



Application Number: 2013/1535

Location: Arnold Dairies, 48 Cross Street, Arnold, 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. Reproduced with the permission of the Controller of H.M.S.O. Crown Copyright No. LA 078026
Unauthorised reproduction infringes Crown copyright and may lead to prosecution of civil proceedings

Report to Planning Committee

Application Number:	2013/1535
Location:	Arnold Dairies, 48 Cross Street, Arnold, Nottinghamshire
Proposal:	Demolition of existing buildings and construction of five terraced dwellings.
Applicant:	Brendan Homes
Agent:	Mr M Tucker

Site Description

This application relates to a triangular plot situated at the junction of Cross Street and Stanhope Road within a predominantly residential area in close proximity to Arnold Town Centre. The site is currently occupied by a vacant two storey building with attached double garage. It is bounded to the front by 1.2m high brick wall with 1.8m high brick wall rising to 2m to the rear on Stanhope Road.

Immediately to the west is a two storey block of flats. These have secondary windows to the side elevation facing the application site. Directly to the north on the opposite side of Stanhope Road are two storey semi detached dwellings with principle room windows to the front elevations facing the application site. Only one of these properties has off street parking provision. To the south on the opposite side of Cross Street are two storey residential properties.

Planning History

Outline planning permission was granted in February 2011 for the erection of 6 houses. All matters were reserved for subsequent approval – application reference 2010/0805.

Outline planning permission was granted in February 2011 for the erection of 9 apartments. All matters were reserved for subsequent approval – application reference 2010/0806.

Proposed Development

Full planning permission is sought for the erection of a terrace of 5 no. two bedroom dwellings with access to off street parking spaces to the rear from Stanhope Road.

The development is arranged in 3 staggered blocks and has maximum dimensions of 30.4m in width and 11m in depth. The ridge height of the properties steps down

towards Stanhope Road taking account the changes in land levels. These have a maximum ridge height of 9.1 reducing to a minimum ridge height of 7.3m at the junction of Stanhope Road and Cross Street.

Amended layout plans have been deposited on the 20th February 2014 which indicate 4 no. off street parking spaces to the north western side of the application site accessed from Stanhope Road.

The rear gardens of the dwellings face Cross Street and are bounded by a 2m high brick wall with planted recessed areas and entrance gates. Areas of soft landscaping are also proposed to the Stanhope Road frontage.

A Design and Access Statement has been deposited with the application outlining the general principles of the proposal, the physical, social and economic aspects.

Consultations

Nottinghamshire County Council Highway Authority - The following concerns were raised:-

The car parking spaces will need to be at right angles to the road for ease of access and visibility;

The minimum hard standing for one vehicle is 5.5m in length or tandem spaces will require 11m and a minimum width of 2.75m;

The parking will need to meet the Borough Council's SPD which requires that 2 bed dwellings have 1no. off street parking space and 3 bed dwellings have 2no. off street parking spaces;

The proposed new footway is shown increased to 1.8m in width but needs to be 2m in width and adopted via a S278 agreement.

Given that the above requirements have not been adhered to it is recommended that the proposed development be revised.

Amended plans were received on the 4th February and again on the 20th February:-

Following re-consultation in relation to the revised layout plans submitted on the 4th February the Highway Authority considered that parking spaces 2 and 3 would be inadequate in length being less than the required 5m and a car would be unable to pull tight to the building. This would encourage the driver to overhang the public footway. It is also noted that that there is a 1:12 ramp this should be 1:20.

The revised plans submitted on the 20th February show the provision of car parking spaces which would meet the minimum size of 2.4m by 5m and therefore overcome the Highway Authority objections.

Environment Agency – Recommend referral to the national flood risk standing advice.

Public Protection – Given that the site has a history of industrial uses it is recommended that a land contamination study be carried out. Should permission be granted a condition should be included requiring the submission and approval of a scheme to deal with any contamination of the site which should be a risk based assessment carried out in accordance with relevant guidance. Consultation shall be carried out between the Council and the contaminated land consultant before work starts and at all phases of the investigation. Details of any remediation works and validation of these works shall be submitted to and approved by the Council. No dwelling shall be occupied until the measures in the approved scheme have been carried out. The applicant should also be advised with regards to the relevant technical guidance.

