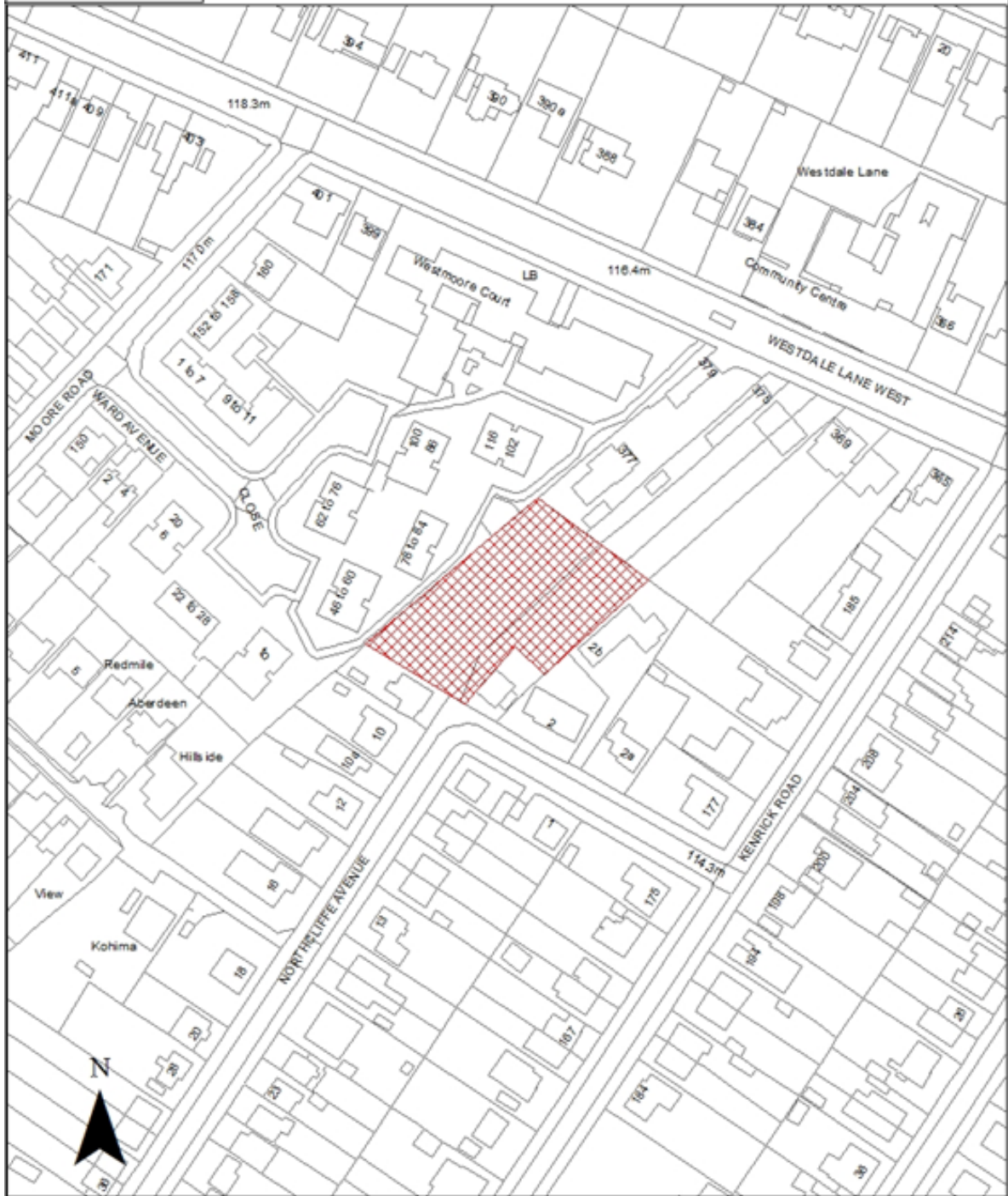


Application Number: 2014/0242
Location: Land Adjacent 4 Northcliffe Avenue, Mapperley, Nottinghamshire.



