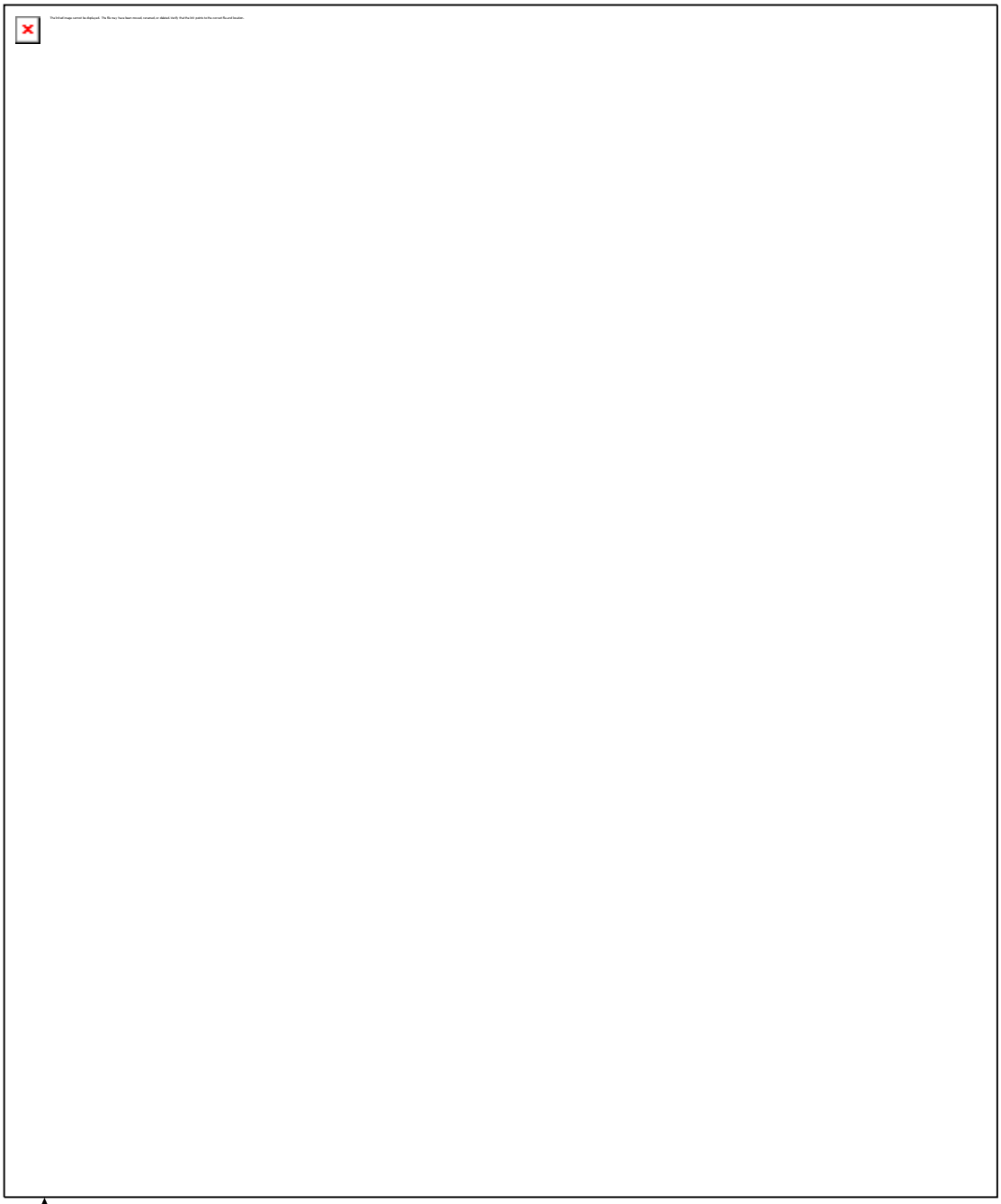
Planning Report for 2007/0263

Location :	7 & 9 Chapel Lane Ravenshead Nottinghamshire





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: 2007/0263

LOCATION: 7 & 9 Chapel Lane Ravenshead Nottinghamshire NG15 9DA

PROPOSAL: Demolition of existing dwellings and erection of 16 new dwellings.

