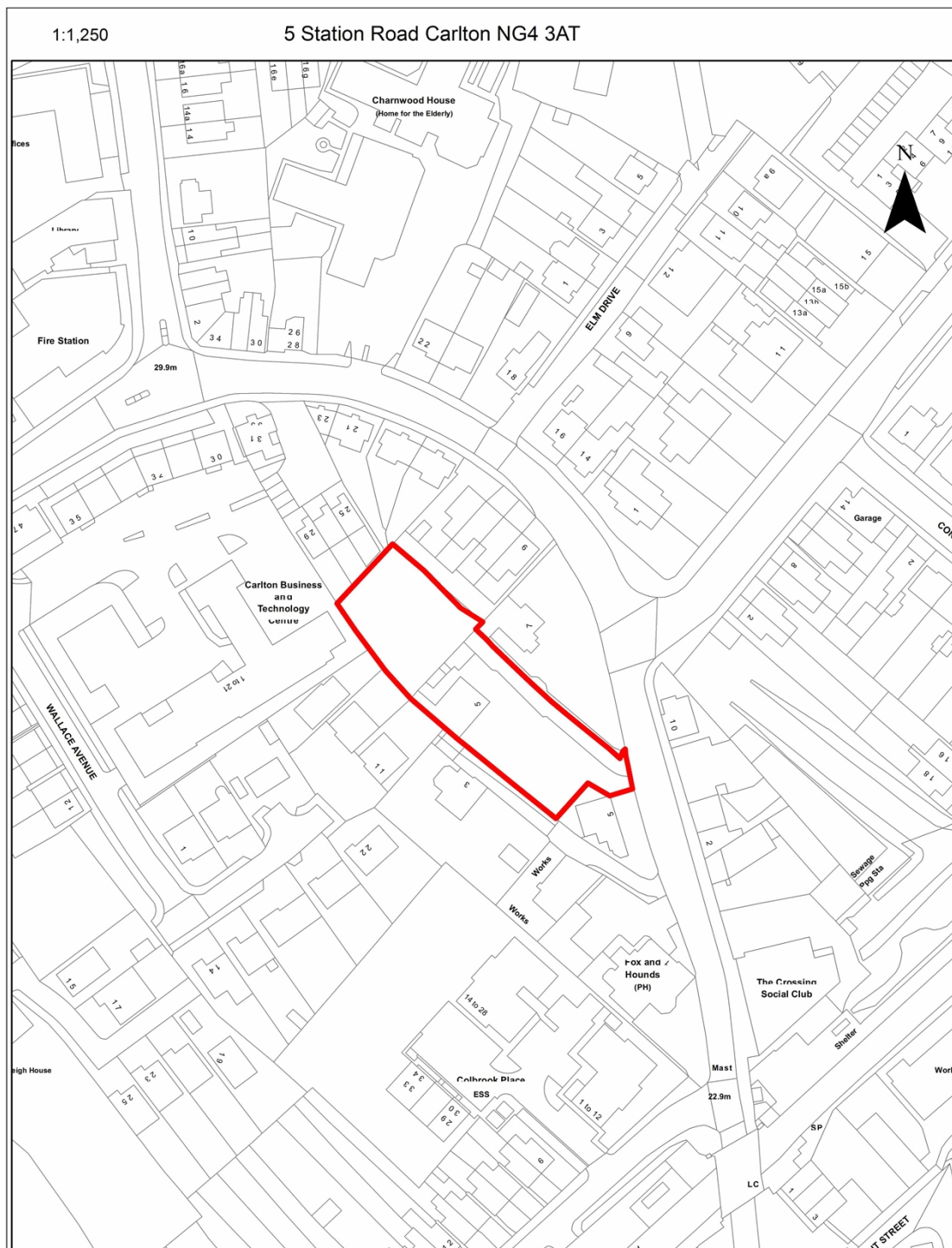


Planning Report for 2019/0479



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Report to Planning Committee

Application Number: 2019/0479

Location: 5 Station Road Carlton, Notts NG4

Proposal: Outline Planning Application for the demolition of The Cottage to the rear of 5 Station Road and the erection of 12 No. x C3 Apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton (access, appearance, layout and scale to be determined).

