

**Application Number:** 2013/1528

**Location:** Garage Site, Rutland Road, Gedling, Nottinghamshire



**NOTE:**

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## **Report to Planning Committee**

<b>Application Number:</b>	2013/1528
<b>Location:</b>	Garage Site, Rutland Road, Gedling, Nottinghamshire
<b>Proposal:</b>	Supported Housing Development of five one bed houses and one wheelchair user bungalow with associated landscaping
<b>Applicant:</b>	Ms Jayne Wilson
<b>Agent:</b>	Mr Simon Henderson

**The Owner of the Application site is Gedling Borough Council and in line with the Council's Constitution this application has been referred to Planning Committee.**

### **Site Description**

The application site relates to a former garage court with access between no's 8 and 10 Rutland Road. The 19 garages that used to be on site have been demolished and removed from the site. The application site has approximate dimensions of 60 metres x 20 metres. The site is bounded on all sides by the rear gardens of residential properties on Rutland Road, McIntosh Road and Cator Close with the boundaries defined by close-boarded panelled fencing. The application site itself is level; however, the land to the west rises in level and the land to the east drops in level. Effectively, the residential properties to the west on Rutland Road are at a higher level and the properties on McIntosh Road are at a lower level. There is a right of access through the site leading to a rear access to no.7 Cator Close in the north corner of the site.

### **Proposed Development**

Full Planning permission is sought for a supported housing development of five one bedroom houses and one wheelchair user bungalow with associated landscaping.

Vehicle access to the site would be from the existing access between no's 8 and 10 Rutland Road. The access measures 4.25 metres in width and would be constructed from blocked paved suds. A bin store would be located in the south corner of the site adjacent to the rear boundaries of no's 6 and 8 Rutland Road and no.20 McIntosh Road.

A hard-surfaced access drive would be sited adjacent to the west boundary of the site retaining the access to no.7 Cator Close. The west side boundary of the site

would be defined by a retaining structure covered in planting with a 2 metre high panelled fence above. The remaining east and north boundaries of the site would also be defined by 1.8 – 2.0 metre high panelled fencing.

The 5no 1 bedroom dwellings would form a staggered terrace to the north of the site with maximum footprint dimensions of 22.9 metres x 7.2 metres. The individual dwellings would have footprint dimensions of 6.3 metres x 4.5 metres. The properties would incorporate dormer windows in the front elevation and roof lights in the rear elevation roof slope. The ridge height of the dwellings would be 6 metres. The eaves height to the rear elevation of the dwellings would be 3.9 metres and the eaves height on the front elevation would be 4.1 metres. The bottom window frame of the roof lights would be set above finished floor level by approximately 2 metres.

There would be an associated unallocated car parking court serving the 5no. 1 bedroom dwellings, consisting of 5no off street car parking spaces located to the south of the dwellings.

The 1no 2 bedroom wheelchair bungalow would have footprint dimensions of 11 metres x 7.6 metres and would be sited adjacent to the south corner of the application site. The ridge and eaves heights of the proposed bungalow would be 4.8 metres and 2.35 metres respectively. The bungalow would have an attached carport on the south side elevation with footprint dimensions of 5.4 metres x 3.6 metres and a pitched roof with ridge and eaves heights of 4.2 metres and 3.2 metres respectively. The development also incorporates a visitor car parking allocation adjacent to the carport.

A Design and Access Statement has been submitted with the proposal stating that all initial tenants would be for independently living supported housing. Details on the restricted access and the previous use of the site have been put forward as a consideration when considering the access reduced width.

## **Consultations**

### **Nottinghamshire County Council (Highway Authority) –**

The proposal is to construct 6no. dwellings to be served from a Private drive, and to remain private. The dwellings are to be used to house occupants as part of a supported living complex.

For private developments of six dwellings or more, we will serve a notice on the applicant with an assessment of the cost of the proposed roadworks under the Advance Payment Code (APC), to protect frontagers' interests. The cost of this will reflect the cost of the proposed street works and the applicant should construct the works to an appropriate standard. However, because APCs have been served and money has been paid or retained, we are not indicating any future intention to adopt and maintain the street works at public expense.

The applicant should clearly indicate that the development roads are to be private, we will also require:

The applicant will be required to deposit a map with us under Section 31 (6) of

the Highways Act 1980 identifying the roads which are to remain private. The applicant will be required to erect road signs indicating that the roads are un-adopted and to maintain the signs for as long as the roads remain un-adopted, all at their expense;

The applicant will be required to provide evidence that they have made clear to potential purchasers of the dwellings on un-adopted roads what the status of the road will mean to them in practice; and

The applicant will be required to provide evidence that they have secured future maintenance of the roads, for example, a unilateral undertaking under Section 106 of the Town and Country Planning Act to set up a maintenance company;

The applicant will be required to indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980, where the road joins together two adopted highways; and

The boundary between the private road and the publicly-maintained highway to be clearly marked by a concrete edging or similar.

