



Application Number: 2014/1346

Location: Play Area, Dunstan Street, Netherfield, Nottinghamshire.



NOTE:

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Report to Planning Committee

Application Number:	2014/1346
Location:	Play Area, Dunstan Street, Netherfield, Nottinghamshire.
Proposal:	Construction of 6 dwellings.
Applicant:	Mr Bob White
Agent:	Mr Simon Henderson
Case Officer:	David Gray

This application is being brought to Committee as the application site is in the ownership of the Borough Council.

Site Description

The application site relates to a former hard surfaced play area at the end of a cul-de-sac on Dunstan Street, Netherfield. The north east boundary of the site is abutted by Cross Street. The north west boundary of the site adjoins a rear service walkway and rear boundaries of properties on Curzon Street. Dunstan Street terminates at the cul-de-sac and continues onto Cross Street as a pedestrian right of way. Where Dunstan Street meets Cross Street there are various pieces of street furniture including CCTV, a post box, street lighting and a phone services column. The immediate surrounding area is characterised by rows of terraced houses served by on-street car parking provision. The application site is located within an area at risk of flooding and is designated as Public Protected Open Space as defined on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

Proposed Development

Full Planning Permission is sought for the construction of 6no. 2 bedroom dwellings and associated off street car parking. The site is being delivered as 100% affordable housing.

The proposal would consist of two terraces of 3 dwellings with footprint dimensions of 10.6 metres x 22.4 metres. The dwellings would have pitched roofs with ridge and eaves heights of 8.3 metres and 5.4 metres respectively.

The development would incorporate 11 allocated off street car parking spaces and would extend the adopted highway to allow provision for on street car parking for existing properties on Dunstan Street and visitor parking. The termination of the

proposed adopted highway at Cross Street would be defined by Barrier or Bollards.

A Design and Access Statement, Flood Risk Assessment, and a Geotechnical Report have all been submitted with the application.

Consultations

Nottinghamshire County Council (Highways Authority) –

The Highway Authority is satisfied that a satisfactory layout can be provided to serve the proposed development subject to a Section 228 being determined favourably. A section 228 agreement involves the adoption of land as public highway. The Highway Authority raise no objections subject to conditions relating to the surfacing of the driveways and the construction of the extension to Dunstan Street being provided. The applicant should also be advised that an agreement under section 278 of the Highways Act 1980 needs to be entered into in order to undertake work in the public highway.

Nottinghamshire South Fire and Rescue (Building Control) –

No objections to Dunstan Street remaining stopped up with bollards.

Environment Agency – No objection; subject to a condition being attached requiring the submission of a surface water drainage scheme to be approved by the Borough Council in consultation with the Environment Agency.

Nottinghamshire County Council (Principal Flood Risk Management Officer) – The site is using attenuation storage and has a hydrobrake flow control limiting the flow to 5l/s to connect to the existing surface water sewer.

The information provided in the Flood Risk Assessment is acceptable.

Severn Trent Water – No objection subject to a condition relating to surface water drainage and foul sewage.

Police (Architectural Liaison Officer) – No comments received.

Health and Safety Executive – Do not advise against.

Parks and Street Care – The current site is an old play area which is an eyesore and the proposal would help improve the visual amenity of the area whilst providing valuable homes for people.

The nearby Jackie Bells play area was re-developed and improved as a play facility in light of the decommissioning of this site in the past and Parks and Street Care would not object to its redevelopment as housing.

The site area of 0.10ha does not trigger an open space provision requirement.

Environmental Health (Technical Officer) – Environmental Health are satisfied that

the proposed remedial measures outlined in an email relating to the revised phase II site investigation report (revision B dated 19.05.2015) which updated the recommendations for gas protection measures and for remediation of front gardens.

Conditions relating to the verification of the remedial works in relation to gas protection measures should be attached to any approval. With regards to the gas protection measures it is requested that membranes have been correctly installed and verified before the final floor finish has been applied.

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

- Concerns are raised over the opening up of the Dunstan Street to give vehicle access onto Cross Street.
- Request that the newly installed CCTV camera remains as this has reduced anti-social behaviour.
- The off street car parking provision serving the new development is welcomed.
- Concerns raised on why residents of Dunstan Street have not been notified of the development proposals.
- The site is protected following WW1 following the destruction of 6 houses by Zeppelin attack.
- The development would result in undue highway safety implications due to the rise in the number of cars making the roads unsafe.
- There is already limited car parking serving Dunstan Street.