Applicant: Mr Chand.

Agent: Swish Architecture Ltd

Case Officer: Paula Daley

This application has been referred to Planning Committee to accord with the Constitution as more than 9 dwellings are proposed.

1.0 Site Description

- 1.1 The site extends to 0.1861ha and incorporates no 5 Station Road which is a residential property separated in 4 flats and The Cottage which is a detached residential property to the rear of no. 5 Station Road. No. 5 Station Road is set back from Station Road and is elevated from the street. To the frontage of this existing property is an area of amenity space that is landscaped and incorporates a number of substantial trees.
- 1.2 The Cottage is located immediately to the rear of no. 5 Station Road and was formally an outbuilding within the curtilage of no.5 Station Road. A certificate of lawful use was issued in 2014 identifying The Cottage as a separate residential dwelling.
- 1.3 The rear amenity area serving The Cottage is currently overgrown and The Cottage is derelict and not in use. The rear garden area serving The Cottage is bounded by the rear gardens of adjoining residential properties and by the Carlton Business and Technology Centre to the north western corner of the site. To the south, adjacent to the site vehicular entrance is a single storey commercial book publishing business.
- 1.4 The site is accessed via a private drive off Station Road that presently serves The Cottage, no.5 and no.7 Station Road. The access drive leads onto a small area of hardstanding near the site entrance that is utilised for parking. A number of mature trees are located to the site frontage, adjacent to Station Road. The private drive extends along the north eastern boundary of the site which incorporates a steep gradient which leads up to 5 Station Road and The Cottage.

2.0 Relevant Planning History

- 2.1 90/1600 – Application for 2 dwelling refused on the grounds of an inadequate access, below the minimum standard required and that the proposed development would lead to increased vehicular activity causing traffic dangers and difficulties on the adjoining highway for both drivers and pedestrians.
- 2.2 2014/0992 - In September 2014 a Certificate of Lawful Use was issued in relation to the use of the outbuilding to the rear of no.5 Station Road as an independent dwelling.
- 2.3 2014/0068 - Proposed rear and side extension to The Cottage conditionally approved.

3.0 Proposed Development

- 3.1 This is an outline application for the demolition of The Cottage to the rear of 5 Station Road and the erection of 12 No. apartments and 2 dormer bungalows on land to the rear of 5 Station Road, Carlton. Access, appearance, layout and scale are to be determined as part of this application.
- 3.2 The application is accompanied by a proposed layout plan that identifies that access will be gained via the existing access point off Station Road. The mature trees will be removed adjacent to the site entrance and this will lead onto a parking area providing 6 parking spaces to serve the new proposed apartments. The access will then lead up the existing driveway where an area of parking is proposed to be retained for no 5 Station Road adjacent to the existing retained building. The access drive then proceeds to the land to the rear of no 5 Station Road where the layout proposes a 3 storey apartment block providing 6, 1 bedroom apartments, a 2.5 storey apartment block providing 6, 2 bedroom apartments and 2 attached 1.5 storey, 2 bedroom dormer bungalows. Three parking spaces are provided adjacent to these units to serve the development and areas of landscaping are provided around the apartment blocks. To the rear of the bungalow is a small area of private amenity space for each property.

4.0 Consultations

- 4.1 GBC Tree Officer: The site mostly comprises of young self-set vegetation which is of low visual amenity and these are scheduled to be removed. The trees to be retained in front of the main property are Yew and another tree in the rear garden. It would therefore be necessary for the applicant to show how the retained trees are going to be protected during the construction phase. Main concerns are the protection of trees and rooting areas of retained trees caused by storage of materials, construction of parking area and construction of Unit 6. In the meantime, a TEMPO assessment to assess if the trees should be protected with a TPO may be recommended at this stage. (Following the TEMPO Assessment, the Tree Officer recommended that 3 of the trees should be protected by a Tree Preservation Order.)
- 4.2 GBC Public Protection: No objection. Conditions regarding EV charging and construction emissions management plan required.
- 4.3 GBC Economic Development: The size of the development meets the threshold for an Employment and Skills Strategy to be developed and implemented in accordance with the CITB.
- 4.4 Nottinghamshire County Council Highways: The current driveway is sub-standard, where any additional intensification would cause highway concerns. Therefore; the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway

due to increased use of the existing access/junction which is geometrically substandard in that:

- a) the access is of insufficient width to accommodate vehicular movements;
- b) the entry radii are insufficient to accommodate larger vehicles to comply with the Building regulations requirement for a Fire Engine to turn and exit in a forward gear.

