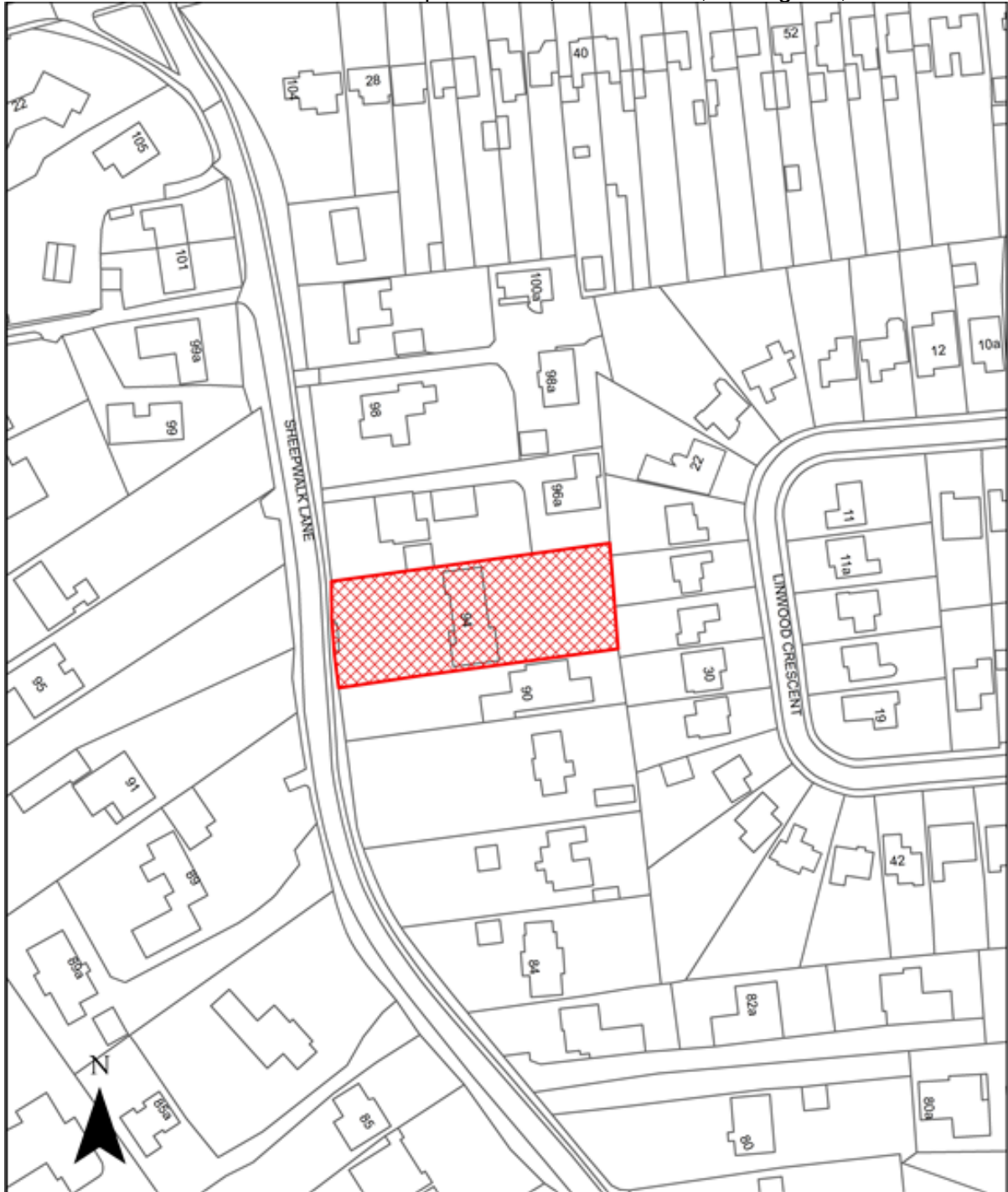




Application Number: 2014/1159

Location: 94 Sheepwalk Lane, Ravenshead, Nottingham, NG15 9FB.