Planning Considerations

The main considerations in the determination of this application are whether the proposal accords with local plan policies, whether there are any highway safety implications, any impact of the proposal on neighbouring dwellings and on the streetscene. The site also falls within an area at risk of flooding and therefore the impact of the proposal on flood risk will also need to be assessed. I note the fact the site falls within the Health and Safety Executives Consultation Zones for hazardous substance sites within the Colwick Industrial Estate, however, the Health and Safety Executive do not advise against the proposal.

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.

Gedling Borough Council at its meeting on 10th September approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area. The following policies are relevant: -

- Policy 2 – The Spatial Strategy;
- Policy 8 – Housing Size, Mix and Choice;
- 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 Defined Village Envelopes;
- H16 – Design Criteria.

Criterion a., c. and d. of Policy ENV1 of the Replacement Local Plan are 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 making a recommendation in relation to this application, regard has been given to the above legislation and policy and as a result it has been determined that the main

planning considerations in relation to this proposal are: -

- a) The principle of developing the site;
- b) Whether the proposal makes efficient and effective use of the land;
- c) Whether the design of the development is acceptable;
- d) The highway implications of the development, including parking provision;
- e) Whether there would be an adverse impact on neighbouring properties;
- f) Flood Risk;
- g) Contamination;
- h) Other matters raised by local residents.

Each of the above aspects is considered in detail below.

The Principle of Developing the Site

The site is located within the main urban area of Greater Nottingham and therefore accords with Policy 2 of the ACS which adopts a strategy of urban concentration with regeneration.

The proposal is for the development of an existing Public Open Space for a residential development. However, I note the comments from Parks and Street Care and due to the improvements to a nearby play facility the public open space has been decommissioned. It is therefore my opinion that the redevelopment of the site to housing would be acceptable in principle within the well-established urban residential area of Netherfield.

When referring to the NPPF the definition of brownfield 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 infrastructure.'

Given the location of the development within the established residential area of Netherfield and its former use previously fixed surface infrastructure and therefore brownfield land, there is no objection in principle to the redevelopment of the site for residential purposes. It is also my opinion that the development would be in a sustainable location delivering economic development that would provide a wider choice of homes to serve the local community. The redevelopment of the site is therefore considered acceptable in principle.

Efficient and Effective Use of Land

I am of the opinion that the application site is of sufficient size to accommodate the 6 no. dwellings with the layout proposed without appearing cramped or over-intensive.

The proposed development is being brought forward for affordable housing to reflect the demand for that type of housing in the local area. The provision of housing that is of a size, type and tenure that meets local needs will assist in ensuring that land is used effectively and as efficiently as possible providing a wider mix of housing to serve the local community.

Design

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 defined by rows of Victorian terraced properties with no off street car parking provision.

I note that the proposed development would be in two terraces of 3 dwellings with proportions that reflect the surrounding area. Whilst the dwellings would be slightly raised to account for the flood risk in the area, given the distances to the neighbouring dwellings, I do not consider that the proposed development would be out of scale or keeping with the existing dwellings in the immediate vicinity.

Having considered the overall design of the development and the constraining factors of this 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 a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

I note that the proposed site plan incorporates a detailed landscaping scheme. Given the urban residential nature of the surrounding area I am satisfied that the modest planting and raised shrub borders to the frontage of the development would be satisfactory to soften the built form of the development and would add visual interest to the locality. Should planning permission be forthcoming I would suggest attaching a condition requiring the landscape scheme to be implemented in accordance with the approved plan.

I note that the preliminary materials proposed for the surfacing and external appearances of the development have been outlined on the site plan. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring precise details of the bricks, tiles and means of surfacing to be approved before development commences.

In my opinion, the proposed development would meet the relevant design elements of Policy 10 of the ACS in terms of the positive contribution it would make in the streetscene by virtue of its architectural style, detailing and materials.

Given the above considerations I am satisfied that the design of the proposed development is acceptable and accords with the above Policies.