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.
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Report to Planning Committee

Application Number:	2014/0242
Location:	Land Adjacent 4 Northcliffe Avenue, Mapperley, Nottinghamshire.
Proposal:	Construct 4 New Detached Dwellings
Applicant:	Mr L Corronato
Agent:	Mr Dino Labbate
Case Officer:	Alison Jackson

Site Description

The application site relates to a corner plot located on the north side of Northcliffe Avenue, within the established urban area of Mapperley. The application site is currently used for growing various crops and vines. There is a narrow access point from Northcliffe Avenue with a brick wall and metal barrier located along the boundary with the highway. The site is relatively level in nature.

Relevant Planning History

Planning permission was refused in August 2015, reference 2013/0646, for the erection of four detached dwellings on the site. Permission was refused for the following reasons:

1. In the opinion of the Borough Council the proposed development would result in an overintensive development, out of keeping with the character and appearance of the site and wider locality contrary to the aims of paragraphs 56 and 57 of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy and Policies H7 and H16 of the Gedling Borough Replacement Plan (Certain Saved Policies) 2008.
2. In the opinion of the Borough Council, the proposed development would have a material impact on highway safety at the site by virtue of the substandard vehicle access and parking amenity proposed to serve the development, contrary to the aims of the 6 C's design guide and the adopted Parking Provision for Residential Development SPD.
3. In the opinion the Borough Council the proposed development would result in a material overbearing and overlooking impact on the existing neighbouring properties by virtue of the proximity of built form to neighbouring residential amenity

and the position and number of rear facing windows at first floor level associated to dwelling labelled unit 2. The proposal therefore fails to accord with one of the core principles of the NPPF as set out in paragraph 17 bullet point 4.

Proposed Development

Planning permission is now sought for the erection of four detached dwellings on the site together with the erection of a single garage.

The proposed dwelling labelled as unit 1 would be a five bedroom dwelling. The dwelling would be L-shaped in design incorporating a double integral garage. The dwelling would have maximum dimensions of 18.1 metres by 14.6 metres with an overall height of 9.29 metres. The dwelling is proposed to have a side and rear garden area.

The proposed dwelling labelled as unit 2 would be a four bedroom property with a single integral garage. The dwelling would have maximum dimensions of 13.7 metres by 11 metres and would have an overall height of 8.6 metres. The proposed dwelling would have a driveway to the front of the garage. A rear garden area is proposed to serve the dwelling. The rear garden area would have a maximum depth of 10.15 metres.

The proposed dwelling labelled as unit 3 would be a four bedroom property with a single integral garage. The dwelling would have maximum dimensions of 11.1 metres by 10.6 metres and would have an overall height of 9.41 metres. The proposed dwelling would have a driveway to the front of the garage. A rear garden area is proposed to serve the dwelling. The rear garden area would have a maximum depth of 10.1 metres.

The proposed dwelling labelled as unit 4 would be a four bedroom property. The dwelling would have maximum dimensions of 12.7 metres by 8.4 metres and would have an overall height of 9.41 metres. The proposed dwelling would have a driveway to the front of the site and a separate single garage. A rear garden area is proposed to serve the dwelling. The rear garden area would have a maximum depth of 11.05 metres.

The proposed single garage serving unit 4 would measure 3.5 metres by 6 metres and would have an overall height of 4.75 metres.

Consultations

Neighbouring properties have been notified of the application by letter. The application has also been advertised on site - There have been 2 written representations received as result, the contents of which are summarised below:

- No objections to the development providing it is sympathetic to the area.
- Overintensive development.
- Out of character.
- Too big and overbearing impact.
- Dominant impact.

- Too close to neighbouring properties.
- Highway and pedestrian safety issues.
- Impact on the highway tree.
- Lack of off road car parking.
- Concerns over access arrangements for emergency vehicles.
- Concerns over the location of the refuse store.
- The details on the application forms are incorrect.
- Loss of privacy.
- Only bungalows should be built.
- The garden area too small resulting in a noise impact on neighbours.
- Concerns over exhaust omissions.

Nottinghamshire County Council Highway Authority - initially advised that they would be unable to support the proposed development of the site as the tree to the frontage of the site, which is located within the pavement, restricts the width of the proposed access into the site and restricts visibility to the proposed access.