Urban Design – Considers that the proposal works on this difficult site as it addresses the corner well and is of good architectural style. Notwithstanding this it is important that the Cross Street boundary wall has appropriate detailing.

Nottinghamshire Wildlife Trust – Request that a protected species survey is carried out prior to a decision being made. The applicant should also be made aware of legal obligations regarding any bats that might be found during demolition.

Adjoining neighbours have been notified of the proposal and a site notice posted – 5 emails and one letter have been received which raise the following concerns that:-

- the development is over intensive;
- the development would result in congestion and would impact upon and exacerbate existing parking issues on Stanhope Road;
- inadequate driveways are proposed;
- lack of security for vehicles;
- access should be from Cross Street;
- the proposal would lead to loss of light and overshadowing impact;
- the proposal would result in overlooking and loss of privacy;
- the development would be overbearing.

A further 3 emails have been received following re-consultation which reiterate previous comments.

Planning Considerations

Being mindful of the previous outline planning permission granted for this site I am of the opinion that the main planning considerations in the determination of this application are whether:-

1. The proposed development is of a high standard of design which makes a positive contribution to the character of the area;
2. There would be any adverse impacts upon residential amenity in terms of the development being overbearing or causing overshadowing or overlooking to neighbouring properties; and

3. The proposed development would provide appropriate parking and not compromise highway safety.

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

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

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

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

In addition appropriate parking provision should be made and in considering housing development, account should be taken of the residential parking standards set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012).

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

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

Design And Impact Upon The Character Of The Area

The main policies that need to be considered in relation to the design of the scheme and its contribution to the character of the area are set out in Section 7 of the NPPF and Policies ENV1, H7 and H16 of the Local Plan.

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

Criterion a., c. and d. of Policy ENV1 of the Replacement Local Plan are also relevant in this instance. These state that planning permission will be granted for development provided it is in accordance with other Local Plan policies and that proposals are, amongst other things, of a high standard of design which have regard to the appearance of the area and do not adversely affect the area by reason of their scale, bulk, form, layout or materials. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and incorporate crime prevention measures in the design and layout.

Design and layout are also considered in criterion a. and b. of Policy H7 and criterion c. of Policy H16 of the Replacement Local Plan. These policies state inter alia that permission will be granted for residential development, including conversions and the change of use of buildings to residential use within the urban area and the defined village envelopes provided it is of a high standard of design and does not adversely affect the area by reason of its scale, bulk, form, layout or materials and that it would not result in the loss of buildings or other features including open space which make an important contribution to the appearance of the area.

Policy 10 of the ACSSD requires all new development to be designed to a high standard and sets out in detail how this should be assessed. All new development should make a positive contribution to the public realm and sense of place and create an attractive, safe, inclusive and healthy environment. The most relevant design elements in this instance include the site layout, appearance and the incorporation of features to reduce opportunities for crime and anti-social behaviour.

I note that the proposal results in the demolition of existing vacant buildings within the site. However I do not consider that these are of such architectural merit that their loss would be detrimental to the character of the area.

I am satisfied that the site is of sufficient size to readily accommodate the proposed development without appearing cramped or over intensive.

I am of the view that the proposed residential development is of acceptable scale and massing which would reflect and respect the physical context of the site and would improve the character and quality of the area and the way its functions within the wider context. I am also of the opinion that the proposed staggered footprint of the dwellings and the varied roofscape design successfully takes account of the levels and the visual prominence of the site and addresses the corner setting well.

I consider the appearance of the proposed dwellings to have an attractive and modern architectural style which results in a development of a high standard of appearance. Consequently the visual aspect of the development, in my opinion, responds to the local context and has provided an opportunity to lift the visual quality of the area which also removes an existing derelict site.

I am satisfied that the proposed layout of the development provides adequate private amenity space for each of the dwellings.