Note: The indemnity should normally be a legal covenant placed on the properties to prevent petitioning. We must approve the wording of the covenant.

The applicant should remember the implications both for himself and house purchasers if we do not adopt the roads, for example:

- future maintenance liabilities;
- public liabilities;
- street cleansing;
- lack of specific pedestrian facilities;
- lack of or poor standard of lighting, drainage and so on;
- we have no powers under the Highways Act; and
- the police have no powers to remove obstructions.

Poorly-maintained private areas can also detract from the quality and appearance of a development.

#### Conditions

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning area (s) is constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area(s) to the public highway in accordance with details first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway

shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

No part of the development hereby permitted shall be brought into use until the parking areas are provided in accordance with the approved plan dwg no. 2175/P 102F. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

There shall be no occupation of the proposed dwellings until such time as a suitable maintenance agreement is in place to cover the proposed private drive development.

Reason: To maintain the areas which are not highway land.

The applicant will be required to enter into a S106 agreement which states that the dwellings are strictly for Supported living only.

Reason: To reduce the car movements using a sub-standard access.

Severn Trent Water – No objections received.

Urban Design Consultant – No objections to the design of the proposal.

Public Protection – no further observations with regard to contamination or the bin store.

Neighbouring Properties were notified and a Site Notice posted and 1 letter of representation has so far been received. The comments can be outlined as follows: -

The level of housing being built on the proposed site seems excessive.

The development would result in a boxed in feeling of neighbouring gardens.

The bin store is located too close to the neighbouring boundaries and could result in nuisance due to odours.

The development should be situated more to the west of the site due to the larger rear amenity areas that these houses possess and the reduction in potential undue impact on privacy as a result.

### **Planning Considerations**

The relevant national planning policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core principles set out in the guidance states at paragraph 17:

Planning should: 'proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs'.

In particular the following chapters are relevant in considering this application.

6. Delivering a wide choice of quality homes (paragraphs 47 – 55)
7. Requiring Good Design (paragraphs 56 – 68)

When delivering sustainable development paragraph 19 states:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

Section 7 of the 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.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008) are also relevant:

- Policy ENV1: Development Criteria;
- Policy ENV2: Landscaping;
- Policy H7: Residential Development on Unidentified Sites Within the Urban Area and Defined Village Envelopes;
- Policy H16: Design of Residential Development;
- Policy T10: Highway Design and Parking Guides.

The Gedling Borough Council Parking Provision for Residential Development (SPD) is also relevant when considering car parking provision for new development.

In June 2012, Gedling Borough Council published the Gedling Borough Aligned Core Strategy – Publication Version (ACS/PV) for the purposes of public representation. Whilst the ACS/PV is subject to a period of public representation, it does reflect the Council’s emerging strategic planning policies for the Borough and therefore these are a material consideration and will be taken into consideration when determining planning applications, where they are relevant.

The following emerging planning policies are relevant to this planning application:

- Policy 8: Housing size, mix and choice; and
- Policy 10: Design and Enhancing Local Identity.

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 and materials. Development proposals should include adequate provisions for the safe, 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.

Taking into account the above policy documents and policies I consider that the main considerations in relation to the determination of this application relate to whether: -

- the development is acceptable in principle;
- there would be any adverse impact on highway safety;
- there would be adequate off street car parking to serve the development;
- the impact of the development on the character and appearance of the area;
- there would be any adverse impact on neighbouring residential properties that surround the site.

#### Principle of the development, density and layout

As the application site is located within the urban residential area of Gedling and is previously developed brown field land there would be no objection in principle to the redevelopment of the site for residential purposes. Given the development would be in an established urban residential area it is my opinion the proposal would be sited in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community.

I am also of the opinion that the application site is of sufficient size to accommodate the 6no dwellings with the layout proposed with-out appearing cramped or over-intensive.

#### Highway Safety and Residential Parking standards

When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is relevant. The SPD would require the 1 bedroom properties to provide 1.1 unallocated car parking spaces per dwelling and the Wheelchair bungalow with 1 allocated space would require an additional 0.5 unallocated space. When referring to the details of the development the total requirement for off street car parking would equate to 6no unallocated car parking spaces with 1no allocated car parking space for the wheelchair bungalow. I am satisfied that the development accords with the SPD and provides sufficient off street car parking provision.

I note the comments from the Highway Authority with regard to the requirements to enter into a maintenance agreement with the Highway Authority to cover the proposed private drive development. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the developer to enter

into such agreement before development is first commenced.

The previously developed site was occupied by 19 garages. Whilst I note that the access to the site is slightly reduced when considered against highway guidance, given that the new development would provide 7 vehicle car parking spaces the potential vehicle movements associated with the development would be a reduction on the previous use of the site. I am therefore satisfied that the proposed development would not result in any increased impact on highway safety and would be an improvement to the previous use of the site in terms of vehicle traffic.