Highway Safety, Car Parking and Rights of Way

When considering the car parking provision the adopted Parking Provision for Residential Development Supplementary Planning Document (SPD) May 2012 is

relevant. The development proposes 2 allocated car parking spaces for 5 of the dwellings and 1 allocated car parking space for 1 of the dwellings. When referring to the car parking SPD the proposed development for 6 residential 2 bedroom dwellings with the allocated car parking spaces proposed would require an additional demand of 1.2 unallocated car parking spaces. I note that there is sufficient provision of allocated car parking spaces and that the development would open up a new section of highway to adoptable standard offering additional on street car parking to serve the existing dwellings on the Dunstan Street and to account for visitor parking. In my view the development would create adequate additional off street car parking when compared to the existing situation. It is my view that the resultant situation could be considered an improvement to the current parking provision offered on Dunstan Street. As such I am satisfied that the development complies with the requirements of the SPD.

I note the comments from the Highway Authority and as such I am satisfied that the proposed development would not result in any adverse Highway Safety implications.

The application site incorporates a small triangle of land outside of the ownership of the applicant for which ownership cannot be established. During the validation of the application the agent served the requisite notices in the local press and posted a site notice. I am satisfied that the correct procedure has been undertaken in order to establish interest in the land in order for the Borough Council to process an application incorporating this land. During the processing of the application the correct ownership certificates have been submitted. The proposal requires this small triangle of land to be adopted as public highway. In order for the triangle of land to be adopted the Highway Authority has undertaken the procedure under Section 228 of the Highways Act 1980. Should planning permission be forthcoming I would suggest attaching a condition to any approval requiring the Section 228 to be determined favourably before the development takes place to prevent development on a contested area of land not within the ownership of the applicant.

I note that the proposed development requires the addition of fixed bollards at the proposed termination of Dunstan Street. However, the specific details of the proposed means of termination would be dealt with by the Highway Authority as part of a Section 278 agreement under the Highways Act 1980. However, should planning permission be forthcoming I would suggest attaching a condition requiring the proposed works to the Highway to be completed to the satisfaction of the Highway Authority prior to the occupation of the dwellings.

Residential Amenity

I note that the proposed dwellings would have rear garden areas with a depth of some 8 metres and the rear elevation of the dwellings would be 19 metres from the rear elevation of properties backing onto the application site. I also note that the rows of terraces would not project significantly beyond the rear elevations of the existing terraced properties on Dunstan Street. It is my opinion that the design and layout of the proposed scheme carefully considers the location of neighbouring properties and garden depths to minimise any potential impact on neighbouring amenity. I am satisfied that the design and layout of the scheme would not result in any undue overlooking, overshadowing or overbearing impact on neighbouring amenity.

Flood Risk and Sustainable Urban Drainage

I note the site is located within an area at risk of flooding and that the Environment Agency raised no objections to the proposed development. The design of the proposed dwellings accounts for the risk and Finished Floor Levels are to be provided that accords with the Environment Agency advice.

Whilst I note that the Environment Agency requested a surface water drainage condition, during the processing of the application a Flood Risk Assessment was submitted with the drainage scheme outlined in the appendix. I also note that during the processing of the application the County Council have taken over as the statutory body on surface water drainage. I note that the Principal Flood Risk Officer has raised no objection to the scheme, and as such I am satisfied that the surface water drainage scheme is satisfactory and there would be no adverse surface water flood risk that would arise from the development. Should planning permission be forthcoming a condition would be attached to any approval requiring the surface water drainage to be completed in accordance with the details submitted with the Flood Risk Assessment.

I note that Severn Trent Water have requested a condition relating to foul drainage. During the processing of the application confirmation from Severn Trent has been received from the agent, as an appendix to the Flood Risk Assessment, confirming that the proposed gravity flow from 6 dwellings into the foul drain is not sufficient to cause concern and the discharge can be accommodated in the 150mm dia public foul sewer in Dunstan Street. Should planning permission be forthcoming an informative would be attached to any approval advising that any new connection into public sewer network or the reuse of an existing sewer connection would need to be applied for under Section 106 of the Water Industry Act 1991 as amended by the Water Act 2003.

Contamination / Health and Safety

I note that the Health and Safety Executive do not advise against the development and as such I am satisfied that there would be no Health and Safety implications as a result of the development being within outer zone of the HSE consultation zone around Total Lindsey Oil Refinery Ltd and Colwick Industrial Estate.

I note that public protection have accepted the proposed remedial measures as outlined in the Phase 2 site investigation with regards to the proposed back gardens and also the revised phase 2 site investigation report (revision B dated 19.05.2015) which updated the recommendations for gas protection measures and for remediation of front gardens.