I note the concern raised with regards to the design of the boundary wall adjacent to Cross Street. However, although this would result in an expanse of brick work, the wall is stepped with recessed gates and planting areas to soften its impact in the streetscene. I am therefore satisfied that the proposed boundary treatments would not be visually detrimental to the streetscene.

The proposed scheme would, in my opinion, regenerate an existing prominent vacant site and would make a positive contribution to a main gateway into Arnold Town Centre.

In light of the above it is my opinion that the proposed development would be of a high standard of appearance that would have a positive impact on the character and appearance of the area and the way it functions and would therefore meet the requirements of NPPF and policy 10 of the ACSSD and policies ENV1, H7, H8 and H16 of the Local Plan. To control any future extensions to the development it is proposed that usually permitted development rights should be removed. This could be secured by condition.

Residential Amenity

Paragraph b of Local Plan Policy ENV1 states that new development should not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated.

I am mindful that concern has been raised with regards to impact upon the residential amenity of neighbouring properties in terms of overlooking impact.

However, very careful consideration has been given to the relationship between the proposed dwellings and the existing nearby properties, particularly on Stanhope Road. I am of the opinion that the relationship, in terms of the separation between the proposed development and properties on Stanhope Road, is not unusual in such an urban setting. The first floor windows serving the principle rooms of the proposed dwellings are predominantly off set so that they do not directly face the residential properties on Stanhope Road. Plot no.s 1 and 2 do have first floor bedroom windows which face no.s 5 and 6 Stanhope Road. However, I consider that the distance between these properties would be sufficient so as there to be no detrimental overlooking impact.

With regards to the concerns raised by residents in relation to overshadowing impacts and the potential impact on living conditions within rooms affected, I note that the adjoining flats to the south west (no. s 52 and 54 Cross Street) have windows to the side elevations facing the application site. However, given that these are secondary windows and that there also windows to the front and the rear elevations serving these rooms, I do not consider that the proposal would result in such a significant overshadowing impact to refuse permission in this instance. I am also satisfied that, given the relationship and separation between the proposed dwellings and neighbouring properties, the development would not result in any undue overbearing impact.

Taking the above into account it is my opinion that the proposed development would have no significant adverse impact on the residential amenity of neighbouring properties and that the proposal would provide a reasonable level of amenity for its future occupants in compliance with the requirements of Policy ENV1 of the Replacement Local Plan and Policy 10 of the ACSSD.

Highway Safety

I am mindful of the NPPF's presumption in favour of sustainable development, and in my opinion a key factor in delivering this is ensuring that developments are as close to community facilities as possible. Paragraph 35 of the NPPF requires that development should be designed and located where practical to give priority to pedestrian and cycle movements and have access to high quality public transport.

I am also mindful that the proposed scheme should be assessed against the minimum off street parking requirements set out in the Borough Council's Supplementary Planning Document (SPD) 'Parking Provision for Residential Developments' (2012). For this type of development there should be 1 parking space per dwelling provided. However, it should be noted that paragraphs 4.4 and 4.5 of the SPD recognise that there are circumstances that may require a departure from this provision.

I note that the revised layout plans have taken account of the comments of the Highway Authority with regards to the adequacy of some of the parking spaces and now show 5 two bedroom dwellings with a provision of 4 off street parking spaces in order to prevent any car overhanging the footway. In usual circumstances the Borough Council would require the provision of 5 car parking spaces.

In relation to this application I consider that there are circumstances that warrant a departure from the manner in which the SPD is usually applied. The site is in a highly accessible location given its close proximity to Arnold Town Centre, shops, good public transport routes, local schools and nurseries and medical services. I am therefore of the view that the occupiers of a residential development at this site would not be as reliant upon a car as may be the case in other areas of the Borough.

Whilst, I note the concerns raised by local residents in relation to the availability of on- street parking in the area and I am mindful that the residential properties on Stanhope Road do not have off street parking provision within their residential curtilages, the development only provides one less car parking space than is usually required by the SPD. Therefore it is likely that only one car could potentially be displaced onto the highway, this potential could be further reduced through the use of a condition which would ensure that the off-street car parking spaces provided through the development are available for any resident and visitor of it. Background research on which the SPD is based has found that spaces are used more efficiently when they are not allocated to a specific property. Such a condition would also ensure that future occupants give consideration to their need for car parking and would deter those occupants who may require more car parking spaces.

