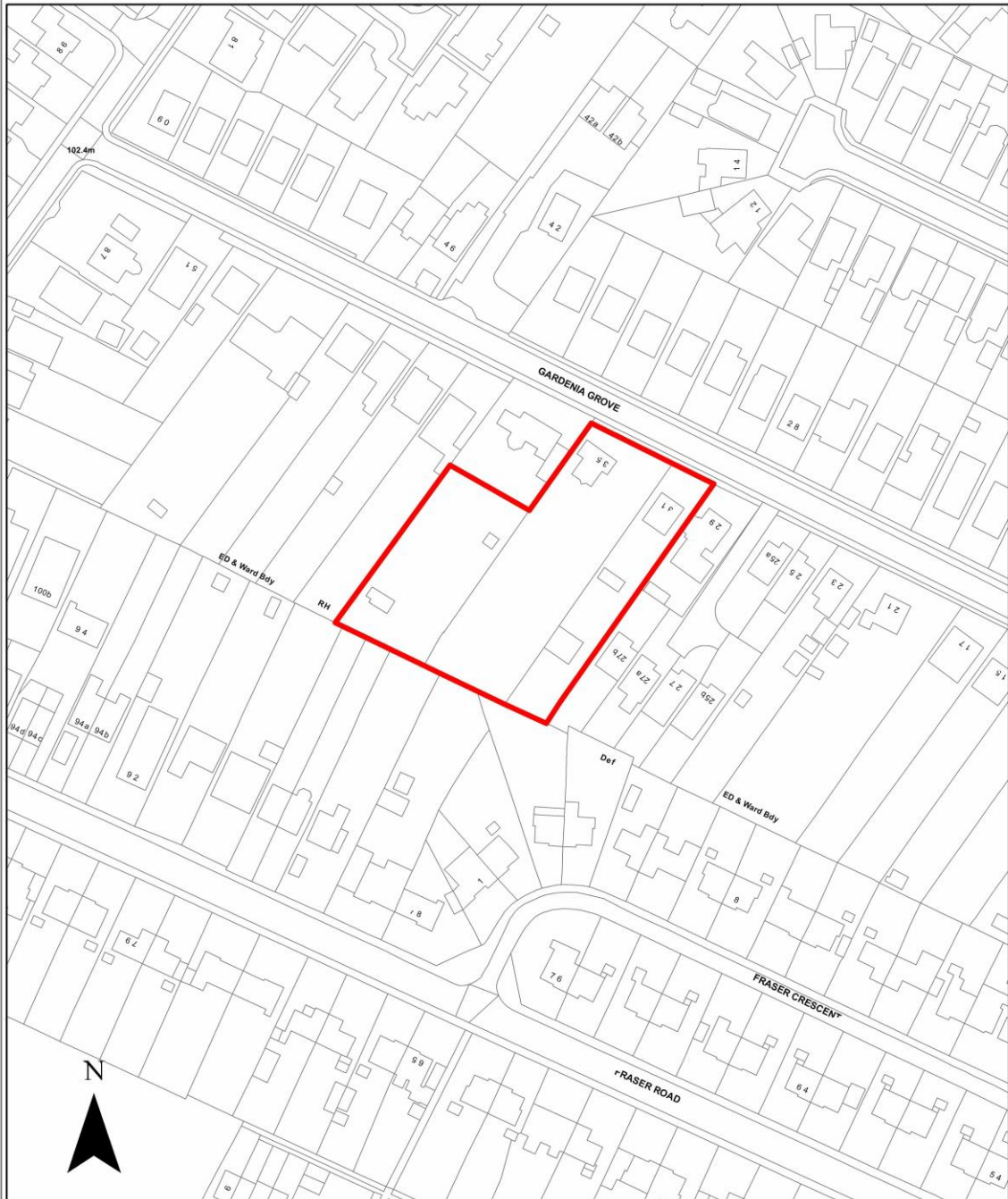




## Planning Report for 2019/0902

1:1,250

Planning Reference: 2019/0902  
35 Gardenia Grove  
Carlton NG3 6HY



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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright. Licence No LA100021248. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.