The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which affords restricted visibility for:

- a) drivers emerging from the access and or
- b) drivers turning right into the access and drivers of vehicles at the access.

The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway.

The parking for the site is sub-standard with no turning facilities within the site. Therefore; cars would have to reverse down the steep hill if there were no available spaces. Gedling Borough Council's parking policy for developments will need to be adhered to.

In view of the above, the Highways Authority would not support the application and would recommend Refusal on the current layout proposed.

4.5 Nottinghamshire County Council Policy: No objections and no contributions are required.

4.6 Severn Trent Water Limited: No objections subject to conditions regarding drainage. There is a public sewer located within the application site and therefore an informative is suggested stating that the development cannot build close to, directly over or divert a public sewer without consent.

4.7 Adjoining neighbours have been notified and a Site Notice and Press Notice have been posted. 7 letters of representation have been received as a result. In summary issues raised relate to:

- 4 flats currently struggle with parking and have to park offsite on Conway Road due to lack of spaces.
- Insufficient parking proposed.
- Increase in traffic in the area.
- Poor condition of drive.
- Inadequate width to allow 2 cars to pass, leading to cars reversing onto the highway, if a car is exiting the site.
- Steep hill in site and traffic coming out will have to negotiate a blind corner with speeding along Station Road.
- Too many properties for this road and area.
- Bats have been seen leaving The Cottage and therefore a bat survey is required.
- Concerns regarding utilities.
- Concerns with disruption during demolition and construction.
- Close proximity of apartments block to the rear boundary and land levels causing overlooking, loss of light and blocking of view.
- Loss of light to adjacent gardens.
- Overlooking concerns.
- No of properties excessive for small area.
- Concerns with noise issues.
- Devaluation of property.

- 4.8 A slightly amended redline plan was submitted and adjoining neighbours have been notified. Three additional objections were received and the following additional comments were made:
- Insufficient detail to assess impact. Concerns regarding heights which could overlook garden and windows.
 - Access concerns
 - Only 5 dwellings should be allowed off a private drive. Drive not big enough to accommodate development and not wide enough to allow two vehicles to pass.
 - No visitor parking.
 - Impact on house prices.
 - Disruption to services
 - Appearance of these flats doesn't fit surrounding area.
 - Owners do not maintain site at moment, overgrown and untidy.
 - 2 of existing flats empty and no need for this type of accommodation

5.0 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 2019 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following planning policies are relevant in the consideration of this application.
- 6.2 National Planning Policy Framework 2019
Part 2 – Achieving sustainable development
Part 5 – Delivering a sufficient supply of homes
Part 9 – Promoting sustainable transport
Part 11 – Making effective use of land
Part 12 – Achieving well-design places
Part 14 – Meeting the challenge of climate change, flooding and coastal change.
- 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 2: The Spatial Strategy – states that sustainable development will be achieved through a strategy of urban concentration with regeneration.
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 19: Developer Contributions – set out the criteria for requiring planning Obligations.

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 Policy 4: Surface Water Management - sets out the approach to surface water management.

LPD Policy 7: Contaminated Land - sets out the approach to land that is potentially contaminated.

LPD Policy 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 Policy 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 Policy 34: Residential Garden Land – states that development involving the loss of residential gardens will not permitted unless a number of criteria within the policy is met.

LPD Policy 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 Policy 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 Policy 40: Housing Developments on Unallocated Sites – sets out criteria that housing development on unallocated sites need to comply with.

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

LPD Policy 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.

6.5 Gedling Borough Council's Supplementary Planning Document 'Parking Provision for Residential Development' 2012 sets the local parking standards for the Borough.