Given the location of this development and because a condition could be used requiring that none of the spaces are allocated to any particular dwelling that these

factors would reduce the need for off-street car parking spaces and ensure the most efficient use of the car parking spaces that are available for residents and their visitors. In light of this I consider that on balance that these factors would control the likelihood of cars being displaced onto the highway and as such that it would be difficult to substantiate refusal on the ground that an insufficient amount of car parking would be provided at the site.

I also consider that a development with more car parking spaces would more likely result in a development that would not make such a contribution to the urban environment of this part of Arnold, as this development in its current format.

Other Matters

I note the comments of the Nottinghamshire Wildlife Trust. Whilst ideally all matters relating to protected species should be dealt with prior to any application being determined I am mindful that the applicant has submitted a Bat Survey which found a potential for bat roosting. Further emergence surveys are recommended to properly assess the use of the existing building on site by bats. However these surveys could not be carried out until May to mid-September. Whilst Nottinghamshire Wildlife Trust recommends conditions are only used in exceptional circumstances, I consider that a condition would ensure that mitigation measures such as new roosts could be incorporated into the new building as compensation. I am also mindful that separate legislation exists to protect bats should they be found and planning permission does not override this. The comments of the Wildlife Trust can also be attached to any decision. On this basis, I do not consider it is appropriate to delay the determination of the application until the time of year when further survey work can be carried out.

Conclusion

I consider that, on balance, the proposed development would achieve an effective and efficient use of land which would respond appropriately to the local context and would have no significant adverse impact on the residential amenity of future occupants or on the existing occupants of neighbouring properties. The scheme would result in development in a highly accessible location which would regenerate an existing prominent vacant site and would make a positive contribution to a main gateway into Arnold Town Centre.

Recommendation:

To **GRANT PLANNING PERMISSION** subject to the following conditions:

Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the approved plan (Drawing no. 11017-10A, 11B and 14B).

3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a sample of the materials to be used in the external elevations of the proposed dwellings. The development shall be constructed in accordance with the approved details.
4. Before development is commenced there shall be submitted and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted and including where appropriate details of existing trees to be felled and retained. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure of the site. The means of enclosure shall be erected in accordance with the approved details prior to the dwelling being first occupied.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of any surfacing of the unbuilt on portions of the site. The surfacing of the unbuilt portions of the site shall be carried out in accordance with the approved details prior to the dwellings hereby being first occupied.
7. Prior to the commencement of development details of a Protected Species Survey shall be submitted to and approved in writing by the Borough Council. Any mitigation measures shall be carried out in accordance with the approved details within a timescale to be agreed with the Borough Council.
8. No works permitted under Class A, B, C, D or E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.
9. The 4 car parking spaces to be provided shall be laid out as shown on drawing number 11017-11B and none of the car parking spaces shall be allocated to a particular unit of the development, but each car parking space shall be provided so that any resident of the development and their visitors can use any car parking space.

Reasons

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

3. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
4. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
5. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
6. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
7. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved) 2008.
8. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008.
9. To ensure that the car parking spaces are used as efficiently as possible, so as to reduce the need for on-street car parking in the area and to assist highway safety.

Reasons for Decision

In the opinion of the Borough Council the proposed substitution of house types would achieve an effective and efficient use of land that would have regard to the appearance of the area and would have no significant adverse impact on highway safety or residential amenity. The proposed development meets with the fundamental aims of the National Planning Policy Framework and Policies ENV1, C2, H2, H4, H8, H16, H18, R3 and T1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008). It also accords with the aims of Policies 8 and 10 of the Gedling Borough Aligned Core Strategy Submitted Documents, February 2013.

Notes to Applicant

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address concerns identified by officers in connection with the proposal. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and favourable recommendation. The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

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