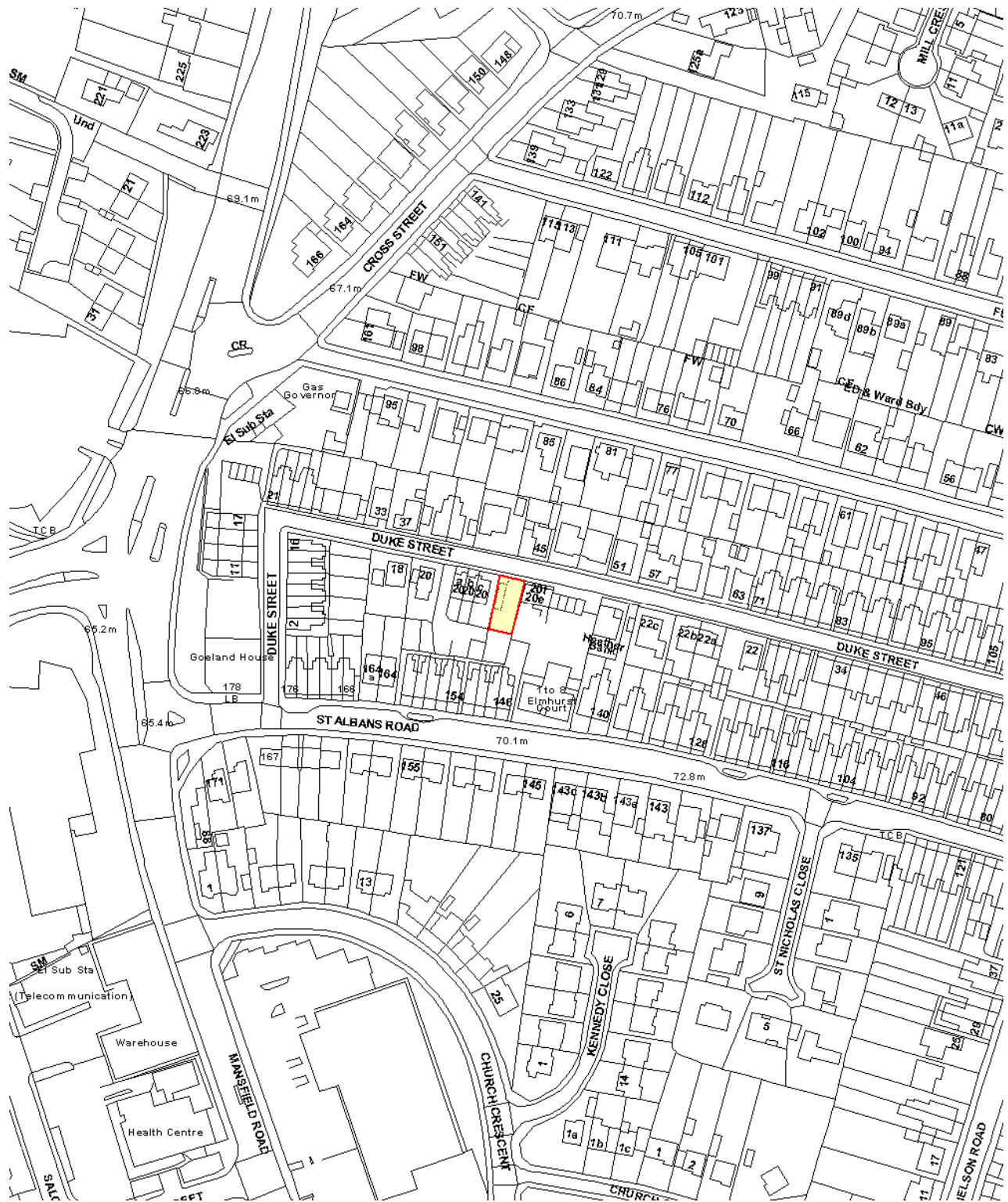


Planning Report for 2013/0194

Location : 20C Duke Street Arnold Nottingham



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site
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APPLICATION NO: 2013/0194

LOCATION: 20C Duke Street Arnold Nottingham NG5 6GQ

PROPOSAL: Construct building consisting of ground floor and first floor two bed maisonette

APPLICANT: Mr Robert Spencer

AGENT: Mr John Chrich

This application has been brought to Committee because the applicant is related to a Member of the Council.