APPLICANT: Crest Nicholson (Midlands) Ltd

AGENT:

Description of Site

The application site has an area of 0.53 hectares and is located within the development boundary of the village of Ravenshead, It is sited on the eastern side of Chapel Lane.

The site comprises the houses and gardens of no. 7 and 9 Chapel Lane. To the north it shares a boundary with the existing properties at no.5 Chapel Lane and the long rear garden to no. 226 Main Road and to the south of the site of the bungalow at no. 11 chapel Lane which has recently been demolished as part of a residential development of 24 dwellings.

Opposite the site on the western side of Chapel Lane are detached properties whilst beyond the eastern boundary of the site, which is demarcated by a hedgerow screen, are open fields, which lie within the Nottinghamshire Green Belt.

No. 7 and 9 Chapel Lane both have a frontage to Chapel Lane with individual vehicular accesses.

Proposed Development

Full planning permission is sought to demolish the existing properties and erection 16 dwellings.

The density of the development is 30.18 dwellings per hectare.

The proposed development comprises a mix of house types comprising 8 no. 4 bedroom detached, 1 no. five bedroom detached, two number four bedroom detached and four no, three bedroom terraced houses and one no. one bedroom flat.

The only dwelling with direct access from Chapel Lane is plot 1 with the remainder of the development served entirely from a new cul de sac which takes access from Chapel Lane midway along the site frontage and provides appropriate visibility splays.

All properties are two storeys, with pitched tiled roofs, facing brickwork with occasional use of render and the selective use of chimneys.

The development has been designed to present a frontage to Chapel Lane with six houses set close to the highway boundary.

The existing hedge along the eastern site boundary will be retained as part of the development.

A design and access statement, planning statement, ecological scoping report and tree survey have been submitted with the application and are available to view at the Borough Councils Offices.

Consultations

Ravenshead Parish Council: - object to the application, as it is infill, too dense and intrusive on the Green Belt and on the local scene. The style of housing is out of keeping with the surrounding area particularly the flat.

There will be too much traffic onto Chapel Lane, which is a narrow road with no pavement.

Councillors also query if the services in the village are adequate. This application is in contravention of the village plan and Councillors ask that it be considered at Committee.

Adjoining neighbours consulted and site and press notice published: - I have received a letter from the owners of 226 Main Road whose comments can be summarised as follows: -

Concern over the hedge between 7 chapel Lane and 226 Main Road – request that this is retained to provide privacy to both sides.

I have also received a letter from Planning Consultancy acting on behalf of the owner of no 5 Chapel Lane. The comments set out below are a summary of main points and the letter can be viewed in full at my Offices: -

Conflicts with objectives of the Replacement Local Plan and wider government advice

Out of character with the area which is of a semi rural environment and has its own distinct and identifiable character generated by low density and high quality nature of the housing its contains

Considers that the nature of the proposal will be completely at odds with the prevailing existing character of the area.

It is of a design, which fails to improve the character and quality of the area, and thus in accordance with advice set out in PPS1 should be rejected.

Contrary to para 16 of PPS3 which requires that development should be well integrated with and complement the neighbouring buildings and the local area generally in terms of scale, density, layout and access.

Refers to policy 3/6 Rural Housing as set out in the Nottinghamshire and Nottingham Joint Structure Plan.

Suggests that the Replacement Local Plan allows for limited small-scale development in villages such as Ravenshead but does not define further. Queries whether the replacement of 2 with 16 complies with this.

Do not agree that weight should be given to the previous grant of planning permission on the neighbouring site.

Points out that the application is not supported with a highways report and fails to see how the applicant assertion that the proposal is acceptable and appropriate in terms of highway safety can be reached.

The levels of activity on the site and the associated traffic generated by 16 dwellings in comparison to the present 2 would undoubtedly have a significant adverse effect on the residential amenity on all neighbouring properties.

His client wishes that all necessary safeguards are put in place to protect the healthy survival of the hedgerow, which he has cultivated on the southern boundary of the site.

