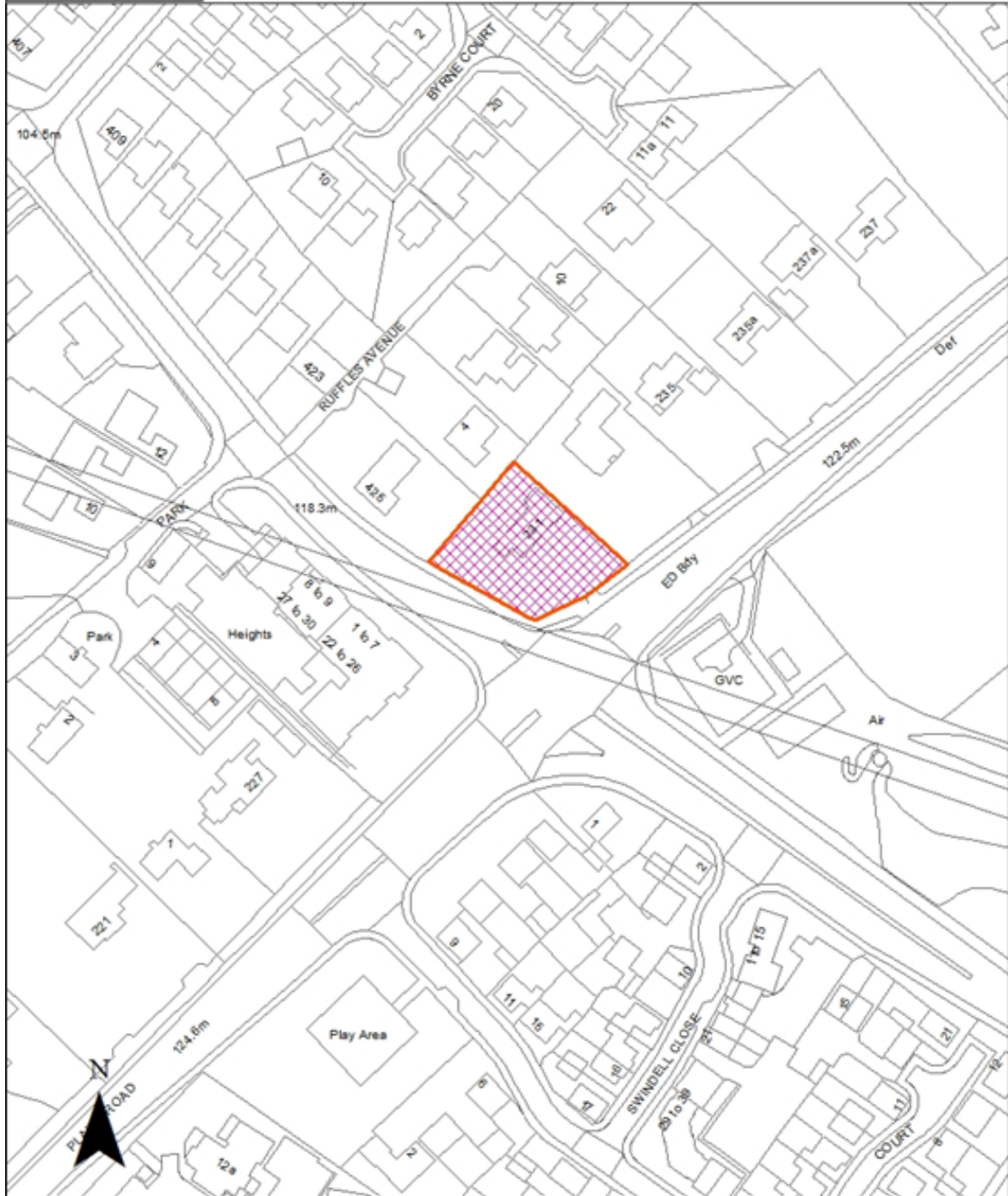




Application Number: 2015/0941

Location: Proposed 231 Mapperley Plains, Arnold, Nottinghamshire.



NOTE:
This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2015/0941
Location:	Proposed 231 Mapperley Plains, Arnold, Nottinghamshire.
Proposal:	Variation of Condition 2 and removal of Conditions 4 and 8 of Application 2013/1003 (Erect two storey house following demolition of existing bungalow) relating to amended plans, landscaping and tree protection measures.
Applicant:	Mr Azar Yousaf
Agent:	Mr Michael Wakerley
Case Officer:	Ashley Langrick

This planning application has been referred to Planning Committee by Delegated Members' Panel.

Site Description

The application site relates to a plot of land on the corner of Gedling Road and Mapperley Plains in Arnold. A detached bungalow previously occupied the site, however, following previous planning permissions as well as the partial discharge of planning conditions, the bungalow has now been demolished and a replacement two storey property is in the process of being erected.