Site Description

This application relates to an area of vacant land, the site of a former residential garage, located between existing residential properties on the southern side of Duke Street, a small residential street within the urban area of Arnold and which has double yellow line parking restrictions to this side of the highway.

The land slopes down towards the southern boundary of the site with the rear gardens of two storey properties on St Albans Road.

The site is currently bounded by close boarded fencing to all boundaries.

The surrounding area has a mix of types of dwellings. The immediately adjoining property to the west at no. 20C Duke Street is a two storey semi detached dwelling which is set slightly lower than the application site. It has a garage abutting the side boundary with the application site. There is a first floor obscure glazed window to this side elevation. To the east no.s 20E and 20F St Albans Road occupy a two storey maisonette building which has a blank gable facing the application site. There are principal room windows to the rear elevation. To the south of the site there are two storey terraced properties with two storey gable projections to the rear which are set at a lower level than the site. These have principle room windows overlooking the application site.

Proposed Development

Full planning permission is sought for the erection of a two storey property consisting of ground and first floor 2 bedroom maisonettes. The building is set back from the highway 5.33m to allow for 2 no. off street parking spaces and has maximum dimensions of 7.35m depth and 6.67m width. It has a pitched roof with a ridge height of 7.18m. A small Juliette balcony is proposed to the rear elevation of the first floor maisonette.

External stairs with balustrade serving the first floor maisonette are proposed to the side of the building abutting the side boundary with no.s 20E and 20F St Albans Road. These are set back from the front of the building by 2.1m and have a maximum height of 4.898m. A canopy is also proposed over the entrance door to the maisonette.

Revised layout and elevation plans have been deposited on the 22nd April 2013 which indicate the relationship between the proposed building and screening to the external

staircase and landing serving the first floor maisonette. It is confirmed that the external staircase proposed is to be fitted with solid panels to obscure vision.

Private amenity areas serving each maisonette are proposed to the rear of the building.

An email has also been received on the 22nd April 2013 confirming that the applicant is not aware of any footpaths or rights of way across the application site.

A Design and Access Statement has been submitted with the application which outlines the context of the application site and the design approach and principles and includes details of external materials, boundary treatments and landscaping.

Consultations

Nottinghamshire County Council (Highway Authority) – No objections are raised in principle to the development. In order to provide satisfactory vehicular access to the proposed parking spaces it would appear that the footway crossing would need to be widened. It is recommended that conditions be attached should planning permission be granted requiring the submission and written approval by the Borough Council of the details of surfacing and drainage of the driveway and parking areas and the widening of the vehicle footway crossing. The applicant should also be advised to contact the Highway Authority with regards to the required works to the vehicle footway crossing.

Severn Trent Water – No objections are raised to the proposed development subject to a condition being attached should planning permission be granted requiring the submission and written approval of the Council of details of the disposal of surface water and foul sewage.

Urban Design Officer – No issues are raised.

Adjoining neighbours have been notified of the proposal and a site notice posted. 2 emails have been received raising the following concerns:

- there are currently no flats on Duke Street
- the design and appearance of the external staircase and the proposed facade is out of character with the streetscene,
- the plans are unclear as to how far back in the site the proposed building would extend;
- the plans suggest that an existing shared access to the rear of the site would link the new building with St Albans Road; and
- loss of privacy to neighbouring properties.

Planning Considerations

Given that I consider that the principle of residential development on this site would be acceptable taking account of its urban setting, the main planning considerations in the determination of this application are whether the proposal has any undue impact upon the

character and appearance of the area, the residential amenity of the occupiers of neighbouring properties and whether there is adequate off street parking provision and whether there would any impact upon highway safety.

