

Planning Report for 2018/0365



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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Report to Planning Committee

Application Number:	2018/0365
Location:	Land on the north side of Briarbank Avenue Carlton
Proposal:	Erect 14no. apartments
Applicant:	Tindall Developments Ltd
Agent:	Apex Design
Case Officer:	Graham Wraight

1 Site Description

- 1.1 The site is located to the rear of Nos. 1 to 15 Briarbank Avenue and is accessed by a private access located between No.15 Briarbank Avenue and several dwellings that front onto Honeywood Drive. The northern part of the site is heavily vegetated and rises steeply upwards whereas the southern part of the site, on which the proposed development would be located, is relatively flat and is predominantly hard surfaced.
- 1.2 The dwellings located to south and west are bungalows, some of which have accommodation in their roof space, and the dwellings to the east are two storey in height. All of the adjacent dwellings have their rear elevations facing towards the site and there are various established boundary treatments on the site boundary.

2 Relevant Planning History

- 2.1 2004/1608 – Erection of 14 No. 2-bed flats with associated parking and bin storage areas – Approved with conditions, permission has expired.
- 2.2 2008/0333 – Erection of 14 No. 2 bedroom flats (See previous approval 2004/1608) – Refused.
- 2.3 2009/0034 – Proposed erection of 14 no. 2 Bedroom Flats and associated works – Approved with conditions, permission has expired.

3 Proposed Development

- 3.1 The proposed development consists of three blocks of flats, comprising a total of 14 dwellings. The proposed buildings would be two storey and three

storey in height with a maximum height of approximately 10.4 metres and the front elevations would be constructed using brick, render and cladding. All of the flats proposed would be two bedroomed and 16 car parking spaces would be provided, in addition to cycle storage and a bin store.

4 Consultations

- 4.1 Gedling Borough Council Economic Development – a Local Labour Agreement would be required.
- 4.2 Gedling Borough Council Housing Strategy – affordable housing not required due to scale of the development but would encourage the developer to consider its inclusion.
- 4.3 Gedling Borough Council Parks and Street Care – no comments to make.
- 4.4 Gedling Borough Council Scientific Officer – no objection, recommends a condition relating to land contamination.
- 4.5 Nottinghamshire County Council Highways – requests further information relating to bin storage, turning areas for emergency vehicles and the drainage of surface water.
- 4.6 Nottinghamshire County Council Lead Local Flood Authority – object, no information has been provided as to how surface water would be managed.
- 4.7 Nottinghamshire County Council Planning Policy – conditions should be imposed relating to vegetation clearance, protection of retained vegetation, bat and bird boxes and lighting.
- 4.8 Nottingham City Council Education – no education contribution required.
- 4.9 NHS – no healthcare contribution required.
- 4.10 A press notice has been published, a site notice displayed and neighbour notification letters posted. Two objections have been received and these are summarised as follows:
 - Traffic will be a big problem
 - Not enough parking spaces
 - Are the properties for private purchase or housing association tenants?
 - Risk of damage to boundary fences
 - Lack of security and privacy for the occupiers of existing dwellings
 - Smell and noise from bin store area

5 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the

determination must be made in accordance with the plan unless material considerations indicate otherwise’.

- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG)

6 Development Plan Policies

- 6.1 The following policies are relevant to the application:

6.2 National Planning Policy Framework 2018

Sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a sufficient supply of homes), 11 (Making effective use of land) and 12 (Achieving well-designed places) are particularly relevant.

6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A – Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 8: Housing Size, Mix and Choice – sets out the objectives for delivering new housing.

Policy 10 – Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 12 – Local Services and Healthy Lifestyles – sets out the criteria that new community facilities will need to meet.

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 11: Air Quality – states that planning permission will not be granted for development that has the potential to adversely impact upon air quality unless measures to mitigate or offset have been incorporated.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 33: Residential Density – states that planning permission will not be granted for proposals of less than 30 dwellings per hectare unless there is convincing evidence of a need for a different figure.

LPD 35: Safe, Accessible and Inclusive Development – sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 37: Housing Type, Size and Tenure – states that planning permission will be granted for residential development that provides for an appropriate mix of housing.

LPD 40: Housing Development on Unallocated Sites – sets out the criteria that new housing development should meet, including in relation to design, residential amenity and parking.

LPD 48: Local Labour Agreements – sets out the thresholds where a Local Labour Agreement will be required.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61 – Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

Other

Gedling Borough Council's *Parking Provision for Residential Developments* – Supplementary Planning Document 2012– sets out the car parking requirements for new residential development.

7.0 Planning Considerations

Principle of the development

- 7.1 The site is considered to be sustainably located within an established residential area. The use of the land for residential purposes would be in keeping with the surrounding area, which is predominantly in residential use.
- 7.2 Whilst the site is relatively large in area, only part of it is developable due to the presence of the steep bank to the north. Notwithstanding this, the proposed density of development still meets with the requirements of Local Planning Document Policy LPD 33.
- 7.3 The principle of residential development is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 8 and Local Planning Document Policy LPD 33, subject to a detailed consideration of the following matters.