The closest neighbouring properties to the site are 233 Mapperley Plains Road, a large detached two storey dwelling located to the north east of the site, and 4 Ruffles Avenue, a detached bungalow located immediately to the rear of the site. The boundary treatment separating the site from the neighbouring dwellings comprises an approximately 2 metre high concrete panel fence. The outside perimeter of the site presently comprises temporary boarding erected during the period of construction.

Despite previous conditions, existing trees within the site were removed, so very little by way of trees and vegetation now remain on the site (to be discussed in more detail under the 'Planning Considerations' section). In terms of land levels the site itself is relatively flat but the land falls away beyond the site boundary to the north-west.

With regard to the Proposals Map comprising the Gedling Borough Replacement Plan (2005), the site is located within the established urban residential area of Arnold.

Planning History

2013/1003 – Erect two storey house following demolition of existing bungalow.

2014/0533 - Revised Scheme for Site Entrance including Dropped Kerb on Gedling Road for single dwelling on site of 231 Mapperley Plains Road.

2014/1385DOC – Formal discharge of planning conditions in relation to erect two storey house following demolition of existing bungalow (2013/1003).

Proposed Development

Following the approval of detailed planning permission for the erection of a two storey house to replace a bungalow, the applicant sought to discharge planning conditions. In between these applications a separate submission was granted to provide a revised scheme of access/egress arrangements, including the dropping of a kerb onto Gedling Road.

With regard to the formal discharge of condition submission, a letter was sent to the applicant's agent in June 2015 to discharge a number of planning conditions. Significantly, the letter also refused to approve a condition (no. 4) relating to a landscaping scheme and the method of tree protection as a result of the removal of a number of trees from the site. Linked to condition 4 was condition 8 which sought to ensure that the tree protection measures detailed within the submitted tree survey were put in place prior to commencement of development.

The changes to the access arrangements separately approved under application 2014/0533 and a change in the proposed construction materials also effectively breached condition 2 of the original planning permission (which related to specific drawing numbers).

In dealing with the previous Discharge of Condition Application, the Officer therefore advised that a Removal/Variation of Condition Application should be made to the Borough Council to seek approval for all of the changes by varying condition 2 and removing conditions 4 and 8 of the original planning permission.

This application therefore follows the previous advice.

Consultations

Nottinghamshire County Council (Highway Authority) – No comments received.

Arboricultural Officer – No comments received.

Neighbouring properties were notified of the proposal and the application advertised via a Site Notice – I have received one letter of representation as a result. The letter was dated 24th May 2015 which evidently related to previous concerns including the removal of trees, the use of the site fencing for advertising, inappropriate car parking, and damage to boundary walls between properties.

In addition, a section was added to the above letter on 9th September 2015 in relation to the present application. The concern is in relation to what landscaping is being proposed following the destruction of all trees, which was against the Planning Conditions set out in the permission dated 29th January 2014.

Planning Considerations

The main planning issues involved in the determination of this application are whether the proposed development would have a material impact on the character and appearance of the site and wider street scene through the loss of the trees, the impact of the proposal on neighbouring residential amenity and the impact on highway safety.

Gedling Borough adopted the Aligned Core Strategy (ACS) on 10th September 2014 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 ACS.

The following ACS policy is relevant:

- Policy 10: Design and Enhancing Local Identity

Policy 10 of the ACS looks at design and enhancing local identity and reflects the guidance contained in both the NPPF and the Replacement Local Plan policies.

The main local planning policy for this application comes from Policies ENV1, H7 and H16 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2008).

Policy ENV1 (Development Criteria) states;

'Planning permission will be granted for development provided it is in accordance with other Local Plan policies and the proposals meet the following criteria:-

- a. it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials;
- b. it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated;
- c. development proposals are to include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles. In this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children;
- d. it incorporates crime prevention measures in the design and layout in terms of good lighting levels, natural surveillance, defensible space and well considered layouts and landscaping;

- e. it does not prejudice the comprehensive development of a development site, and
- f. it incorporates best practice in the protection and management of water resources.'

Policy H7 (Residential Development on Unidentified Sites Within the Urban Area and the Defined Village Envelopes) states that;

Planning 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:

- a. 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;
- b. 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; and
- c. it is not contrary to other policies contained in this Local Plan.

Policy H16 (Design of Residential Development) states that-

Planning permission will be granted for new residential development if the following design criteria are met:

- a. dwellings should be sited and designed to relate to each other and to the roads, footpaths and open spaces in the surrounding layout;
- b. residential development should be laid out and designed in such a way as to reduce the risk of crime;
- c. the proposals are of a high standard of design which has regard to the surroundings and does not adversely affect the area by reason of their scale, bulk, form, layout or materials;
- d. dwellings should conserve energy and use it efficiently.