However, following the advice of the County Council's Forestry Officer in respect to the highway tree, who considers that the tree is in a poor state of health and should therefore be removed, there are no objections to the proposed development of the site in respect to highway safety issues however a number of standard conditions are suggested by the Highway Authority.

Forestry Officer – initially advised that a full tree survey should be submitted in order to take account of how the highway tree to the frontage of the site will be affected and how underground utilities to the site will be achieved.

However, following an inspection of the highway tree on site it was established that the highway tree to the frontage of the site is in a poor state of health and should be removed. A replacement tree should be provided in the near vicinity.

Nottinghamshire Wildlife Trust – no objections but nesting birds should be protected and therefore works to develop the site should be undertaken outside of the bird breeding season. In addition, existing hedgerows should be retained and enhanced where appropriate.

Severn Trent Water – no objections.

Planning Considerations

The main considerations in the determination of this planning application are whether the proposal is an acceptable form of development on the site, the impact on neighbouring properties and the area in general and whether there are any highway safety implications arising from the proposal.

The relevant national 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.

Gedling Borough adopted the Gedling Borough Aligned Core Strategy (GBACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Replacement Local Plan referred to in Appendix E of the GBACS.

- Policy 10 - Design and Enhancing Local Identity.

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

- Policy ENV1 – Development Criteria.
- Policy H7 – Residential Development on Unidentified Sites within the Urban Area and Defined Village Envelopes.
- H16 – Design of Residential Development.

As the site is situated within the urban area there are no objections in principle to its redevelopment for residential purposes.

I note that planning permission was previously refused under application reference 2013/0646 for the development of the site for four dwellings for the reasons as set out above.

In my opinion, as the dwelling labelled as unit 1 has been reduced in size and the dwellings have been repositioned on the site to allow for more amenity space to serve the dwellings, together with more open space within the site, I am satisfied that the proposed development of the site overcomes the previous refusal reasons in terms of the intensity of the development and its impact on the character of the area.

In this respect, it is my opinion the site is large enough to accommodate the proposed dwellings without resulting in an over-intensive use of the site, the dwellings are visually acceptable within the streetscene and would not be out of character with the surrounding area.

In respect to the impact of the proposed dwellings on neighbouring properties, I am satisfied that the relationship of the proposed dwellings with existing neighbouring properties, given that the dwellings have been repositioned on the site together with their design, there would be no undue overbearing or overshadowing impact onto neighbouring properties.

I am also satisfied that the relationship of the proposed dwellings is satisfactory with the dwellings resulting in no undue overbearing or overshadowing impact onto each other.

In my opinion the proposed single garage given its scale and siting would be visually acceptable and would result in no undue impact on neighbouring properties or the proposed dwellings in terms of any overbearing or overshadowing impact.

In respect to the potential overlooking impact from the proposed dwellings onto neighbouring properties I am satisfied given the relationship of the dwellings to neighbouring properties and the positioning of the windows to the dwellings there would be no undue overlooking impact from the majority of the windows onto neighbouring properties.

In respect to the impact of the proposed development on the flats which share the north west boundary of the application site I am satisfied, given that flats 46 to 60 are located at an angle to the application site and are set between 4 metres and 11 metres to the boundary of the site and flats 78 to 84 are also set at an angle and located between 3.5 metres and 11 metres to the boundary of the application site there would be no significant overbearing, overshadowing or overlooking impact on these existing flats from the proposed development.

I am also mindful that with the attachment of a condition regarding the submission of details relating to the means of enclosure of the site and the individual plot boundaries, privacy to neighbouring properties together with privacy between the proposed dwellings would be protected.

However, I do note that two windows are proposed to be inserted in the first floor front elevation of the dwelling labelled as unit 1 which would serve en-suite rooms, given that these windows are in close proximity to the existing dwelling at no. 8, Northcliffe Avenue I would suggest that these windows are conditioned to be obscure glazed at all times.

I also note that two first floor side elevation windows are proposed to be inserted to the side elevation to the dwelling labelled as plot 4. However these windows, whilst adjacent to the existing dwelling no. 2b, Northcliffe Avenue, would just look over the roof of this neighbouring dwelling and would not unduly affect the privacy of this neighbouring dwelling.

In respect to the proposed positioning of the refuse store on the site, I am satisfied that with the attachment of conditions relating to the submission of details of the boundary treatment around the bin store, this would be visually acceptable.