The most relevant planning policy guidance at the national level comes from the National Planning Policy Framework (March 2012). In particular the following chapters are relevant in considering this application:-

- 6. Delivering a wide choice of high quality homes (paragraphs 47-55); and
- 7. Requiring good design (paragraphs 56-68).

At a local level the following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008 are relevant:-

- ENV1 (Development Criteria);
- ENV2 (Landscaping);
- H7 (Residential Development on Unidentified Sites Within the Urban area and Defined Village Envelopes);
- H16 (Design of Residential Development); and
- T10 (Highway Design and Parking Guides).

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

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents (ACSSD) as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

- Policy 8 Housing size, Mix and Choice; and
- Policy 10 Design and Enhancing Local Identity.

Design

The Government attaches great importance to the design of the built environment. Section 7 of NPPF states inter alia that good design is a key aspect of sustainable development and that it should contribute positively to making places better for people. Developments should function well and add to the overall quality of the area, respond to local character and history, reflecting the identity of local surroundings and materials and be visually attractive as a result of good architecture and appropriate landscaping.

Criterion a. and c. of Policy ENV1 of the Replacement Local Plan are also 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.

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 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 ACSSD looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and Replacement Local Plan policies.

I am of the view that the design and appearance of the proposed building is acceptable, given it reflects the architectural form and detailing of the adjoining buildings to the east and west. Similarly I consider that the scale of the proposed development sits well within the application site and the wider streetscene, taking account of the incline of Duke Street and the heights of adjacent dwellings.

I note the comments received with regards to appearance of the proposed external staircase and its impact upon the streetscene. Given its set back from the front building line of the proposed building I am satisfied that it will not be significantly visually intrusive within the context of the building and the wider streetscene to justify refusal on these grounds.

I also consider that the proposal would result in a currently vacant and untidy piece of land being brought into an appropriate residential use which would enhance the visual amenity of the streetscene.

Residential Amenity

Criterion b. of Policy ENV1 of the Replacement Local Plan is relevant in this instance and states that planning permission would be granted for development providing that it would not have a significant adverse effect on the amenity of occupiers of neighbouring properties or the locality in general.

Criterion f) of Policy 10 of the ACSSD relating to impact upon the amenity of nearby residents and occupiers is also relevant in considering this proposal.

I am mindful that the proposed building would project further back than the rear elevation of 20E and 20F Duke Street, which has ground and first floor principal room windows. However, given the relationship between the proposed building and these immediately adjoining properties to the west and its relationship with the adjacent dwelling to the east at no. 20C Duke Street and taking into account that these buildings do not have any principal room windows to the side gables facing the application site, I am satisfied that the proposed development would not have any undue impact upon the residential amenity of the occupiers of these properties in terms of overbearing or overshadowing impact.

I consider that the enclosure proposed to the side and landing of the external staircase would also safeguard the residential amenity of the occupiers of no.s 20E and 20 F Duke Street in terms of overlooking impact.

I note the comments with regards to loss of privacy and that a small balcony is proposed to the first floor maisonette serving lounge. Given the minimal depth of the balcony at 0.4m I am of the view that this would preclude it from being used for any sitting out purposes. I am therefore satisfied that there will be no greater overlooking of

neighbouring properties afforded by the French doors and a balcony of this depth than that afforded by a window in this location.

I am also mindful that the properties to the rear on St Albans Road are set at a lower level than the application site. However, given the distances between the proposed maisonettes and the properties to the rear and that this relationship would not be dissimilar to that of existing adjacent dwellings on Duke Street and those on St Albans Road I do not consider it reasonable to refuse permission on these grounds.

Highway Issues

Criteria c. of policy ENV1 and c. of policy H11 of the Replacement Local Plan need to be considered in this instance. These state that planning permission will be granted for development providing proposals include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and providing that adequate parking provision is made. I note that the Highway Authority raises no objections to the principle of the proposed development and consider it reasonable to attach the recommended conditions should planning permission be granted to safeguard highway safety.