7.0 **Planning Considerations**

Principle of development

7.1 The National Planning Policy Framework establishes the principle of development is in favour of sustainable development with paragraph 11 identifying the need to approve development proposals that accord with an up-to-date development plan without delay. This national presumption in favour of sustainable development is also reflected in the Adopted Core Strategy Policy A. The proposal therefore accords with the NPPF and ACS Policy A and the Spatial Strategy of urban concentration and regeneration as set out in ACS Policy 2.

- 7.2 The site is located within the main urban area of Carlton and within a mixed use area that incorporates residential properties. The site accommodates a single residential property that is proposed to be demolished. The site consists of residential garden land and therefore Policy LPD34 applies. It is considered that the general principle of residential development at this location is acceptable subject to the development complying with all other national and local planning policies. Compliance with Policy LPD34 and other relevant policies will be discussed in more detail below.

Residential Amenity

- 7.3 Concerns have been raised with regards to the impact of the proposal upon the residential amenity of the existing dwellings which are located immediately adjacent to the site and the occupiers of the existing apartments within no 5 Station Road.
- 7.4 The proposed development has been given detailed consideration and the proposal consists of the overdevelopment of the site. If approved would have a detrimental impact upon residential amenity of the adjoining occupiers and existing occupiers within the site.
- 7.5 The layout proposes the utilisation of the existing access driveway serving no. 5 and 7 Station Road and will extend along and within close proximity to the side elevation of no 5 and 7 Station Road, leading onto the proposed development to the rear of no 5 Station Road. It is considered that the increased vehicular movement and the comings and goings within close proximity to the residential properties within no 5 and 7 Station Road would have a detrimental impact upon their residential amenity in terms of noise and disturbance.
- 7.6 It is considered that the layout proposed would provide a poor relationship between the existing apartments located within no. 5 Station Road and the proposed three storey apartment block with only a 6.2m separation between the two principle elevations. Furthermore, there is only a 2-2.8m separation between the rear elevations of the 3 storey apartment block and the side elevation of the 2.5 storey apartment block. It is considered that this relationship will create a poor outlook and an overbearing impact.
- 7.7 The 2.5 and 3 storey apartment blocks are located between 0.8m-1.4m from the north western side boundary of the site. The three storey apartment block extends to 8.6m to the ridge with the 2.5 storey apartment unit extending to 9.5m in height. The rear elevations of 7-9 Wallace Avenue are located only 10.5m from the common side boundary and it is considered that the siting of the apartment blocks would create an overbearing impact and massing on the boundary creating overshadowing and a poor outlook for the adjacent dwellings.
- 7.8 The side elevation of the three storey apartment block which includes principle windows is located 7.25m from rear boundary with 9-11 Station Road creating overlooking concerns.
- 7.9 In addition, it is also considered that the layout provides a poor relationship between 2.5 storey apartments and the proposed bungalows with only a 3.5m separation between the side elevations of the bungalows and some of the principal windows on the apartment unit. It is considered that this would create a poor outlook and massing between the two proposed dwellings.
- 7.10 Furthermore, the bungalows are located within 2.95m of the rear boundary of the application site which leads to insufficient and useable amenity space for

the bungalows. The dwellings to the north west identified as 25-29 Station Road, are set at a lower level from the site and it is considered that the erection of dormer bungalows extending 6.5m in height and within 2.9m of the rear boundary, would lead to massing on the boundary and a poor outlook for the proposed bungalows and the adjacent dwellings. The side elevations of the bungalows are also located only 1.2m from the side boundary with 9-11 Station Road which again will create massing on the boundary.

- 7.11 Taking all of the above issues into consideration, it is considered that the land to the rear of no. 5 Station Road is of an insufficient size to accommodate the quantum of development proposed without the proposal having a detrimental impact upon the residential amenity of the adjoining occupiers and proposed occupiers of the site in terms of the comings and goings of vehicles, overlooking, over bearing impact, outlook and a lack of private amenity space for the bungalows which is contrary to policies LPD32, LPD33 and LPD40.