Should problems occur in terms of smells emanating from the bin store these can be controlled under separate legislation to planning.

In respect to the impact of the proposed development on the highway tree, following the Forestry Officer's inspection of the tree which confirmed that the tree is in a poor state of health and needs to be removed, there are no objections to the proposed development of the site given that the highway tree is proposed to be felled.

I note that the Highway Authority has, following the receipt of information that the highway tree is proposed to be removed, raised no objections to the proposal and I am therefore satisfied that there are no highway safety implications arising from the proposal.

I am satisfied that the submitted details together with inspection of the site the application can be adequately assessed.

I note the comments of the Nottinghamshire Wildlife Trust and consider that should planning permission be granted a note is attached to the permission drawing the applicant's attention to the comments received.

In respect to the possible retention of hedging at the site as recommended by the Wildlife Trust I would advise that should permission be granted a condition as stated above would be attached requiring the submission of details relating to the means of enclosure of the site and therefore consideration would be given at this stage as to whether or not any of the hedgerows could be retained as an existing means of enclosure of the site.

Accordingly, I recommend that planning permission 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 shall be built in accordance with the details as set out within the application forms received on the 27th February 2014 and the plans received on the 27th February 2014.
3. 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 and the garage. Once these details are approved the dwellings and garage shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.

4. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of enclosure of the site and the individual plot boundaries. Once these details are approved the development shall be carried out in accordance with the approved details. The proposed means of enclosure shall be erected before the dwellings are first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.
5. Before development is commenced there shall be submitted and approved by the Borough Council precise details relating to the landscaping of the site. This shall include the position, type and planting size of all trees and shrubs proposed to be planted. 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.
6. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of surfacing of the unbuilt on portions of the site. Once these details are approved the development shall be carried out in accordance with the approved details and be completed in accordance with the approved details before the dwelling is first occupied.
7. No works permitted under Class A, B, C, D and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (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.
8. The shared private driveway shall be laid out to a width of not less than 5.25 metres for at least 5.0 metres back from the nearside edge of carriageway and 4.8 metres thereafter and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.
9. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
10. 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 and the parking areas retained thereafter.

11. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
12. The gates to the refuse store shall open inwards only, and not onto the private driveway.
13. The first floor side elevation windows serving the stairwells to the end two dwellings shall be obscure glazed and either fixed shut or have small top hung opening windows at all times.
14. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of the enclosure of the refuse storage area, this shall include details of the materials to be used in the construction of the refuse storage area. Once these details are approved the development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
15. The first floor front elevation windows serving the en-suites to Plot 1 shall be obscure glazed at all times.
16. No part of the development shall be brought into use until the tree located within the highway to the front of the site has been felled and removed in its entirety.

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 the materials to be used in the construction of the dwelling are appropriate, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
4. To ensure that the means of enclosure of the site are appropriate in terms of appearance and protect the privacy of the proposed and neighbouring

dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).

5. To ensure that the site appears visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
6. To ensure that the materials are visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
7. To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local plan (Certain Saved Policies 2014).
8. In the interests of highway safety.
9. In the interests of highway safety.
10. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)
11. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
12. To ensure that the driveway width is not reduced, and allows 2 cars to pass side by side.
13. To ensure that the proposal results in no undue overlooking impact onto neighbouring properties, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
14. To ensure that the means of enclosure of the storage area appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
15. To ensure that the proposal results in no undue overlooking impact onto neighbouring properties, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan (Certain Policies Saved 2014).
16. In the interests of highway safety.

Reasons for Decision

The proposed development of the site would result in no undue impact on undue impact on neighbouring properties, the area in general and there are no highway safety implications arising from the proposal. As the highway tree is proposed to be felled the proposal will result in no undue impact on any trees. The proposal therefore accords with policies ENV1, H7 and H16 of the Gedling Borough Council

Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough.

Notes to Applicant

You are advised to contact the Arboricultural Team at Nottinghamshire County Council on 0300 500 80 80 to arrange for a replacement tree at be planted along Northcliffe Avenue.

The proposal makes it necessary to widen the 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.

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

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 drawn to the attached letter from the Nottinghamshire Wildlife Trust.

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.