In his professional opinion the supporting information to this application fails to demonstrate that the site could be redeveloped to accommodate 16 dwellings in an acceptable and appropriate manner. In these circumstances and giving due weight to the concerns advanced above it is his view that the local planning authority should refuse to grant planning permission on the basis that the proposed development would conflict with relevant policies in the Development Plan and wider Government advice.

Nottinghamshire County Council: - Highways - The Highway Authority is content with the principle of this development as an acceptable junction can be formed onto Chapel Lane and there will be no junction capacity issues.

A 2.0m wide footway will be required across the development frontage with Chapel Lane to allow for pedestrian linkage from the dwellings to the footway opposite. However, the visibility splays will also require hard surfacing effectively widening the footway such that they do not become integrated into the front gardens of the adjacent properties as has happen with the highway verge in front of some of the existing properties on Chapel Lane. This is to ensure that planting; fencing or other garden ornamentation does not obstruct visibility from the junction.

Little regard has been paid to the practicalities and highway safety associated with the driveways at the end of the cul-de-sac. The driveway to plot 6 will require an extremely long reversing manoeuvre to gain either access or egress. The parking spaces to plot 8 are not accessible. The driveway to plots 7, 8 and 9 rely on manoeuvring an overlong distance over the footway. Access to plot 5 is at an awkward angle and the driveway serving plots 8 and 9 is of insufficient width.

From the details submitted I have been unable to establish how many bedrooms are associated with each dwelling to determine whether the parking allocation is appropriate.

Subject to the above being appropriately addressed, conditions covering the following will be required:

- No development shall take place until details of an effective method of preventing surface water run-off from hard paved areas within the site onto the adjacent roads have been approved in writing by the Borough Council. These facilities shall be implemented prior to the access and parking facilities being brought into use.

- No loose material shall be placed on any driveway or parking area within 5.5m of the adopted highway unless measures are taken to the satisfaction of the Borough Council to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

- No development shall take place until details of the new road have been submitted to and approved by the Borough Council including longitudinal and cross sectional gradients, details of street lighting, drainage and outfall proposals, construction specification, provision of and diversion of existing utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Borough Council.

- Prior to occupation of the dwellings a 4.5m x 120m visibility splays shall be provided at the junction with Chapel Lane, and which shall be surfaced in a bound material to the limits of the development frontage in accordance with details previously submitted to the Borough Council and approved. Thereafter the visibility splays shall be kept clear of obstruction from a point 0.6m above carriageway level thereafter.

This site satisfies the minimum criteria in terms of site area suggested in the Interim Transport Planning Statement on Integrated Transport Measures and Developer Contributions (Adopted May 2002), and as such a contribution should be sought. Appendix A of the ITPS provides a guidance figure of £30,000 per net developable hectare for this type of development in this location, (£15,900).

These contributions would help provide an alternative to the car and help achieve modal transfer targets as set out in the Local Transport Plan. For this development the contribution will go towards improving cycling and pedestrian facilities in the area, together with improvements to public transport.

The contribution needs to be secured via Section 106 Agreement with the County Council (where it relates to highway land) and I would strongly urge that the granting of planning permission be withheld until the agreement has been completed.

Following the receipt of these comments revised plans were submitted and the County Council Highways Officer has been reconsulted: -

Acknowledges that a 2m wide footway has been included across the Chapel Lane frontage. The maximum parking provision would seem appropriate for this site. As the County Council does not consider that the driveway to a garage as a parking space parking provision to plots 2 and 8 is therefore below criteria.

Questions whether plot 6 can achieve access and egress in a forward direction.

Does not wish to raise an objection on highway safety grounds but suggests that consideration is given to including the conditions provided in the previous consultation response.

Whilst the above may not warrant a refusal on highway grounds he considers that little thought has been given to the convenience of vehicular access to plots 5,6 and 9. This in his opinion could be addressed.

Severn Trent Water: - no objection subject to the inclusion of a condition relating to surface water and foul sewage details

Environment Agency – no objections but recommends that planning conditions are imposed in relation to surface water drainage and surface water run off limitation

Environmental Protection - although there is no previous history of industrial use on the site and unlikely to be any significantly contaminated land due to the size of the site and the number of proposed dwellings it would be in the developers interest to have a contaminated land study completed to avoid any doubt when houses are bought and sold.