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) Whether there would be an adverse impact on neighbouring properties;
- b) The impact of the proposal on the wider street scene;
- c) The impact of the proposal on highway safety.

Each of the above aspects are considered in detail below.

Residential amenity

The scale and location of the proposal remain the same as that approved in the original planning permission (ref. 2013/1003). In this context, the proposed building itself does not introduce any further concerns in relation to the usual amenity considerations including overlooking, overshadowing or massing.

Notwithstanding the above, as a result of the removal of a number of trees within the site, it is still necessary to carefully consider whether this action results in any amenity concerns.

With regard to the impact on the neighbouring property at 233 Mapperley Plains, I am of the opinion that the removal of the trees from the site between these properties does not introduce any neighbouring amenity concerns. With reference to the Tree Survey that was submitted to comprise part of the original application documentation, the trees along the common boundary with no. 233 were towards the front of the plot and therefore had no beneficial screening effect between both dwellings.

Moreover, as acknowledged by the Officer who previously dealt with the planning application for the dwelling, the built form of the proposal would not be positioned any closer to the shared boundary with the neighbouring property than the previous bungalow. In addition, the main bulk of the proposed dwelling would be located off this boundary and the first floor windows facing no. 233 are to be obscurely glazed.

Moreover, no access onto the garage roof was previously permitted and this can again be controlled by the imposition of a planning condition.

Turning to the amenity levels of the existing dwellings to the rear of the application site i.e. those on Ruffles Avenue, I note that whilst the trees removed were likely to have had some positive screening effect between the properties, I consider their contribution towards preventing any specific overlooking to be negligible owing to the level of established trees and landscaping on the properties to the rear (which are still in situ).

With regard to all of the above, I am of the opinion that the proposal would not result in any material impact on neighbouring residential amenity on the properties adjoining the site as a result of the removal of the trees.

I am therefore of the opinion that the proposal complies with criteria b. of Policy ENV1 as well as the requirements of Policy 10 of the ACS.

Impact on street scene

In the initial application for the erection of a replacement dwelling, the applicant submitted a Tree Survey identifying the trees on site and the method of protecting them during construction. Whilst the Borough Council was satisfied that the established trees were being retained to help assimilate the development into its setting, the trees were not considered to be worthy of a Tree Preservation Order in the interests of visual amenity.

By subsequently removing the trees the applicant operated in breach of condition 8 of 2013/1003 (protecting the trees during the construction phase) and therefore this present application seeks to regularise the situation by removing condition 8.

Whilst I consider that the trees would have helped assimilate the proposal into the site, I do not consider that their removal has had a significant impact on the character and appearance of the wider area.

It is therefore my opinion that the proposal would satisfy the criteria of Policy H7 (Residential Development on Unidentified Sites Within the Urban Area and the Defined Village Envelopes) insofar as it would not result in the loss of any features which make an important contribution to the appearance of the area. The proposal is also considered to accord with the requirements of Policy 10 of the ACS.

Notwithstanding the above, careful consideration has been given towards the detail of a landscaping scheme submitted during consideration of the application, in particular, the need for a number of trees to be planted within the confines of the application site. Indeed, the scheme includes six 12 – 14cm RB *Pyrus calleryana* 'Chanticleer' (common name Callery pear) trees to be planted around the edge of the site. As these species mature they will have a positive contribution in street scene terms and, in my opinion, ultimately a more beneficial impact than the trees that were previously on the site.

I am therefore satisfied with the overall landscaping scheme proposed which can be adequately controlled by way of a suitably worded planning condition ensuring its implementation. With this in mind it is therefore not necessary to re-impose a condition requiring a landscaping scheme to be submitted, hence the removal of condition 4 of the original permission.

The highway implications of the development

As previously discussed, in between the granting of the original planning permission for the replacement dwelling (2013/1003) and the discharge of planning conditions (2014/1385DOC), an application was submitted for a revised scheme for the site entrance including dropped kerb onto Gedling Road (2014/0533). No objections were raised from a highway safety perspective subject to conditions and the submission was subsequently granted planning permission.

In the above context, the current proposal seeks to replace the plans approved under the original permission which were controlled by planning condition 2 for the avoidance of doubt. From a highway perspective, I am therefore of the opinion that the proposal introduces no further implications and is more of an administrative matter.

In making adequate provision for the safe and convenient access and circulation of vehicles the proposal accords with the requirements of criteria 1 of Policy ENV1 of the Replacement Local Plan.

I am also satisfied that the proposal continues to include an adequate level of off

street parking in accordance with the aims of the adopted Parking Provision for Residential Development SPD which requires 2 No. off street parking spaces for dwellings with 4 or more bedrooms.