Should planning permission be forthcoming I would suggest attaching the recommended conditions relating to the verification of the remedial works in relation to gas protection measures. With regards to the gas protection measures the conditions would require the membranes to have been correctly installed and verified before the dwellings are first occupied.

Other Considerations

I note the comments regarding the site being protected following WWI; however, the site is a decommissioned public open space which is not in use. I would therefore not attach material weight to this consideration to warrant a refusal of this application.

I note the comments received with regards to the CCTV camera, however the application does not propose to remove this facility. I would also note that the new residential development would result in more defensible space and natural surveillance as a result of the introduction of residential units with main windows facing onto the public realm.

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:

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 permitted shall be completed in accordance with the approved plans: 2266/P102D (Proposed Site Plan) dated 06/11/14, 2266/P103a (Plot Layouts) dated 27/11/2014, and 2266/P104A (Street Views) dated 28/11/2014.
3. The development hereby permitted shall be completed in accordance with the Revised Phase II Site Investigation Report (revision B, dated: 19.05.2015) and the email received from the agent on 22/05/2015 stating that the rear gardens will be finished with poured concrete presenting a solid barrier as shown on plan no: 2266/P102D.
4. Before the properties are first occupied a verification report confirming that the gas membrane has been installed by a suitably qualified person (i.e NVQ level 2 Diploma in Sub Structure Work Occupations (Construction) - Installation of Gas Membranes, or equivalent) before any finished floor was placed, shall be submitted to the Borough Council and approved in writing. The verification report should be based on the Council's Gas Membrane Proforma (available on request) including photographic evidence.
5. Occupation of the proposed dwellings shall not take place until their respective driveways have been provided surfaced in a bound material (not

loose gravel) for a minimum distance of 5.0 metres behind the highway boundary and which shall be drained to prevent surface water run-off onto the public highway. The bound surface and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

6. No part of the development hereby permitted shall be occupied until the extension to Dunstan Street as shown for indicative purposes only on drawing number 2266/P102D has been provided.
7. Before development commences the applicant shall provide confirmation that the Section 228 of the Highways Act 1980 procedure has been determined favourably. The confirmation should be submitted to and confirmed in writing by the Borough Council before development commences.
8. The applicant shall provide confirmation from the Highway Authority of proposed extension to Dunstan Street being acceptable under Section 278 of the Highways Act 1980. The confirmation should be submitted to and confirmed in writing by the Borough Council prior to the dwellings being occupied.
9. The approved landscape shall be completed in accordance with the approved plans: 2266/P102D (Proposed Site Plan) dated 06/11/14 and 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 development hereby permitted shall be completed in accordance with the approved Flood Risk Assessment dated November 2014 (Report Ref No. C2081/FRA/A) incorporating the details contained within appendix 8 and appendix 9.
11. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the bricks and tiles to be used in the external elevations of the proposed development along with the precise details for the Block Paver for the private drives. Once approved the development shall be carried out in accordance with these details.

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 that practicable and effective measures are taken to treat, contain or control any contamination in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

4. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To prevent third party water/deleterious material from being discharged onto the public highway, in the general interest of highway safety.
6. To ensure that drivers can access off-street parking provision, and to ensure that any affected highway assets can be removed/repositioned.
7. To ensure the development is not constructed on contested land.
8. To ensure the development is constructed to the satisfaction of the Highway Authority in the general interest of highway safety.
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 ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
11. 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, on flood risk 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 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.

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 comments received from Severn Trent Water. For any new connection(s), into the public sewer or the reuse of an existing sewer connection(s), you will need to apply under Section 106 Water Industry Act 1991 as amended by the Water Act 2003. Severn Trent New Connection Team currently processes Section 106 applications and can be contacted on 0800 707 6600 for an application pack and guidance notes (or visit www.stwater.co.uk). Applications to make such connections should be made separately from any application for adoption of the related sewers under Section 104 Water Industry Act 1991 as amended by the Water Act 2003.

Planning Statement - The Borough Council has undertaken negotiations during the consideration of the application to address adverse impacts identified by officers and the Highway Authority 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).

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake these works you will need to enter into an agreement under Section 278 of the Act. Please contact Matt Leek on 0300 500 8080 for details.