Housing Department: - 20% affordable will be required on site and indications are that a breakdown of 80% will be required for social renting and 20% for intermediate housing(discounted for sale). As there are 16 units on this site this equates to two social rented and one discounted for sale.

Leisure Services: - scheme would only attract 530sqm of open space, which is not viable. Therefore request off site provision of £13895 capital and £ 9615 maintenance. It is a shame this application was not dealt with at the same time as the adjacent site as the two would have provided a reasonable area.

Planning Considerations

The main planning considerations are the suitability of the site for residential development, whether the proposed access off Chapel Lane is acceptable on highway safety grounds, what impact the proposed development would have on residential amenity and the street scene.

Other material considerations include the relevant policies on density, open space provision, as contained within the Replacement Local Plan, and the County Council's Transport Planning Statement on Integrated Transport Measures and Developer Contributions, May 2002, for residential development.

The relevant national planning policy guidance in respect of Sustainable Development, Housing and Transport is set out in Planning Policy Statement 1 and 3 (PPS1 and PPS3) and Planning Policy Guidance Notes 13 (PPG13), respectively.

Locally, the Gedling Borough Replacement Local Plan, adopted July 2005, (the Local Plan) comprises the relevant part of the development plan for the area.

PPS1 recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character or quality of an area and the way it functions, should not be accepted. PPS3 states that good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable mixed communities.

Both PPS1 and PPS3 advise that efficient use should be made of land, in a way that respects the needs of future generations. The broad aim should be to ensure that outputs are maximised whilst resources used are minimised, for example by building housing at higher densities on previously developed land, rather than at lower densities on greenfield sites.

The Governments key housing policy goal, as set out in PPS3 is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this the Government is seeking:

- To achieve a wide choice of high quality homes both affordable and market housing, to address the requirements of the community
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need,
- To improve affordability across the housing market, including by increasing the supply of housing.
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural

In seeking to achieve these objectives, local planning authorities and developers are encouraged by PPS3 to think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.

PPS3 also makes clear that new housing development of whatever scale should not be viewed in isolation and that considerations of design and layout must be informed by the wider context. Existing design and parking standards should therefore be treated flexibly.

With regard to the suitability of the site for residential development I am mindful that the site is within the village envelope of Ravenshead. As the site is within the urban area and is not subject to any policy specifically precluding residential use, there are no objections in principle to its redevelopment for residential purposes, nor to some form of high density development which would accord with national policy guidance by making efficient use of previously developed land. Policy H7 states that planning permission will be granted for residential development within the urban area and the defined village envelopes provided:

"a. 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;

b. 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, and

c. It is not contrary to other policies contained in this Local Plan."

A development of 16 dwellings would achieve a density of 30.18 dwellings per hectare. Policy H8 of the Local Plan seeks to achieve a density of not less than 30 dwellings per hectare for a site in this location, which is also within the target density of over 30 dwellings per hectare expressed in PPS3 as making more efficient use of land. I do not consider, therefore, that the proposed development represents an over-intensive use of the site as suggested by some local residents and the Parish Council.

PPS3 requires the Borough Council to achieve a mix of housing with the key characteristics of a mixed community being a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people. I am satisfied that the housing mix proposed on this site which ranges from a one bedroom flat to a five bedroom detached property allows for a full mix of units.

The guidance note now sets out the national indicative minimum site size threshold for affordable housing at 15 dwellings and thus provision of affordable housing is sought on this site. Members will recall that prior to PPS3 affordable housing was previously sought on sites of over 1ha in area at a level of 20%. I am satisfied that the new PPS3 supersedes this particular policy and the Borough Council will now be seeking to achieve 20% of units as affordable on proposals of 15 dwellings or more. I note that the Housing Officer that this should secure 2 social rented units and one discounted for sale property. I have received confirmation from the applicant that they would accept a condition requiring them to enter into a S106 Agreement with regard to affordable housing provision. Members should be aware that the Borough Councils current interim planning guidance on Affordable Housing is presently being reviewed and the percentage requirement is likely.