**Report to Planning Committee**

<b>Application Number:</b>	<b>2019/0902</b>
<b>Location:</b>	<b>35 Gardenia Grove Carlton NG3 6HY</b>
<b>Proposal:</b>	<b>Erection of 5 new dwellings and associated parking areas and garaging.</b>
<b>Applicant:</b>	<b>Mrs S Rowe</b>
<b>Agent:</b>	<b>Roger Harrison Architecture</b>
<b>Case Officer:</b>	<b>Nigel Bryan</b>

**Part of the application site is owned by an employee of Gedling Borough Council and, therefore, in accordance with the Councils constitution, this application has been referred to Planning Committee.**

**1.0 Site Description**

- 1.1 This site is formed by the rear garden areas of 31, 35 and 37 Gardenia Grove. All three of the existing dwellings, which are to be retained, front onto the highway and have large rear gardens. The site is bound by residential properties on all sides with a mixture of boundary treatments including mature hedging and boarded fencing.
- 1.2 There is a change of levels through the application site with the land dropping off when heading in a south-westerly direction; properties on Gardenia Grove are significantly higher than the main part of the application site. In the immediate locality it is noticeable that a similar form of development to that proposed has been erected to the rear of 25 and 29 Gardenia Grove; a total of 4 dwellings have been constructed.

**2.0 Relevant Planning History**

- 2.1 2017/1009 - Erection of two storey and single storey extensions – Approved.
- 2.2 2018/0450 - Outline planning application with the matters of access, layout and scale for approval - erection of 4 new dwellings and associated parking areas and garaging on the land to the rear of Nos. 31-35 Gardenia Grove. Widening of the existing access / creation of a new entrance from Gardenia Grove for the new dwellings. – granted permission 07 November 2018.

2.3 At the adjacent site - 97/0174 - Erect 4 No. Domestic Dwellings – Approved.  
(The permission relates to 25b, 27, 27a and 27b Gardenia Drive)

### **3.0 Proposed Development**

3.1 The application seeks full planning permission to erect five new dwellings on the rear gardens of 31, 35 and 37 Gardenia Drive. Access would be to the side of 35 gardenia Drive, as was approved under the previous application (2018/0450).

3.2 The dwellings to be erected would be split level, with two storeys to the front and then three storeys to the rear, taking into account the change of levels across the site. In terms of design the properties are considered to be relatively contemporary having split dual pitch roofs; external materials will primarily be render with some timber cladding. Plots 2-5 would have a rear balcony.

3.3 It should be noted that amended plans have been submitted in support of the application, on which additional public consultation has been undertaken, and the application is considered accordingly.

### **4.0 Consultations**

4.1 A site notice displayed and neighbour notification letters posted. 3 letters of objection have been received. A summary of the concerns raised is drafted below;

- The privacy of neighbouring properties will be compromised
- The dwelling nearest to their property is too close and will impact upon their amenity through a dominating and overlooking impact;
- During building works the noise will be excessive;
- Light will be lost to their rear garden as the dwellings would be set beyond their own rear aspect.
- What will happen to their boundary treatment?
- Properties down the slope will have increased surface water run-off affecting them due to increased hardstanding

4.2 NCC Highways – The highway authority raise no objection to the application, subject to conditions.

4.3 Severn Trent (ST) – Note that foul water will connect to the public foul sewer and surface water to the public surface sewer, both of which are acceptable to ST, subject to entering into a formal agreement with ST under the Water Industry Act 1991.

4.4 Scientific Officer – No objection, subject to conditions with regard to a Construction Environmental Management Plan (CEMP) and electric charging points being approved.

## **5.0 Assessment of Planning Considerations**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that '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'.

## **6.0 Development Plan Policies**

- 6.1 The following policies are relevant to the application:

- 6.2 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). The chapters of the NPPF most pertinent to the determination of the application are, notably, but not exclusively, chapters 2 (achieving sustainable development); 5 (Delivering a sufficient supply of homes; 6 (Building a strong competitive economy); 9 (promoting sustainable transport); 11 (making effective use of land) and 12 (Achieving well-designed places).

- 6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- 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.

- 6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant 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 34: Residential Gardens - states that development involving the loss of residential gardens will not be permitted unless the development would meet one of the criteria set out.
- 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 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.

## 6.6 Other Guidance

Parking Provision for Non Residential Developments – Appendix D of the adopted Local Planning Document Part 2 Local Plan sets out parking standards for residential uses.

