/2016/0525: Application for Reserved Matters following the hybrid outline consent, in respect of Phases 6 & 7, for a development of 113 dwellings for Harron Homes. Conditionally Approved 7/12/16.

V/2018/0298: Proposed 210 place primary school and 26 place nursery school. Conditionally Approved by the Nottinghamshire County Council on 6/7/18.

V/2018/0150: Application for approval of reserved matters following outline approval V/2013/0123 – proposed erection of 120 dwellings and associated infrastructure including access and landscaping. Refused.

Comment:

ASSESSMENT

The main considerations in assessing the application are layout & design; residential amenity; visual amenity; and highway safety. These are discussed below:

Principle

The application is located within the main urban area of Hucknall where, under the provisions of the ALPR 2002, Policy ST2, the principle of the development is acceptable. Moreover, the principle of development on the site for residential purposes has been established through the hybrid planning approval (reference V/2013/0123). As this is a Reserved Matters application, the principal of development is not for consideration.

Layout

Consideration has been given to Part 12 of the National Planning Policy Framework 2018 on achieving well designed places, during the processing of this application. In terms of local policy, consideration must be given to saved Policy HG5 – New Residential Development, of the APLR 2002, which states that new development will be approved where it is acceptable in terms of appearance, scale and landscaping.

The development site is located centrally within the site, adjacent the school to the north, with housing surrounding the sites other boundaries. A new access is proposed off Lovesey Avenue serving the residential element, with a separate access taken off Shepherd Street - serving the two retail units.

The proposed housing is arranged with an active frontage facing onto Lovesey Street, with the rear gardens and side elevation of properties facing onto both Shepherd Street and Hurricane Road. This arrangement has been designed sympathetically to ensure the primary green routes – agreed during the outline master planning stage – are not undermined.

The proposal provides good pedestrian permeability through the site, with a pedestrian links formed between plots 33 and 36. This encourages pedestrians from this phase, and others, to walk to the newly created retail units.

Residential Amenity

The houses and gardens are proposed to be laid out to ensure sufficient privacy and outlook, with the separation distances complying with the Councils minimum required distances, as set out in Supplementary Planning Guidance. Only the separation distance of plots 16/17 to plot 29 falls below the 21m required, however at a distance of 20.5m, it is still considered the future residents will be afforded sufficient levels of privacy.

The neighboring properties to the north-west on Hurricane road are located slightly lower (approx. 0.5m) than plots 14-18, however the separation distance exceeds the Councils minimum standards at this point. Achieving these separation distances ensures there would be no adverse impact on existing and approved properties in terms of overlooking or overbearing.

In terms of garden sizes, 87% would comply with the Councils Residential Design Guide SPD (2014). The two flats would be afforded no amenity space; however, the wider site provides a high standard and level of public open space, which has been delivered. The proposal is also located in close proximity to the Green Belt. As a result, it is considered that future residents would still be afforded a high standard of living.

Appearance and Scale

The proposed development consists of 2,3 and 4 bed residential, with the retail units containing flats above. The buildings are all two storey. The scale of the proposals is acceptable and in keeping with those across the development site.

The buildings appear of a good standard of design, with a mixture of traditional and modern materials. This includes the use of red and buff brick, light color render and slate effect roofs. The overall appearance of the development is considered to be of a good standard and will add to the character of the area.

Landscaping and Boundaries

The application is supported by a landscaping plan and includes details of boundary treatments. The scheme has been assessed by the Councils Landscaping Officer and appropriate changes made. The overall landscaping is considered to be acceptable, with the use of trees, shrubbery and grassed areas to break up plot frontages, creating an attractive entrance to the development phase.

The applicant has submitted full details of the site and plot boundaries. The general arrangement includes a wall and fence adjacent to the primary spine roads (Hurricane Road and Shepherd Street), with the use of metal bow top fencing to the main plot frontages facing onto Lovesey Avenue. The proposed boundary treatments create an aesthetic edge to the surrounding streets.