With regard to the design of new housing development in the Borough, Policy H16 of the Local Plan states that:

" Planning permission will be granted for new residential development if the following design criteria are met:

a. Dwellings should be sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout;

b. Residential development should be laid out and designed in such a way as to reduce the risk of crime;

c. The proposals are of a high standard of design which has regard to the surroundings and does not adversely affect the area by reason of their scale, bulk, form, layout or materials; and

d. Dwellings should conserve energy and use it efficiently."

In addition, any proposal is required to meet general amenity and design criteria and, in this respect, Policy ENV1 of the Local Plan states that:

Planning permission will be granted for development provided it is in accordance With other Local Plan policies and the proposals meet the following criteria:

a. It is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;

b. It would not have a significant adverse effect on the amenities of adjoining development or the locality in general, by reason of the level of activities on the site or the level of traffic generated;

c. Development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;

d. It incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;

e. It does not prejudice the comprehensive development of a development site; and

f. It incorporates best practice in the protection and management of water resources.

I consider that this scheme has been well designed and incorporates a mix of house types and designs and takes into account the importance of the sites location adjacent to the Green Belt. The layout provides for adequate space around and between the existing properties, which ensures that the proposed development has an acceptable relationship to existing properties around the boundaries of the site.

I am satisfied that the proposed development would not have an unduly detrimental overbearing, overshadowing or overlooking on adjacent residential properties.

With regard to the sites location adjoining the Green Belt I am mindful that PPG2 paragraph 3.15 states: -

The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt, which although they neither would nor prejudice the purposes of including land in Green Belts might be visually detrimental by reason of their siting, materials or design.

In my opinion the layout of the site, which provides for one property whose rear garden extends to the boundary with the Green Belt will have an acceptable impact on the area. I am mindful that the property is set in from this Green Belt boundary and the plans show for the provision of native hedgerow treatment to this boundary. I do not consider that a reason for refusal can be substantiated on the grounds that it would harm the visual amenities of the Green Belt.

With regard to highway matters I appreciate the concerns that have been raised in this respect by local residents, I note that the County Council as Highway Authority has no objections in principle neither to the whole development being accessed off Chapel Lane nor to a total of 16 dwellings being provided on this cul-de-sac.

I do not concur with the view that the proposed development is unsustainable, as the County Highway Authority is seeking a developer contribution towards Integrated Transport Measures, which will provide residents with an alternative to the car and help achieve modal transfer targets, as set out in the Local Transport Plan

As the County Council as Highway Authority has no objections in principle to the proposed access and whilst some comments are made in relation to parking arrangements to some of the plots this has principally resulted from a desire to keep access available to adjoining sites to enable a comprehensive development should these become available for development. Should Members agree with my recommendation a condition will be attached to ensure that the garages proposed are kept available for the parking of vehicles at all times. I am satisfied that the development also accords with current highway design and parking guidelines, in accordance with Policy T10 of the Local Plan and the aims of PPG13.

Measures to ensure that the development is sustainable are embodied in the Building Regulations 2000 (as amended). The planning statement submitted sets out the sustainability proposals for the site. It confirms that all homes will be designed to achieve a 'good' Eco homes rating.

I am satisfied, therefore, that the proposed development meets with the fundamental aims of PPS1, PPS3 and PPG 13 and Policies H7, H16, ENV1 and T10 of the Local Plan.

A financial contribution towards public open space will be required in accordance with Policy R3 of the Local Plan, details of which will be determined in liaison with Leisure Services.

I however note that the County Highway Authority requires a developer contribution towards the provision of Integrated Transport Measures for this development. I support this initiative to encourage less reliance on the private car, which accords with the advice given in PPS1 and PPG's 3 and 13 and is reflected in Policy T1 of the Local Plan.

With regard to the other matters raised by local residents I would remind Members that each application must be made on its own merits. Sewerage matters would be dealt with under the Building Regulations however I note that no objections to the application are raised by Severn Trent or the Environment Agency.

For the reasons set out above, I recommend that planning permission is granted with a condition requiring the applicant to enter into the necessary Section 106 Agreements in relation to the provision of Open Space and the financial contributions required by the Nottinghamshire County Council for the development of Integrated Transport Measures and the provision of 20% affordable housing provision on the site.