The planning conditions previously imposed on the application for a 'revised scheme for site entrance including dropped Kerb on Gedling Road' (ref. 2014/0533), which were primarily highway related, can be imposed in the interests of highway safety.

Other matters

In reviewing the detailed elevations submitted with the application, an area of 'feature wall tiling' was noted on the front elevation (south east facing). The precise detail of such was clarified with the applicant's agent who confirmed that this area would be constructed using white 'Krión cladding' which would be back lit with LED's. A further drawing was subsequently supplied to show this detail more clearly which also formed a section of the side elevation facing south west.

The level of illuminance of the backlighting has been clarified to ensure acceptability in terms of highway safety and amenity. The applicant has confirmed that a 1 metre of LED strip is 960 lumens and beam angles is 120 degrees = 305.5 candela, but this is at 1 metre distance. More significantly, the lights are fitted behind a 12 mm tile so would not be directly visible, only a glow on the edges of the tile would be visible, therefore the candela would be significantly reduced.

The most appropriate way of assessing the level of candelas emitted from the LED's is to use the standing advice from Nottinghamshire County Council Highways.

The Institution of Lighting Engineers Technical Report No. 5 – 3rd Edition (2001) is used to assess acceptable lighting levels and to calculate appropriate luminance limits for signs. This technical report provides guidance on the methods of measurements and the control of illuminated advertisements. In this instance, the LED's are purely for design/aesthetic purposes not advertisements. There is a limit of luminance to be imposed as a condition of consent and a table within the report provides recommendations for maximum luminance in candelas per square metre.

The advice consequently identifies that in the case of an area zoned as 'Medium district brightness area (e.g. small town centres, urban locations)' the maximum level of illuminance should be 800 cd/sq.m for up to 10 sq.m and 600 cd/sq.m for over 10 sq.m.

In this instance, at 305 candelas the illuminance from the LED's is well below the guidance and, as identified above, is further mitigated owing to the distance of the LED's to the boundary of the site and that the lights are behind the tiling. As such, I am of the opinion that the proposed feature walls are acceptable.

A condition can be imposed to adequately control the level of illuminance and condition 2 varied to relate to the substitution of plans.

Conclusion

Given all of the above, I am satisfied that the proposal accords with the aims of Policy 10 of the ACS and Policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies 2008) and I therefore recommend that the variation of condition 2 (plan references) and removal of conditions 4 (landscaping) and 8 (tree protection measures) of application 2013/1003 are granted.

Recommendation:

To Grant Removal/Variation of Condition.

Conditions

1. This permission relates to the approved plans Ref. 214-377-P01 'Location Plan', 214-377-P02 'Floor Plans', 214-377-P03 'Elevations', 214-377-P04 'Sections AA + BB', 214-377-P05 'Site Plan', 214-377-P06 'Boundary Wall', 214-377-P07 'Flat Roof Layout', the details contained in the Application Form, the email received on 8th September 2015 with regard to construction materials and the detail of the 'feature wall tiling' and the email received on 10th September 2015 attaching the 'Planting Plan', the 'Landscape Layout - Isometric' and the 'Landscape Layout' all dated 6th November 2014.
2. Prior to the dwelling being first occupied, the means of enclosure as shown on drawing ref. 214-377-P06 'Boundary Wall' and 214-377-P05 'Site Plan' shall be erected.
3. No works permitted under Class A, B, C, or D 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.
4. Notwithstanding the approved plans, there shall be no access to the garage flat roof from the first floor of the proposed dwelling.
5. The approved 'Landscape Plan' dated 6th November 2014 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. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
7. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary. The surfaced driveway

shall then be maintained in such hard bound material for the life of the development.

8. No part of the development hereby permitted shall be brought into use until the driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the 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.
9. The access hereby approved onto Gedling Road shall serve one dwelling only.
10. The illumination of the 'feature walls' identified on drawing numbers PR-01 and PR-02 comprising part of the email received on 8th September 2015 shall not exceed a level of 305.5 candelas, and the means of illumination must not be intermittent, pulsing or flashing kind.

Reasons

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.
2. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
3. In order to protect the residential amenity of the site and adjoining dwellings, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
4. In order to protect the amenity of neighbouring properties in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
5. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.

9. In the interests of highway safety.
10. In the interest of neighbouring amenity and highway safety.

Reasons for Decision

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, and introduces no highway concerns. The proposal therefore accords with the requirements of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy (2014) and ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During consideration of the planning application the changes made since the original approval (2013/1003) were clarified with the Applicant's Agent for the avoidance of doubt. The Applicant was also given the opportunity to submit a landscaping scheme during the processing of the application to ensure that a pre-commencement condition is not imposed. Moreover, as it became apparent that two street scene facing elevations would contain an element of 'feature wall tiling' backlit with LED's the level of illuminance was sought to ensure no adverse impact on amenity.

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.

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.