## 7.0 **Planning Considerations**

### Principle of the development

- 7.1 The site is located within an established urban area that is considered to be sustainably located close to amenities and facilities. In principle, it is considered that the use of the land for residential purposes is acceptable, subject to a detailed assessment of the material planning considerations, notably whether or not the development would respect the character of the area, residential amenity and highway safety. It is also apparent that part of the site benefits from an extant outline permission (2018/0450) for the erection of four dwellings.

### Density and use of garden land

- 7.2 Policy LPD 34 states that development involving the loss of residential gardens will not be permitted unless the development would meet one of the criteria set out. It is considered that the proposal would represent a more

efficient use of land at a location where higher densities are appropriate. It is not considered that the proposal would harm the character or appearance of the area, given that a similar development has already taken place on land immediately adjacent to the site. Furthermore, there is an extant outline permission in place, albeit on part of the site, for a similar form of development.

- 7.3 The site area is 0.344 hectares and includes 31 and 35 Gardenia Grove. This would equate to 7 dwellings on the overall site, slightly below the density requirement identified in Policy LPD 33. However, given the constraints of this site arising from its topography, together with the necessity to accommodate new development in a manner that does not have an adverse impact upon the character of the area or amenities of any of the existing adjacent dwellings; it is considered that a lower density can be accepted as there is convincing evidence that it is required in this instance.

#### Visual impact

- 7.4 The scale of the dwellings are commensurate with those previously granted permission under reference 2018/0450, which were also split level. Whilst the dwellings would now be more contemporary in design having a dual pitch but split roof there is no overriding concern with the approach taken which would, in terms of elevation treatment, bring some visual diversity to the area. Furthermore, alterations have been made to the front elevations of plots 1-3 to reduce the size of the integral garages to improve the ground floor front elevation. Therefore, whilst relatively modern in terms of elevation treatment and materials, the scale and layout of the dwellings would respect the character of the area and the application is deemed to comply with policy 10 of the Aligned Core Strategy.

#### Impact upon residential amenity

- 7.5 The site comprises the rear gardens of Nos. 31, 35 and 37 Gardenia Grove. The dwellings would be sited along a similar building line to the adjacent development at 25B, 27, 27A and 27B Gardenia Grove. However, plot 1 would be set 2m further back than 27B. To address possible overlooking and overbearing concern the balcony to this unit has been omitted and there would be a gap of 1m to the plot boundary. Therefore, whilst the dwelling would be visible from the rear elevation of 27B Gardenia Grove, it is considered that any overlooking and overbearing impact would be minimal having regard to the changes made.
- 7.6 With regard to the impact on other existing residential units it is noted that the rear gardens for each unit would be in the region of 15m and the properties to the south, on Fraser Crescent and Fraser Road, also have gardens of a similar depth; as a result it is considered that the amenity these properties will be respected. Properties to the north are those on Gardenia Grove and there would also be a distance in the region of 30m between habitable room windows, which is considered to be acceptable.

- 7.7 There is also a need to take into account the amenity of proposed dwellings and, to this end, balconies proposed on the rear elevations of plots 2 – 5, will be screened along their outer edge.
- 7.8 Having regard to the above it is considered that the application would respect the amenity of existing and proposed dwellings through separation distances and the change of levels, as well any resultant impact likely to be similar to that previously approved under 2018/0450. As a result it is considered that the proposal complies with policy LPD32 of the Local Planning Document.

#### Highways matters

- 7.9 Access would be from the same access point as approved under 2018/0450, although the number of units would increase by 1. The drive would be private and due to the topography of the area it would be steep in nature. The highway authority are recommending that the first 5m adjacent to the highway is of a gradient not more than 1 in 10; hard paved and can achieve appropriate visibility, which can all be secured via condition. It is, therefore, considered that the vehicular access would be acceptable having regard to others in the locality and the extant permission in place.
- 7.10 With regard to parking provision there would be 3 four-bed houses and 2 three-bed houses. Parking provision for residential units is identified in the 'Parking Provision for Residential Developments SPD' and Appendix D of the Local Planning Document. Three parking spaces would be sought for the 4-bed dwellings and two for the smaller units. Each of the properties has one integral garage and a number of spaces are identified to the front of the dwellings, the combined total of which would meet the requisite number of spaces sought, 13. Taking into account the above, it is considered that the application complies LPD57 and LPD61.