Impact upon visual amenity

- 7.12 The site consists of a residential garden area and therefore policy LPD34 applies. Policy LPD34 identifies that development leading to the loss of residential gardens will not be permitted unless:
- i) the development proposal would represent a more efficient use of the land at a location where higher densities are appropriate; or
 - ii) the development proposed would result in a significant improvement to the urban design of the area. Furthermore, development should not harm the character and appearance of the area.
- 7.13 Although it is noted that the layout retains the site's open frontage with the main development being largely contained on the land to the rear of no. 5 Station Road, it is considered that the layout proposes a high density development on land to the rear. It is considered that the proposal would consist of a cramped and contrived form of development that would incorporate overdevelopment of the site and consist of a poor design which would harm the character and appearance of the area
- 7.13 Within the application site are a number of trees which include mature trees to the site frontage which have amenity value and are important trees within the street. The proposed layout identifies that the 4 trees to the site frontage will be removed to accommodate the car parking area. The Tree Officer has assessed these trees and has concluded that two of the trees to be removed are worthy of protection by a Tree Preservation Order. A report is presented to the Planning Committee within a separate agenda item that seeks to protect the trees through a Tree Preservation Order. It is considered that the loss of these trees will also have a detrimental impact upon the landscape character of the area and lead to the loss of trees that are worthy of protection.
- 7.14 The layout, if approved, would have detrimental impact upon the character of the area and consist of a poor design contrary to Policy 10 of the ACS and Policy LPD19, LPD32, LPD34 and LPD40.

Highways & Car Parking

- 7.15 The application is accompanied by a proposed layout plan that identifies that access will be gained via the existing access point off Station Road. The Highway Authority has objected to the application on the grounds that the current access and driveway is sub-standard and any additional intensification would cause safety highway concerns.

- 7.16 The Highway Authority considers that the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to an increased use of the existing access which affords substandard/restricted visibility. Furthermore, the existing access/junction which is geometrically substandard in regards to an insufficient width to accommodate two way vehicular movements and the entry radii being insufficient to accommodate larger vehicles to comply with the Building regulations requirement for a Fire Engine to turn and exit in a forward gear.
- 7.17 The proposed gradient of the access would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway.
- 7.18 Following discussions with the Highway Authority, it is considered that the access road would need to be brought up to adoptable standards for the length of the access with suitable access and turning for refuse and emergency vehicles for all dwellings.
- 7.19 In addition, the proposed layout incorporates parking to the site front, which is over 50m away from the entrances to the proposed dwellings. It is considered that isolated parking is inappropriate and would lead to occupiers having to walk some distance and along a steep gradient to access their property. This would also be unsuitable for deliveries and access for emergency vehicles. It is considered that the provision of insufficient parking adjacent to the proposed dwellings would lead to a risk of increased parking and congestion within the court yard area.
- 7.20 Furthermore, the parking provision provided does not meet the required Parking standards. Only 9 spaces are provided to serve 12 apartments and 2 bungalows which are not in accordance the Parking SPD which requires 0.8 unallocated spaces per apartment and 1.1 unallocated spaces per bungalow. The shortfall is therefore 4 parking spaces. The proposal, if approved, therefore could lead to increased risk of on street parking which would not be considered suitable in this location particularly in light of the double yellow lines that exist along this section of Station Road and any on-street parking would lead to a highway safety risk.
- 7.21 In conclusion to the above, the layout, if approved, would have detrimental impact on highway safety and provide insufficient and inappropriately located parking provision contrary to Policy LPD57 and LPD61 of the Local Planning Document 2018 and the Council's Parking Provision for Residential Development SPD.

Trees & Ecology

- 7.22 In terms of ecology it is noted that the proposal involves the demolition of an existing dwelling. The building has been derelict for some time and therefore has the potential value for the roosting and foraging of bats. It is understood from neighbouring occupiers that there may be signs of bat activity within the locality. Therefore an ecological assessment must be submitted with regards to bats and the wider ecology of the site prior to the determination of this application. The Applicant's Agent has confirmed that they wish for the application to be determined as submitted. It is considered that the application lacks the required ecological information, contrary to section 15 of the NPPF and Policy LPD18.
- 7.23 Within the application site are a number of trees which include mature trees to the site frontage which have amenity value and arboricultural value. The

proposed layout identifies that the 4 trees to the site frontage will be removed to accommodate the car parking area. It is considered that the loss of these trees will have a detrimental impact upon the character of the area.