Highways Matters

The parking provision was increased from the original proposals on the advice from the Highways Authority. The proposed retail units are to be served by a total of 14 parking spaces, including provision for disabled parking.

The proposed retail units are being provided more centrally within the development, contrary to the original parameter plan, which showed them – for indicative purposes only – at the junction with Watnall Road. The Highways Authority have, however, identified that their preference would be for shops located further within the development site, as is now indicated. This is to avoid highways safety issues at the main access with Watnall Road, due to the high potential for instances of sporadic and opportunistic parking by users of the retail units.

The Highways Authority have requested certain changes to the scheme including: the removal of permitted development rights for fences, adequate visibility for parking spaces, removal of gravel strips and treatment to the end of the westernmost stub to prevent authorized vehicular access off Hurricane Road. These elements have either been amended, or are to be controlled through planning condition.

In light of the above, the proposal is considered to raise no highways safety concerns.

Other Matters

Heritage

The proposal is located approx. 300m from the Listed Grade II hangers found to the north east of the development. There is an intervening phase of housing development - approved as part of the outline plan - between the dwelling and listed buildings. As a result of the separation distance and intervening phase of housing development, the proposal is considered to result in no harm to the setting, or significance of the Listed Buildings. The impact of housing development was also fully considered at outline phase.

Section 106

The section 106 agreement dictates that 10% affordable housing should be provided. The applicants submitted plan shows the provision of 5 affordable units and their location.

Planning Balance and Conclusion

The layout, appearance, scale and landscaping of the proposed phase is considered to be acceptable. The phase would provide two commercial units for the wider development site, providing facilities within easy walking distance in a more central location for the new community, which is also preferable from a highways safety perspective.

The wider development has provided significant economic and social benefits and value for the community: through the provision of new homes, primary school, public open space and care home. Approval of this application would assist in ensuring these benefits continue to be provided.

Recommendation: - Approval subject the conditions outlined below:

CONDITIONS

1. The development to which this approval relates shall be begun not later than the expiration of 2 years of this approval.
2. The hereby approved development shall be undertaken in accordance with latest revisions of the plans and details as indicated on the following drawing lists:
 - Drawing Register and Issue Sheet JR.03 dated 18/03/2018
 - Document & Drawing Issue Sheet by WSP dated 04/03/2018 (with the site plan as amended by Drg No. 391/13 (02)002 Rev C)
3. No more than 503 dwellings across the whole development (approved under the hybrid permission V/2013/0123, as amended by Section 73 application V/2015/0633) shall be occupied, prior to the retail units (approved under

V/2019/0038) being built to shell standard and ready for letting to potential operators.

4. The two retail units hereby approved, as detailed on plan reference Dwg. No. 391/13(02)030 Rev A, shall consist of the following uses only: A1, A2 or A3 Use, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended).
5. Prior to the installation of any externally mounted plant or equipment (e.g. air conditioning, extraction, heating, cooling units etc.) and any internally mounted equipment which vents externally, details of any such equipment, including details of method of construction, odour control measures, noise levels, appearance and finish shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall be installed in accordance with the approved details and operated and maintained in accordance with the manufacturers instructions for the lifetime of the development. No such equipment other than that approved shall be installed.
6. The retail use shall take place during the following hours only: 0700 to 2300 only Monday to Sunday.
7. The loading or unloading of delivery vehicles for the retail units shall not take place between the following hours: 19:00pm to 07:00am Monday – Sunday.
8. The retail units shall not be occupied until the parking, turning and servicing areas have been provided in accordance with the approved plans, unless required to be varied by condition 18. The parking, turning and servicing areas shall not be used for any purpose other than parking, turning, loading and unloading of vehicles, and shall be maintained for the lifetime of the development.
9. Prior to the occupation of any dwelling, a report, based upon BS5930 - 'Code of Practice for Site Investigations', shall be submitted to and approval in writing by the Local Planning Authority, confirming the potential level of contaminants within any site won soils and/or for any intended importation of top soils to be used on the garden areas and public areas of the development. The soils should be free from metals, plastics, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS3882:1994 - 'Specification for Topsoil'.
10. The landscaping arrangements shall be undertaken in accordance with the latest plans and specifications detailed on the 'Re-form landscape architecture – Drawing Issue Sheet' dated 18th March 2019. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or

plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

11. The trees surrounding the perimeter of the development site forming the primary green routes of the development (agreed through the masterplan), shall be protected in accordance BS:5837:2012. Any trees that require felling for the purpose of the creation of a new access shall be replaced within the next available planting season, with the details submitted to and agreed in writing by the local planning authority.
12. Prior to the commencement of any works on site, full details of the new roads shall be submitted to and approved in writing by the Local Planning Authority, including longitudinal and cross sectional gradients, street lighting, parking & turning facilities, access widths, gradients, surfacing, visibility splays, drainage & outfall proposals, construction specification, provision of and diversion of utilities services, materials and any proposed structural works. Drawings must indicate key dimensions. All details submitted for approval shall comply with the Nottinghamshire County Council's current Highway Design Guide and shall be implemented as approved at Section 38 Agreement stage under the Highways Act 1980.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development relating to class A of Part 2 of Schedule 2 (Erection of walls, fences or other means of enclosure) shall be undertaken without the prior written approval of the Local Planning Authority.
14. Any proposed soakaways shall be located at least 5m to the rear of the highway boundary.
15. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel), for a minimum of 6 metres behind the highway boundary, with appropriate drainage to prevent the transfer of surface water to the highway. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material with suitable drainage for the life of the development.
16. The parking areas, including detached and integral garages, shall be kept available solely for the parking of vehicles at all times and for no other purpose and permanently retained as such thereafter.

17. No development shall commence on site until a construction management plan has been submitted to and approved in writing, this shall include details of working hours, wheel washing facilities, parking for site operatives & visitors; loading & unloading areas and storage of plant & materials.
18. Prior to occupation of the retail units, details of cycle stands serving the retail units shall be provided to and agreed in writing by the Local Planning Authority. The cycle stands shall be erected prior to the occupation of the retail units and maintained as such in perpetuity.

REASONS

1. To comply with Section 92 of the Town and Country Planning Act 1990 as amended.
2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. To ensure that community facilities are provided.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of residential amenity.
7. In the interests of residential amenity.
8. In the interests of highways safety.
9. To ensure the site is developed free from contaminants.
10. In the interests of visual amenity.
11. In the interests of visual amenity.
12. In the interests of highways safety.
13. In the interests of highways safety.
14. In the interests of highways safety.
15. In the interests of highways safety.
16. In the interests of highways safety.
17. In the interests of residential amenity.
18. In the interests of sustainability.

INFORMATIVE

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act 1990 and dated 14th November 2014, attached to the outline planning permission Referenced V/2013/0123.
2. The submitted Reptile Report Survey prepared by Jennifer Britt of Delta Simons is considered sufficient to discharged condition 17 of the Outline Permission for this phase only.
3. The applicant's attention is drawn to the planning conditions attached to this permission that require you to resolve certain matters BEFORE work commences. If work commences without first complying with the terms of the conditions then any work undertaken will be UNAUTHORISED and may be the subject of future Enforcement Action.
4. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
5. Landowners, individual property owners and users are responsible for managing the drainage of their own land. The applicant must satisfy themselves that drainage is managed in such a way as to prevent adverse impacts of neighbouring land. The council take no responsibility for incorrect information or interpretations made by the applicant or their representatives. The responsibility for the checking of the design, calculations and details remain with the developer, or agent acting on their behalf.
6. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the HA. The new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for road works.
 - a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the HA with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the HA as early as possible.

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

Correspondence with the HA should be addressed to hdc.north@nottscc.gov.uk or in writing to:

Highways Development Control
Nottinghamshire County Council,
Highways North,
Welbeck House,
Darwin Drive,
Sherwood Energy Village,
Ollerton,
Nottinghamshire,
NG22 9FF.

2/ Any relevant details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after the relevant technical approval is issued.