NOTE:

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Report to Planning Committee

Application Number:	2014/1159
Location:	94 Sheepwalk Lane, Ravenshead, Nottingham, NG15 9FB.
Proposal:	Proposed demolition of existing dwelling and erection of 4 no. detached dwellings with garages and private drive access.
Applicant:	Abbey Stone Development
Agent:	Mrs Rachael Walton
Case Officer:	David Gray

Site Description

The application site relates to an existing bungalow situated within a plot measuring a maximum 27.0m width x 72.0m depth. The site has undulating topography, with the existing bungalow set at a lower level to the adjoining highway and is set back from the front boundary of the site by some 30.0m. Adjoining properties consist of a dormer bungalow at no.96 Sheepwalk Lane, a split-level property at no.90 Sheepwalk Lane and a two storey dwelling at 96a Sheepwalk Lane. Dwellings to the rear of the application site on Linwood Crescent are situated at a higher level to the application site. No.90 Sheepwalk Lane is set at a higher level than the application site.

Existing boundary treatments include silver birch and hedges to the front part of the boundary with no.90 Sheepwalk Lane. The remaining boundary with no.90 Sheepwalk Lane is formed by a 4 metre high conifer hedge. There is 1.5 metre high fencing and hedges to the boundary with no.96a Sheepwalk Lane and a 1.8 metres high hedge to the boundary with the highway. To the rear boundary of the site is another 4 metre high conifer hedge.

The site is not located within the Ravenshead Special Character Area.

Relevant Planning History

In March 2008 (ref: 2008/0050) Full Planning Permission was granted to demolish the existing dwelling and erect 3no. detached dwellings with garages and to create a new vehicle access. The development consisted of a detached property to the front of the site and two detached properties to the rear of the site.

Proposed Development

Full planning permission is sought to demolish the existing dwelling and to erect 4no.

detached dwellings with garages. The proposal also includes private drive access.

The development would involve splitting the site, with plots 1 and 2 to the front of the site and plots 3 and 4 to the rear of the site. The development would incorporate a central access leading to a hardstanding area and garages serving plots 3 and 4 at the rear and access to hardstanding to the fronts of plots 1 and 2.

Plots 1 and 2 to the front of the site would incorporate dwellings with elevations that mirror each other. The dwellings would have 4 to 5 bedrooms with the internal layout having the option for a self-contained annex or a larger kitchen at lower ground floor level. The individual dwellings would be of a contemporary design and would have a similar alignment to the existing property at no.96 Sheepwalk Lane. The maximum footprint dimensions of the dwellings would be 10.5 metres x 13 metres. The dwellings would be set over split levels with a front elevation ridge height of 14 metres and a eaves height of 4.0 metres. The rear elevation ridge would be 19 metres and the eaves height would be 13 metres. The front elevation incorporates an integral garage. The rear elevation of the properties would incorporate a balcony at first floor level. All other windows are located on the front and rear elevation.

Plots 3 and 4 to the rear of the site would also incorporate dwellings with elevations that mirror each other. The dwellings would have 4 bedrooms with an attached garage forward of the front elevation and a forward facing gable projection. The properties would have a maximum footprint dimension of 13 metres x 11 metres. The front facing gable would project forward of the main elevation by some 3 metres with a width of 4.8 metres the ridge and eaves would be some 7.3 metres and 4.7 metres respectively. The properties would have hipped roofs sloping away from the boundaries with the ridge and eaves heights being 8.6 metres and 4.6 metres respectively. The proposed garages would project forward of the gable at the front by 5.7 metres with a width of 6.5 metres, with ridge and eaves heights of 6 metres and 3.7 metres respectively.

A Design and Access Statement and an Arboricultural Survey were submitted in support of the application.

During the processing of the application revised plans have been received addressing concerns raised by Officers and the Highway Authority.

Consultations

Ravenshead Parish Council – Object to the application due to infill. The new development is not in fitting with the character of the area.

Nottinghamshire County Council (Highway Authority) –

In response to the revised plans: The Highways Authority would have no concerns in principle, subject to conditions relating to the widening of the access and the surfacing of the driveway and turning areas.

Environment Agency – The application is a low risk application. No comment from the EA.

Wildlife Trust – It is recommended that a bat survey is carried out prior to the demolition of the bungalow. If this is not requested an informative should be attached to any approval to make the applicant aware of their legal obligations regarding bats that might be found during demolition.

Nottinghamshire County Council (Arboricultural Officer) – None of the trees are of such significance to warrant the protection of a TPO and are otherwise inconsequential in terms of size and appearance. The loss of the trees can be mitigated by replacement planting.

