

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Land At Site Of Duffield Court, Flaxton Way

1 SUMMARY

Application No: 12/02933/PFUL3 for planning permission

Application by: Pelham Architects on behalf of Nottingham Community Housing Association

Proposal: Erection of 22 dwellings.

This application is brought to Planning Committee because officers are recommending the approval of the application without the full S106 planning obligations relating to public open space, as required by adopted planning policies.

To meet the Council's performance targets this application should be determined by 5th February 2013.

2 RECOMMENDATIONS

GRANT PLANNING PERMISSION subject to the conditions listed in the draft decision notice at the end of this report.

Power to determine the final details of the conditions to be delegated to the Head of Development Management.

3 BACKGROUND

- 3.1 The application relates to a brownfield site formerly occupied by a Nottingham City Homes Sheltered Housing scheme. The site has been cleared and is now grassed and enclosed by security fencing. Properties to the south, on Flaxton Way, face onto the application site whilst the north boundary of the site adjoins the rear boundaries of properties on Bakewell Drive. The site slopes generally from the south down to the north with properties fronting onto the site located at a higher ground level and properties backing onto the site, at a lower ground level.
- 3.2 The site is surrounded by footpaths providing pedestrian routes between surrounding residential streets. There is no vehicular route through the site.
- 3.3 The site is defined as a Primarily Residential Area within the Local Plan.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full application for 22 dwellings consisting of 2 four bedroom houses, 8 three bedroom houses and 12 two bedroom houses. Nine of the properties would be constructed to Lifetime Homes standards. The site would be 100% affordable to

be provided by Nottingham City Homes and the mix of housing responds to the identified housing need within this area.

- 4.2 The proposed layout has been designed to provide a link between existing properties on Flaxton Way (to the south west of the site) and Whitworth Rise (to the north east). However, following consultation with Local Residents, this has been restricted to a pedestrian only access with no vehicular through route.
- 4.3 The proposed dwellings would all be two storey and would reflect the surrounding terraced format. However, the properties proposed along the northern perimeter would be split level and when viewed from the front, would appear as bungalows, responding to the topography of the site.
- 4.4 The properties would be constructed using traditional materials to reflect the local vernacular with red brick elevations and mock slate roofs. Panels of render and timber cladding would be used to articulate the elevations and add variety and interest the properties.
- 4.5 The developer has committed to working with the Council's Employment & Skills team to deliver local employment and training opportunities for construction workers. That would be secured as part of the terms of the land ownership agreement with the City Council.

5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS

Adjoining occupiers consulted:

The application has been advertised by site notices, an advertisement has been published in the press and the following neighbours have been consulted:

96A, 96B, 98-118 (evens) Bakewell Drive
9-23 (odds) and 43-51 (odds) Whitworth Rise
50-66 (evens) Horsham Drive
25, 32-42 (evens) 49-55 (odds) Flaxton Way

The consultation period expired on 5th December 2012.

1 letter of objection has been received raising the following objection;

- The land should have been developed as open space for local children to play. Children will now be playing on an unsafe building site.

Additional consultation letters sent to:

Pollution Control: No objection

Highways: No objection. Recommendations made in relation to surfacing materials and provision for blind/partially sighted people. A condition requiring the submission of these details is recommended.

Biodiversity Officer: No objection. Recommendations in relation to the landscaping scheme have been made. A condition requiring the submission of a detailed landscaping scheme is recommended.

Tree Officer: No Objection.

Heritage and Urban Design: Scheme is welcomed. The proposed dwellings would reflect the terraced format of existing surrounding properties and have been designed to respond to the topography of the site. The scheme proposes the use of good quality materials which would provide interest and distinctiveness to the dwellings. The use of a shared surface approach to the highways would improve pedestrian priority. The scheme would enhance the appearance of the area.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – complies

H2 – Density – complies.