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 permitted by this planning permission shall not be initiated by the undertaking of a material operation as defined in Section 56(4)(a)-(d) of the Town and Country Planning Act 1990 in relation to the development, until separate planning obligations pursuant to Section 106 of the said Act relating to the land have been made and lodged with the County Council as Highway Authority for a financial contribution for the development of integrated transport measures and with the Borough Council for a scheme for the provision of 20% of the units to be classified as affordable housing and a financial contribution for off site open space, and the Borough Council as local planning authority has notified the persons submitting the same that they are to the local planning authority's approval.

3. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site and the individual plot boundaries.

4. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained.

5. Before development is commenced there shall be submitted to and approved by the Borough Council a full method statement detailing all relevant information required to facilitate the retention of trees and hedgerows during development. Such protection measures should be erected prior to commencement of the development (including site preparation) and shall be retained at all times until the completion of building operations.

6. Before development is commenced there shall be submitted to and approved by the Borough Council details of any proposed alterations to the existing ground levels of the site.

7. No development shall take place until details of an effective method of preventing surface water run-off from hard paved areas within the site onto the adjacent roads have been approved in writing by the Borough Council. These facilities shall be implemented prior to the access and parking facilities being brought into use.

8. No loose material shall be placed on any driveway or parking area within 5.5m of the adopted highway unless measures are taken to the satisfaction of the Borough Council to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

9. No development shall take place until details of the new road have been submitted to and approved by the Borough Council including longitudinal and cross sectional gradients, details of street lighting, drainage and outfall proposals, construction specification, provision of and diversion of existing utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Borough Council.

10. Prior to occupation of the dwellings a 4.5m x 120m visibility splays shall be provided at the junction with Chapel Lane, and which shall be surfaced in a bound material to the limits of the development frontage in accordance with details previously submitted to the Borough Council and approved. Thereafter the visibility splays shall be kept clear of obstruction from a point 0.6m above carriageway level thereafter.

11. The proposed garages and parking spaces shall be provided before the dwellings they serve are first occupied.

12. The garages shown to be provided on the approved plan shall remain in use for garage purposes ancillary to the dwelling houses which they serve. They shall be kept available for the accommodation of private vehicles at all times and shall not be used for any other purpose unless otherwise agreed in writing by the Borough Council as local planning authority.

13. The recommendations set out within the Ecological Scoping report submitted with the application shall be implemented in accordance with details to be submitted to and approved by the Borough Council prior to the occupation of the dwellings hereby approved.

14. The proposed means of enclosure shall be erected before the dwellings they serve are first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.

15. 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.

Reasons

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure a satisfactory development in accordance with the aims of ENV1, T1, and R3 of the Replacement Local Plan and advice set out in PPS3.

3. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

4. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

5. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

6. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

11. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

12. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

13. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

14. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

15. To ensure the a satisfactory development in accordance with the aims of Policy ENV1 of the Replacement Local Plan.

Reasons for Decision

The site is within the urban area and there are no objections in principle to its redevelopment for residential purposes

The proposed development reflects the existing building lines along Chapel Lane and will not have an unacceptable visual impact on the streetscene.

The design of the proposed development would not adversely affect the character of the area and it would have an acceptable relationship to adjacent residential properties and would not give rise to any unduly detrimental overbearing, overlooking or overshadowing effects.

The proposed development accords with current highway design and parking guidelines and no objections are raised from the County Council as Highways Authority.

The proposed development meets with the fundamental aims of Planning Policy Statement 1 and 3 and accords with the relevant criteria outlined in Policies H7, H16, ENV1 and T10 of the Gedling Borough Replacement Local Plan 2005.

Notes to Applicant

Your attention is drawn to the attached letters and memos from the Environment Agency, Severn Trent, Nottinghamshire County Council Highways and Environmental Protection.

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.

This decision is subject to a Section 106 Agreement.

You are advised that planning permission does not override any private legal matters which may affect the application site, over which the Borough Council has no jurisdiction (e.g. covenants imposed by former owners, rights of light, etc.).

The proposed development lies within a coal mining area. In the circumstances Applicants should take account of any coal mining related hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Services can be contacted on 0845 762 6848 or at www.coal.gov.uk.