Severn Trent Water – No objection subject to an informative regarding the public sewer located within the application site.

Neighbouring Properties were notified and a Site Notice posted and 5 letters of representation from 3 different addresses were received as a result. The comments can be outlined as follows: -

- Section D on plan VED394/23/C confirms that the relationship between the application site and no.96 is only diagrammatic as it has been confirmed that the neighbouring site has not been surveyed.
- The properties would be overbearing and overshadowing on neighbouring amenity.
- The balconies from Plots 1 and 2 could overlook neighbouring dwellings.
- Building operations adjacent to the boundary could give rise to land slippage.
- The proximity of the dwellings on plots 3 and 4 to the neighbouring properties and the relationship with the neighbouring property being lower would result in an undue overshadowing and overbearing impact on neighbouring amenity.
- The tandem development would be inappropriate and detrimental to houses on virtually any site.
- The development fails to take account of local context contrary to Policy 10.4 of the ACS.
- Whilst it is accepted that there has been development in depth along Sheepwalk Lane, the size and number of houses, together with the driveways, the central access road and double garages means there would be very little green space left with little opportunity for replacement planting.
- The proposed buildings are bulky, and are of poor design with large blank side elevations and awkward roofs. The design takes no account of neighbouring dwellings.
- The development does not represent sustainable development.
- Requests the application is considered at Planning Committee.
- Should the hedge be cut at the rear of the site the properties on Linwood Crescent would overlook the application site.
- The development would be out of keeping with the surrounding area and would be an incongruous feature in the streetscene.
- The proposal would result in highway safety implications as there is a sharp bend to the south.

Planning Considerations

The relevant national planning policy guidance in respect of this application is set out in the National Planning Policy Framework (March 2012). The core planning principles set out in the guidance is a presumption in favour of sustainable development. In particular the following chapters are relevant in considering this application:

- 6. Delivering a wide choice of quality homes
- 7. Requiring good design

Section 6 of the NPPF states inter-alia that housing applications should be considered in the context of the presumption in favour of sustainable development. Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At local level, Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the GBACS. The GBACS is subject to a legal challenge under section 113 of the Planning and Compulsory Purchase Act 2004 to quash certain parts. The challenge to the GBACS is a material consideration and must be taken account of. The decision maker should decide what weight is to be given to the GBACS. In this instance considerable weight has been attached to the GBACS as the policies reflect the guidance in the NPPF.

- Policy 10 - Design and Enhancing Local Identity.

Appendix E of the ACS refers to the Saved Policies from Adopted Local Plans. The following policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2014 are relevant: -

- ENV1 – Development Criteria
- H7 – (Residential Development On Unidentified Sites Within the Urban Area and the Defined Village Envelopes)
- H16 (Design of Residential Development)

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 ACS also looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and the Replacement Local Plan policies.

In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document 'Parking Provision for Residential Developments' (May 2012).

In my opinion the main planning considerations in the determination of this application are: -

1. The principle of development;
2. The design, scale, mass, and layout of development;
3. The impact of the development upon the residential amenity of the occupiers of neighbouring properties;
4. Highway Safety;
5. Other considerations;
6. Conclusion.

The principle of development

The site is located within the existing village envelope of Ravenshead within an established residential area. The proposal is for the demolition of an existing bungalow for a residential development of 4 units.

I note that one of the core planning principles of the NPPF is to encourage the effective use of land that has been previously developed (brownfield land), provided it is not of high environmental value.

The NPPF's definition of brown field land is 'previously developed land that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface or surface infrastructure.' This excludes 'land in built-up areas such as private residential gardens.' This advice is reflected in the ACS Policy 10 – 3.10.4 which goes on to state:

'Although now considered to be greenfield sites, gardens can provide sustainable locations for new homes, and reduce the need to develop land within Green Belt and or the country side. However, it can also change the characteristics of areas, and may damage biodiversity. In accordance with this policy and the NPPF, subsequent Local Development Documents may seek to restrict development to avoid areas of special character and to protect the amenity value of private gardens.'

I note that the application site is not in Ravenshead Special Character Area and is

not in an area of special character or specific ecological or landscape character.