H3 - Appropriate Housing Types – complies

H5 - Affordable Housing – complies

BE3 - Building Design – complies

BE4 - Sustainable Design – complies

BE5 - Landscape Design – complies

BE2 - Layout and Community Safety – complies

NE5 – Trees – complies

NE14 - Renewable Energy – complies

T3 - Car, Cycle and Servicing Parking – complies

R2 - Open Space in New Development – Does not comply.

National Planning Policy Framework (2012) – complies.

7. APPRAISAL OF PROPOSED DEVELOPMENT

Main Issues

- i) Principle of the Development
- ii) Design considerations
- iii) Highway considerations
- iv) Impact upon residential amenity

Issue i) Principle of the development (Policies ST1, H2, H3, H5 and NPPF)

- 7.1 The proposal relates to existing housing land which lies within a primarily residential area as identified in the Local Plan and as such the principle of residential development is acceptable.

- 7.2 The National Planning Policy Framework (NPPF) advises that there is a presumption in favour of sustainable development and that development which is sustainable should be approved. The scheme development is located in a sustainable location, close to local facilities and a range of transport options.
- 7.3 The NPPF supports the delivery of a wide choice of high quality homes, the widening of opportunities for home ownership and the creation of sustainable inclusive mixed communities. An assessment of the social housing stock within the area has identified a need for a sustainable mix of housing. The proposal to develop a mix of 2, 3 and 4 bedroom houses, 9 of which would be constructed to lifetime homes standards, is therefore considered to be appropriate in this location and responds to the identified local need. The scale and layout of the proposed dwellings would be appropriate for the intended tenure. The proposal would therefore comply with the NPPF and policies ST1, H2, H3 and H5 of the Local Plan.

Issue ii) Design Considerations (Policies BE3, BE4 and BE5)

- 7.4 Local Plan policies and the NPPF recognise the importance of design in making places better. The NPPF states that decisions should not attempt to impose architectural styles and that great weight should be given to schemes that raise the standard of design in the area.
- 7.5 The proposed layout successfully responds to the existing surrounding residential developments and provides greater permeability for pedestrians with links between Flaxton Way and Whitworth Rise. The properties provide active frontages with surveillance onto the streets and secure private rear gardens. The scale of the dwellings is appropriate for the tenure and they have been designed to provide a suitable mix of accommodation sizes.
- 7.6 The architectural treatment of the dwellings is considered to provide variety and interest with a mix of brick and render and mock slate roofs. Timber cladding detail to some of the elevations provides additional interest and distinctiveness to the scheme. The properties would take the appearance of terraces but would have covered alleyways providing access through the private rear gardens. The proposals would therefore comply with policy BE3.
- 7.7 The scheme proposes in-curtilage parking to the front and sides of the majority of dwellings and some on street parking in the form of designated bays at the side of the carriageway. The boundary enclosures would comprise low level railings to frontages and timber fencing to rear boundaries. Bin storage, including waste recycling provision would be incorporated to the rear (with the exception of plots 13-20 which would provide storage within the front gardens) in accordance with policy BE3g).
- 7.8 Communal planting and street trees would be incorporated within the public realm and a mix of native species is proposed. A number of mature trees on the periphery of the site would be retained and appropriate protection is proposed. The proposal would therefore comply with policy BE5.

Issue iii) Highway considerations (Policies BE2 and T3)

- 7.9 As a redevelopment of this existing residential area, the proposed development would not have a significant impact upon the surrounding highway network in terms

of traffic generation and access. A developer consultation exercise with local residents prior to the submission of the current application identified concerns about the potential linking of traffic between Flaxton Way and Whitworth Rise. As such, the route has been blocked as a vehicular through-route.

- 7.10 As amended, the development would adopt a shared surface approach to footways and carriageways. All areas would be surfaced with block-paving, with the exception of the on-street parking bays which would be surfaced with Tarmac. A condition requiring details of provisions for blind and partially sighted people, is recommended. The permeability of the block paving would provide sufficient surface water drainage across the site.
- 7.11 Parking provision would be provided through a mix of off-street parking on driveways and on-street bays and this is considered to be acceptable in this location. Highways have raised no objections to the development, subject to conditions and on this basis, The development complies with policies BE2 and T3.