#### Other issues

- 7.10 A drainage plan has been submitted in support of the application and indicates that a foul water drain runs through the site. Details of surface water discharge is also shown and Severn Trent are content with the information supplied, details of which are shown on a drawing and can be secured via a condition.
- 7.11 Concern has been raised about possible boundary treatments and future maintenance of them; however, future maintenance is something that is typically identified through the deeds of a property and is not a planning matter. Furthermore, with the site being set-back from public vantage points it is considered that individual boundary treatments is something that could be determined by individual occupiers, without the need for a planning condition.

### **8.0 Conclusion**

- 8.1 The development is considered to be acceptable in principle having regard to its location within the urban area, adjacent development in situ and extant permission covering part of the site. The design of the dwellings and layout of the scheme is considered to be acceptable having regard to the built form that

surrounds it and following amendments made to the scheme. Furthermore, it is not considered that the proposal would have a detrimental impact on the residential amenity of neighbouring properties; nor would highway safety be compromised. The application, therefore, complies with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 8 and 10 and Local Planning Document Policies LPD 11, 32, 33, 34, 35, 37, 40, 57, and 61.

**Recommendation: GRANT PLANNING PERMISSION, subject to the following conditions:**

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the application form and following list of approved drawings: RHA1817-0150 - site plan RHA1817-0151 rev A - site plan RHA1817-0152 rev A - house plan (type A) RHA1817-0153 - house plans (type B) RHA1817-0154 rev A - site entrance RHA1817-0155 rev A - front elevations RHA1817-0156 rev A - rear elevations RHA1817-0157 rev A - side elevations RHA1817-0158 - side elevation RHA1817-0161 - Drainage layout RHA1817-0162 rev A - house plans as proposed RHA1817-0163 - house plans (type B) RHA1817-0058 rev A - site sections

The development shall thereafter be undertaken in accordance with these plans/details.

3. No above ground work shall commence until samples of the materials for the external appearance of the dwellings have been submitted to and approved in writing by the Local Planning Authority; development shall thereafter be carried out in accordance with the approved details.
4. No part of the site hereby permitted shall be brought into use until a dropped vehicular footway crossing/ has been widened and is available for use, together with a possible relocation of the gully. These works shall be constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
5. No part of the site hereby permitted shall be brought into use until the site access drive/parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drive/ parking or turning areas shall then be maintained in such hard-bound material for the life of the development.
6. No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 10 for a distance of 5m from the rear of the highway boundary as shown on drawing number: RHA 1817-0154a
7. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no: RHA 1817-0154a are provided. The area



within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections.

8. The hedging on both sides of the access point shall be cleared completely and a 0.9m wall shall be erected on drawing no: ref: RHA 1817-0154a.

9. From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/or a garage shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3m easy access of the off road parking areas. All EV charging points shall be clearly marked with their purpose.

10. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

11. Any first floor windows in the side elevation of the properties hereby approved shall be obscured glazed to level 4 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the specific dwelling is occupied and thereafter be retained for the lifetime of the development.

## **Reasons**

1. To comply with the requirements of Section 91(1) of the Town and Country Planning Act 1990 (as amended).

2. For the avoidance of doubt

3. To ensure that the character of the area is respected and to comply with policy 10 of the Aligned Core Strategy.

4. In the interests of highway safety and to comply with policy LPD61.

5. In the interests of highway safety and to comply with policies LPD57 and LPD61.

6. In the interests of highway safety and to comply with policy LPD61.

7. In the interests of highway safety and to comply with policy LPD61.

8. In the interests of highway safety and to comply with policy LPD61.

9. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

10. To ensure the development is constructed in an appropriate sustainable manner which takes into consideration air quality with in the Borough, and takes into consideration the National Planning Policy Framework and policy LPD11 of the Councils Local Plan.

11. To ensure the amenity of neighbouring properties is respected and to comply with policy LPD32.

### **Notes to Applicant**

The developer is encouraged to consider upgrading the EV charging facilities to incorporate additional mode 3 charging capability as this will help future proof the development and improve its sustainability. A suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows Smart charging of electric vehicles.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

The flat roof aspect to the rear of plot 1 (adjacent to 27b Gardenia Drive) shall not be accessed as a balcony or other seating area and is something that would require planning permission in its own right.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website.

Where the Council's view is that CIL is payable, full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build

dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Councils website or from the Planning Portal: [www.planningportal.gov.uk](http://www.planningportal.gov.uk).