Whilst I note that there was a previous approval for residential development of the site in 2008, there have been changes in guidance in relation to the definition of garden land, which is no longer considered to be brownfield land. Whilst I note the change in definition, I do not consider that paragraph 3.10.4 of the ACS precludes development on such sites. The key aspects that need to be considered are whether the proposed development would be in a sustainable location, would adversely affect the characteristics of the area or damage biodiversity. I do not consider that biodiversity is an issue in this instance. In my opinion the development would be in a sustainable location given its location within a village and its proximity to services. For the reasons set out in section 2 of this report I do not consider that the proposed development would adversely affect the characteristics of the area. The redevelopment of the site in my opinion is therefore acceptable in principle and would accord with Policy 10 of the ACS.

The design, scale, mass, layout of development.

The Government attaches great importance to the design of the built environment.

Section 7 of the NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...decisions should aim to ensure developments, amongst other things, respond to local character and history, and reflect the identity of local surroundings and materials. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policies ENV1, H7 and H16 of the Replacement Local Plan require development to be of a high standard of design. The policies require regard to be given to the appearance of the surrounding area, the provision of safe and convenient access and circulation of pedestrians and vehicles, and incorporating crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, and defensible space and well considered layouts and landscaping.

I note that the surrounding area is characterised by a mix of property styles on varying plot sizes. I also consider that the application site is of sufficient width and depth to occupy the 4 dwellings with the layout proposed without appearing cramped or over intensive.

Given the mixture of styles in the immediate vicinity and the size of the application site I consider that the development, designed around a central access, has taken this opportunity to create a sense of place. I also consider that incorporating contemporary design principles and materials would add to the architectural mix in the area and would result in a positive feature in the immediate streetscene.

I consider, given the undulating topography of the land, the mixture of two storey and single storey dwellings in the area, and that there is back land development in the immediate surrounding area, that the scale of the properties would be in keeping with the existing properties on the north side of Sheepwalk Lane.

Should planning permission be forthcoming appropriate landscaping, materials, means of enclosure, and surfacing would be secured by condition to ensure a satisfactory appearance on completion.

Having considered the overall design of the development and the constraining factors of the site, it is my opinion that the proposal would satisfy the design and landscaping criteria of Policies ENV1 of the RLP and Policy 10 of the ACS. I also consider that the proposed development accords with the broad design aims of the NPPF, which states that good design is key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The impact of the development upon the residential amenity of the occupiers of neighbouring properties

I am mindful that that there has been a previous approval (planning permission 2008/0050) which incorporated two detached dwellings to the rear of the site with a ridge height that matches the proposed dwellings. I am also mindful that the previous approval incorporated a dormer bungalow with a gable projection adjacent to the shared boundary with no.96a Sheepwalk Lane. I note the comments received with regards to the heights of the proposed dwellings in relation to the existing property at 96a Sheepwalk Lane. I also note the heights of the proposed dwellings on plots 3 and 4 reflect the heights of the previous approval on the site. This application also takes into account the approved plans for 96a Sheepwalk Lane which were used to establish the height of the neighbouring property.

I note that on the current proposal, during the processing of the application, Plot 3 has been moved 2 metres from the shared boundary and incorporates a hipped roof that slopes away this shared boundary. In my opinion the current proposal would improve the relationship with 96a in terms of overshadowing and overbearing when compared to the previous approval on the site. I also note that during the processing of the application the window on the rear elevation adjacent to the shared boundary with no.96a Sheepwalk Lane was removed. I am therefore satisfied, given the relationship between the two properties and the existing boundary treatments, that the proposal would not result in any undue overlooking impact on no.96a. I am mindful that a window has been omitted from the rear elevation and that under permitted development rights rear windows could be inserted in the rear elevation of dwellings without planning permission. Should planning permission be forthcoming I would suggest removing permitted development rights via condition to prevent any undue overlooking impact in the future.

When assessing the impact of the proposal on the amenity of no.92 Sheepwalk Lane and properties on Linwood Crescent I am satisfied that there would be no undue overlooking, overbearing or overshadowing impact given that the properties are all in elevated positions above the application site and a sufficient boundary treatment that exists. I am also satisfied that the location of windows serving the proposed dwellings would be located so not to overlook these properties.

When assessing the impact on no.96 Sheepwalk Lane, I am satisfied given the

distances between Plot 1 and no.96, the position of windows, the heights of the proposed dwellings, and that the roofs would slope away from the shared boundary that there would be no undue overlooking, overshadowing or overbearing impact on neighbouring amenity. I note that during the processing of the application a 1.8 metre high timber screen was added to the north side boundary of the balcony serving Plot 1 and I am satisfied that this measure is sufficient to mitigate any undue overlooking onto neighbouring properties. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring a 1.8 metre high screen on the north elevation balcony of Plot 1 and south elevation of Plot 2 to mitigate any future overlooking impact from these balconies.