Issue iv) Impact upon Residential Amenity (Policy BE3)

- 7.10 The proposed layout has been designed to ensure that there would be no adverse impact upon the amenities of nearby existing residents and future occupants of the new development. The layout responds to the topography of the site and the levels of surrounding existing properties. The provision of split level properties along the northern perimeter of the site, would prevent any significant impact upon the existing properties on Bakewell Drive, through overlooking and loss of privacy. Interface distances between the proposed dwellings, are considered to be sufficient. The development would therefore comply with policy BE3.

Other Matters (Policy R2)

- 7.11 In accordance with Policy R2 and the Planning Guidance for the Provision of Open Space Within Developments SPG a financial contribution is required towards the upgrade or improvement of open space within the area. Financial contributions would normally be secured by s106 obligation. However, the applicant has requested that the financial contribution for Open Space be waived on viability grounds. This is a 100% affordable housing development and as such there is no profit element of the scheme. Furthermore, it has been demonstrated that the lack of any grant subsidy means funding for the scheme is extremely restricted. Given this, any request for a financial contribution is likely to result in the scheme being undeliverable. The provision of affordable family housing in this location is considered to outweigh the lack of planning obligations in this instance.

8. SUSTAINABILITY / BIODIVERSITY (Policies BE4, NE5 and NE14)

- 8.1 The proposed development would be constructed using a fabric first approach to provide highly insulated buildings to reduce energy at source. This would ensure that the 10% reduction in carbon emissions target, would be exceeded. The development would achieve Code For Sustainable Homes Level 3.
- 8.2 An ecological report concluded that whilst there is no evidence of protected species on the site, nesting birds could be affected due to the clearance of habitats in trees. However this would only be applicable during bird breeding season. The Biodiversity Officer has recommended that the clearance of trees and shrubs takes place outside of this season.

- 8.3 The Biodiversity Officer has also recommended that more native species be included within the landscaping scheme. The developer is aware of this requirement and a detailed landscaping scheme is to be requested by condition.
- 8.4 The development would involve the loss of some of trees in order to facilitate development on the site. However the trees of high amenity and biodiversity value are proposed to be retained in accordance with policy NE5. To compensate for tree loss, further tree planting is proposed as part of the landscaping scheme, which should be predominantly native species.

9 FINANCIAL IMPLICATIONS

None.

10 LEGAL IMPLICATIONS

The issues raised in this report are primarily ones of planning judgement. Should legal considerations arise these will be addressed at the meeting.

11 EQUALITY AND DIVERSITY IMPLICATIONS

None.

12 RISK MANAGEMENT ISSUES

None.

13 STRATEGIC PRIORITIES

Neighbourhood Nottingham – providing a high quality sustainable residential Development.

Safer Nottingham – Maximising community safety with well designed and secure properties and streets that facilitate good natural surveillance.

14 CRIME AND DISORDER ACT IMPLICATIONS

2.The scheme would provide improved surveillance and community safety. An application for ‘Secure By Design’ recognition, has been submitted by the developers.

15 VALUE FOR MONEY

None.

16 List of background papers other than published works or those disclosing confidential or exempt information

1. Application No: 12/02933/PFUL3 - link to online case file: <http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12/02933/PFUL3>;
2. Observations of Biodiversity Officer, dated 19/11/12
3. Observations of Tree Officer, dated 22/11/12
4. Observations of Highway Officer, dated 28/11/12
5. Observations of Pollution Control Section, dated 07/01/13