I note that the Design and Access statement refers to the development being for supported housing and the Highway Authorities request for the applicant to enter into a S106 agreement to limit the use of the dwellings to supported housing; however this requirement has not been substantiated by the Highway Authority. It is my opinion, given that the proposed development accords with the Gedling Borough Council's Parking Provision SPD for residential development and that the development would result in potential reduction in car movements on the site the imposition of a condition or a Section 106 agreement limiting the use of the site for supported housing would be over onerous and there is no justification to support this requirement.

#### The impact on the character of the area and on neighbouring residential amenity

I consider that the scale and design of the properties would be in keeping with the existing properties and would not detract from the architectural characteristics of the surrounding area. Given the application site would be enclosed I am satisfied that the development would be satisfactory within the existing streetscene.

I note that the topography of the land drops in level towards the properties located on McIntosh Road that back onto the site and the potential for an undue impact in terms of overlooking, overshadowing and overbearing on neighbouring amenity. It is my opinion that the design of the scheme carefully considers the topography of the land and the location of the neighbouring residential properties to minimise any undue impact on neighbouring amenity. No.16 McIntosh has the shallowest garden depth however; given the location of the single storey bungalow to the south of the site with a pitched roof sloping away from the shared boundary and a gable to gable distance of some 12.5 metres, it is my opinion that this element of the scheme would not result in any undue impact in terms of overshadowing and overbearing. I also note that the proposed row of single bedroom dwellings would incorporate dropped eaves heights on the rear elevation to minimise overbearing and overshadowing impact with roof lights serving the upper floor rear elevation roof slopes to prevent any undue overlooking impact.

Given the careful consideration of the relationships between the proposed development and the neighbouring residential properties it is my opinion that the proposed development would result in no undue impact on neighbouring amenity in terms of overbearing, overshadowing or overlooking impact.

Should planning permission be forthcoming I would suggest attaching conditions requiring details of the materials, enclosure, and landscaping of the site to be



submitted before development is commenced in order to secure a satisfactory development which reflects the characteristics of the area.

I note the comments from the neighbouring property with regard to the potential nuisance due to odours of the bin stores. However I am satisfied that the boundary treatments and distances to neighbouring properties is satisfactory to mitigate any potential undue odours from the bin store. I also note that public protection concur with this view.

### **Conclusion**

Given the above, it is considered that the principle of residential development for supported housing is acceptable due to the proposal having no detrimental impact on the character and appearance of the area or on the amenity of neighbouring residential properties. The proposal would also result in a reduction of potential car movements, compared with the previously developed site, to the benefit of highway safety. Accordingly for these reasons I recommend that Planning Committee grants planning permission.

### **Recommendation:**

To **GRANT CONDITIONAL 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 permitted shall be completed in accordance with the submitted plans received on the 18th December 2013 drawing no's 2175/P101, 2175/P201, 2175/P300, and 2175/P200C and the revised proposed site plan received on 19th February 2014 drawing no: 2175/P102G.
3. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
4. No part of the development hereby permitted shall be brought into use until the access driveway/parking/turning area (s) is constructed with the provision to prevent the unregulated discharge of surface water from the driveway/parking/turning area (s) to the public highway in accordance with details first submitted to and approved in writing by the Borough Council. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
5. No part of the development hereby permitted shall be brought into use until

the parking areas are provided in accordance with the approved plan drawing no: 2175/P102G. The parking and turning areas shall not be used for any purpose other than the parking and turning of vehicles.

6. There shall be no occupation of the proposed dwellings until such time as a suitable maintenance agreement is in place and has been agreed in writing by the Highway Authority to cover the proposed private drive development. The approved maintenance agreement shall be adhered to for the life of the development.
7. Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwellings. Once these details are approved the dwellings shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the means of enclosure of the site. Thereafter the means of enclosure shall be erected and retained in accordance with the approved details.
9. Before development is commenced there shall be submitted to and approved by the Borough Council a landscape plan of the site showing the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscape 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.
10. The car parking provision shall be provided in accordance with the approved plan received on 19th February 2014 drawing no: 2175/P 102 G showing the layout of the unallocated and allocated car parking spaces to serve the development. The unallocated parking provision shall be retained in this manner for the life of the development unless otherwise agreed in writing by the Borough Council.

## **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 reduce the possibility of deleterious material being deposited on the public highway.
4. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

5. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
6. To maintain the areas which are not highway land. A note has been added to the end of the decision which sets out how this condition should be achieved.
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 Council Replacement Local Plan (Certain Saved Polices 2008).
9. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).
10. In the interests of road safety, in accordance with the aims of The Gedling Borough Council Parking Provision for Residential Developments (Supplementary Planning Document May 2012).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety viewpoint. The proposal therefore accords with policies H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2008).

### **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.

Your attention is brought to the attached note to applicant from the Highway Authority.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application and during Pre Application discussions to address adverse impacts identified by officers to address concerns 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](http://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](http://www.groundstability.com).