Impact upon the streetscene

- 7.4 The site sits behind the existing bungalows on Briarbank Avenue and it is within that context that the proposed development would be viewed. The scale of the proposed development would mean that it would be substantially higher than these existing properties and it would be visually dominant and out of character with the surrounding area. It is considered that as a result of

this relationship, the proposed scale, height and massing of the development would be harmful to the character and appearance of the surrounding area and that it would have detrimental impact upon the street scene.

- 7.5 It is noted that the land rises steeply to the north of the site however this area of land is undeveloped and heavily vegetated. As a result, it has a much softer visual appearance than that which the proposed development would have.
- 7.6 For these reasons, the proposal is considered to be contrary to the objectives of the National Planning Policy Framework, Aligned Core Strategy 10 and Local Planning Document Policies 35 and 40.

Impact upon residential amenity

- 7.7 The site shares boundaries with existing residential dwellings on three sides. It is considered that the proposed buildings would be located an adequate distance from the dwellings to the east and west (a minimum of approximately 9 metres to the east although the nearest property to this side is angled away thus increasing the distance along most of the elevation and a minimum of approximately 13 metres to the west) to ensure that there would not be an undue impact from massing or through loss of light/overshadowing. There are no windows proposed in the side elevations of these buildings.
- 7.8 With respect to the properties to the south, an approximate distance of at least 11 metres would be maintained between the windows on the front of the proposed development and the rear garden areas and an approximate distance of at least 27 metres would be maintained between facing windows on the existing and proposed dwellings. It is considered that these distances are adequate to ensure that unacceptable overlooking would not arise between the dwellings. Furthermore, it is considered that these distances are adequate to ensure that there would not be an adverse impact arising from the massing of the proposed building or through loss of light/overshadowing.
- 7.9 It is considered that the proposed flats would provide adequate internal space for future occupiers. Further clarification has been requested from the Agent as to the relationship that the windows on the rear elevation of the development would have with the steep vegetated bank on the northern part of the site. The information provided is not particularly conclusive in this regard however, given that all of the living spaces are positioned to the front of the proposed buildings, it is considered that an adequate level of amenity would be provided for the occupants of the dwellings.
- 7.10 The impact upon residential amenity is therefore considered to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policies LPD 32, 35 and 40

Highways matters

- 7.11 The application proposes that the site would be accessed via an existing hard surfaced access drive. 16 parking spaces would be provided within the car parking area. The Highway Authority have requested further information relating to bin storage, the turning of emergency vehicles and surface water

drainage. Whilst no additional information has been provided, it is not considered that these matters alone could justify a refusal of planning permission and furthermore it is considered likely that they could be addressed through the submission of further information or through the imposition of planning conditions

- 7.12 The Highway Authority has not raised an objection in principle to the development and adequate car parking is proposed to meet with the requirements of the Borough Council's Supplementary Planning Document. It is therefore not considered that the proposal would be likely to be harmful to highway safety or to the surrounding highway network in general.
- 7.13 The proposal is therefore considered to meet with the objectives of the National Planning Policy Framework and Local Planning Document Policies LPD 57 and 61.

Other matters

- 7.14 A Local Labour Agreement would be required in order to comply with Policy LPD 48. This could be secured by way of a planning condition.
- 7.15 The Lead Local Flood Authority has objected to the proposal as no details relating to surface water drainage have been provided. However, given the scale of the development and that the developable area of the site is already predominantly hard surfaced, it is considered that this matter could reasonably be addressed by a planning condition.
- 7.16 Matters relating to ecological interests and contamination could be addressed by planning conditions and/or notes to applicants.
- 7.17 The tenure of the proposed flats and whether they would be market or housing association properties is not a material planning consideration. It is likely that the bin store area would need to be repositioned to address the concerns of the Highway Authority, however in any instance it is considered that it would be far enough away from residential properties to prevent an undue impact from smells and noise. Potential damage to property is not a material planning consideration.
- 7.18 It is noted that planning permission was granted in 2009 for development on this site which included development of 3 storey height. However, since this time there have been significant changes in national and local planning policy, including the National Planning Policy Framework and the Local Planning Document, both of which put an emphasis on the importance of securing good design that integrates well within the surrounding area. Furthermore, whilst the previous planning history is a material planning consideration, it does not justify the approval of development which is considered to be harmful to the street scene for the reasons which are set out in this report.

8 Conclusion

- 8.1 The proposed development would, by reason of its scale, massing and height, fail to integrate within the surrounding area, to the detriment of the character

and appearance of the area and the street scene. The proposal therefore fails to meet with the objectives of the National Planning Policy Framework, Aligned Core Strategy 10 and Local Planning Document Policies 35 and 40. It is not considered that the proposal would have an adverse impact upon residential amenity or upon highway safety.

RECOMMENDATION: Refuse planning permission