With regards to parking provision, I am satisfied that 2 no. unallocated spaces as proposed accords with the 'Parking Provision for Residential Developments' SPD which requires 1.6 no. off unallocated off street parking spaces to be provided.

Other Matters

With regards to the comments received in relation to the quality of the plans, having visited the site I am satisfied that the deposited plans and revised layout and elevation plans allow full consideration to be given to the proposal and the application determined.

In relation to the comments received in relation to a shared path, the applicant has confirmed that there are no footpaths or rights of way from the application site.

I am also mindful of the comments received with regards to there being the number of flats on St Albans Road and that there are currently no flats on Duke Street. Section 6 of the NPPF requires the delivery of a wide choice of high quality homes. Furthermore, para. 1 of Policy 8 of the ACSSD advises that residential development should provide and contribute to a mix of housing tenures, types and sizes in order to create a mixed and balanced community. The surrounding area consists of predominantly terraced, semi detached and detached dwellings, although to the south east is Elmhurst Court a development of 8 no. flats and immediately to the east of the site are no.s 20E and 20F Duke Street, a ground and upper floor maisonette building. Taking this into account I am of the view that the proposed development would not result in an over concentration of flats within the area but would contribute to an existing mixture of housing types.

Conclusion

Taking the above considerations into account I am of the opinion that the proposal would be appropriate development within the urban residential area of Arnold. I considered that the design of the proposal is in keeping with the adjacent residential properties and the wider area and that it would not result in any undue impact upon the residential amenity of the occupiers of neighbouring dwellings. I am also satisfied that an appropriate level of off street parking provision is proposed.

The proposed development therefore accords with the aims and objectives of the NPPF (2012), the ACSSD and Policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008) and I recommend that planning permission be granted.

Recommendation: GRANT PLANNING PERMISSION 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 approved shall be carried out in accordance with the approved plans deposited on the 12th March 2013 (drg no.s 800 02, 03, 05, 07) and revised layout and elevation plans (drg. no. 800 01A and 04A) deposited on the 22nd April 2013.
3. This permission relates to the Design and Access Statement deposited on the 12th March 2013.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed development. The development shall be constructed in accordance with the approved details.
5. Before development is commenced there shall be submitted 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. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
6. The means of enclosure hereby approved as set out in the Design and Access Statement deposited on the 12th March 2013 as part of this application shall be retained where applicable and the new 1.8m fencing to be erected to the rear boundary shall be erected prior to the dwelling being first occupied.
7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of screening to the external staircase. The screening of the external staircase shall be carried out in accordance with the approved details prior to the building being first brought into use and shall be retained as such for the life of the development.
8. No first floor windows shall be inserted in the side elevation of the proposed building adjacent to the boundary with no. s 20E and 20F Duke Street at any time.
9. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in

accordance with the approved details before the development is first brought into use.

10. No part of the development hereby approved shall be brought into use until the vehicle parking areas are provided in accordance with the approved plans. The approved arrangements shall thereafter be retained as such for the life of the development.
11. No part of the development hereby approved shall be brought into use until all drives and parking areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres rear of the adopted highway boundary in accordance with details to be first submitted to and approved in writing by the Borough Council. The surfaced drives and parking areas shall then be maintained in such hard bound material for the life of the development.
12. No part of the development hereby approved shall be brought into use until the access driveway/parking/turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway and parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent unregulated discharge of surface water to the public highway shall be retained for the life of the development.
13. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
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8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

9. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
10. In the interests of pedestrian safety.
11. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).
12. To ensure surface water is not deposited on the public highway causing dangers to road users.
13. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.

Reasons for Decision

In the opinion of the Borough Council the proposed development will result in no undue impact on the amenities of neighbouring residential properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Saved Policies) 2008.

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.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore required to contact the County Council Highways Customers Services tel. 0300 500 80 80 to arrange for these works to be carried out.

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