Given the above I consider that the proposed development would have an acceptable relationship with neighbouring dwellings and would result in no significant undue impact on neighbouring residential amenity.

Highway Safety

I note the comments from the Highway Authority and, subject to the suggested conditions, I am satisfied that the proposed development would have no undue impact on highway safety.

When considering car parking provision for new residential development the adopted Parking Provision for Residential Development Supplementary Guidance (SPD) May 2012 is relevant. When referring to the car parking SPD the proposed development 4 bedroom dwellings in a rural location would require off street car parking for 3 vehicles. Each proposed property has a minimum of 3 off street car parking spaces. I am therefore satisfied that the design layout and vehicle hardstanding proposed is sufficient to satisfy the requirements of the SPD.

Other Considerations

I note the comments from the Arboricultural Officer and as such I am satisfied that no trees of any significance would be lost as a result of the development. Should planning permission be forthcoming appropriate landscaping and planting would be secured by attaching a condition to any approval.

I note the comments received with regards to the fir trees which define the rear boundary of the site. I also note that the plans indicate that the fir trees would be retained. I am satisfied that the proposed means of enclosure and the planting can be secured by condition and that the retention of suitable boundary treatments to the rear can be secured by condition.

I note the comments from the wildlife trust; given the dwelling is still occupied I am satisfied that an informative instructing the applicants legal duty with regards to bats is sufficient to mitigate any potential impact on bats during demolition.

Conclusion

I am of the opinion that the proposed development would comply with the relevant planning policies that are set out above and that planning permission should be

granted.

Recommendation:

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 built in accordance with the approved plans and application forms received on the 13th October 2014, drawing no: Existing Site Plan (VED394 01), Site Location Plan (VED394 02) and The Impact Assessment Trees, the revised plans received on 7th February 2015 drawing no: Plots 3 and 4 Elevations (VED394 31 D), and the revised plans received on 5th March 2015: drawing no's: Plots 1 and 2 Layout & Elevation (VED394 30 E), Fire Appliance Vehicle Tracking (VED394 26), Proposed Site Sections (VED394 23D), and Proposed Site Plan (VED394 22 G).
3. No part of the development hereby permitted shall be brought into use until the access has been widened to 5.25m in width and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
4. 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) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
5. 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 and including where appropriate details of existing trees to be felled and retained.
6. The approved landscape scheme, approved under condition 5, 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.
7. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used in the external elevations of the proposed development. Once approved the development shall be completed out in accordance with these details.
8. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of surfacing of the unbuilt on

portions of the site. Once approved the development shall be carried out in accordance with the approved details.

9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site and for each of the individual plot boundaries. The approved means of enclosure shall be erected before the dwellings they serve are first occupied, and shall be retained thereafter unless alternative means of enclosure are agreed in writing by the Borough Council.
10. No additional windows or openings to those shown on the approved plans shall be inserted in the external elevations of the proposed dwellings at any time, unless express consent has been given by the Borough Council.
11. The proposed 1.8 metre high timber screens to the first floor balconies, shown on the plan received on 5th March 2015 drawing no: Plot 1 & 2 Layout and Elevations (VED394 30 E) shall be provided before the balconies are first brought into use and shall thereafter be retained at all times for the life of the development.
12. No works permitted under Class A, B, C and 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 express consent of 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. In the interests of Highway safety.
4. In the interest of Highway Safety.
5. To ensure the details of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (2005).
6. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).
7. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure a satisfactory development, in accordance with the aims of policy

ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

9. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To prevent the overlooking of the adjoining property, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (2014).
11. To prevent the overlooking of the adjoining property, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (2014).
12. To ensure a satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.

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 Policy 10 of the Aligned Core Strategy (2014) and H7, H16 and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014)

Notes to Applicant

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.

Your attention is brought to the fact there is a public sewer that runs through the site. The advice of Severn Trent water should be sought before development commences. You may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.

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.

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to

provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

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, 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 (March 2012).

The proposal makes it necessary to widen the access and vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80 to arrange for these works to be carried out.