- 7.24 A Tree Survey has not been submitted with the application in order to provide an assessment as to whether these trees are worthy of protection. The Tree Officer has undertaken an assessment of the trees and has confirmed that the trees are worthy of being protected by a Tree Preservation Order. The application if approved would therefore lead to the loss of trees worthy of protection by a Tree Preservation Order would therefore be contrary to Policy LPD19 and LPD40.

Other issues

- 7.25 Objection has been raised with regards to the proposed development impact upon the value of the adjacent properties. The devaluation of properties is not a material planning consideration and would not form a valid reason for refusal.

8.0 Conclusion

- 8.1 Having regard to the above considerations, on balance I am of the opinion that the principle of residential development is acceptable on this site. However, it is considered that the proposed development would constitute the over development of this site and would lead to a cramped and contrived form of development that would be out of character with the area and of a poor design. The layout would lead to the detrimental impact upon residential amenity for adjoining and proposed occupiers with regards to noise and disturbance through the comings and goings along the access driveway, massing on the boundary, poor outlook and overlooking concerns. Furthermore, the layout does not accommodate sufficient parking to serve the development. Access via the existing driveway would be substandard in terms of width, radii, gradient and visibility which would have a detrimental impact upon highway safety resulting in an increase in danger to other users of the highway owing to increased use of the existing access. Furthermore, the proposed development would lead to the removal of trees worthy of protection by a Tree Preservation Order. The development therefore fails to meet the requirements of Section 10 of the National Planning Policy Framework relating to achieving well-designed places, Policy 10 Design and Enhancing Local Identity of the Aligned Core Strategy 2014 and policies LPD19, LPD32, LPD34, LPD35, LPD40 LPD57 and LPD61 of the Local Planning Document 2018 and the Parking Provision for Residential Developments SPD 2012. Accordingly, I recommend that planning permission be refused.

Recommendation: Refuse Permission

Reasons

- 1 The development does not constitute an acceptable form of residential development and would consist of the over development of this site. The layout proposed is of a poor design and would lead to a cramped and contrived form of development that would be out of character with the form of development within the area. Furthermore, the layout would cause harm to the residential amenity of neighbouring properties, the residential properties

within the application site area and the future proposed occupiers in terms of overlooking, poor outlook, massing on the boundaries and noise and disturbance created by vehicular movements generated by the development along the access driveway serving no 5 and 7 Station Road. The layout also fails to provide sufficient private amenity garden space for the proposed bungalows. The development is therefore contrary to Section 12 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy 2014 and Policies LPD32, LPD34, LPD35 and LPD40 of the Local Planning Document 2018.

- 2 The development does not provide a safe and appropriate access with the current driveway being sub-standard, and any additional intensification would cause highway safety concerns. The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access/junction which is geometrically substandard, of an insufficient width and insufficient entry radii that would be able to accommodate the proposed development including the ability for larger vehicles and emergency vehicles to turn and exit the site in a forward gear. The traffic generated by the proposed development would be likely to result in an increase in danger to other users of the highway owing to increased use of the existing access which has sub-standard visibility. The proposed gradient of the site and the insufficient width of the access driveway would make movement between the site and the highway difficult and would consequently increase the likelihood of danger to users of the highway. Furthermore, at this density the site would not be of a sufficient size to accommodate sufficient parking to serve the development. The development is therefore contrary to Section 9 of the National Planning Policy Framework, Policies LPD57 and LPD61 of the Local Planning Document 2018 and the 'Parking Provision for Residential Development' SPD 2012.
- 3 The application would lead to the loss of trees worthy of protection of a Tree Preservation Order and their loss would have a detrimental impact upon the character of the area contrary to the provisions of the National Planning Policy Framework and Core Strategy Policy 10 and LPD19.
- 4 Insufficient information has been submitted to allow a full assessment of the implications of the development on the ecology and wildlife within and around the site contrary to section 15 of the National Planning Policy Framework and LPD18.