6. Third Party representation, dated 16/11/12

17 Published documents referred to in compiling this report

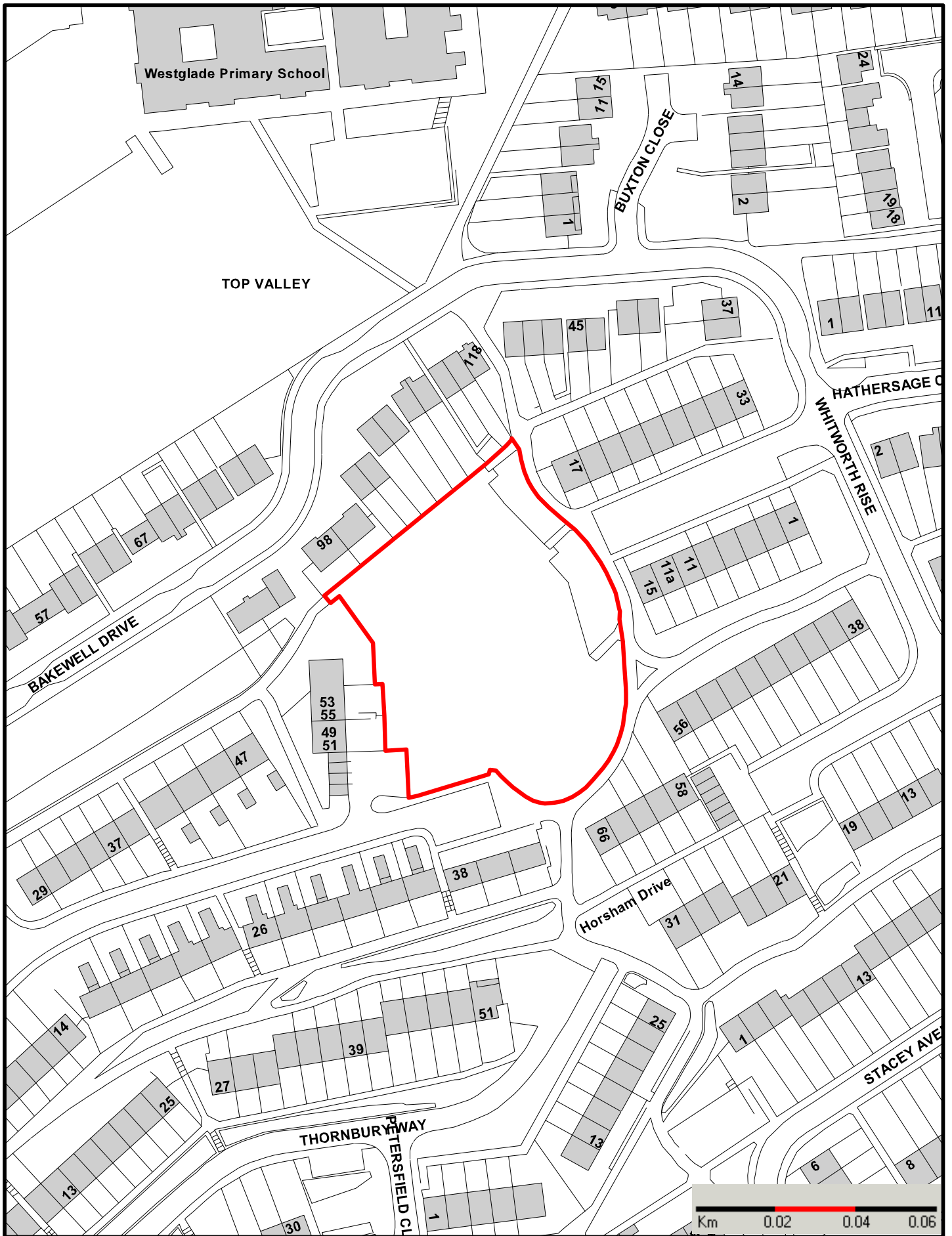
Nottingham Local Plan (November 2005)

Supplementary Planning Guidance: Planning Guidelines For the Provision of Local Open Space in New residential Development (updated 2011)

Contact Officer:

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Nottingham
City Council

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Your Ref:
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Date of decision:

**TOWN AND COUNTRY PLANNING ACT 1990
APPLICATION FOR PLANNING PERMISSION**

Application No: 12/02933/PFUL3 (PP-02204948)
Application by: Nottingham Community Housing Association
Location: Land At Site Of Duffield Court, Flaxton Way, Nottingham
Proposal: Erection of 22 dwellings.

Nottingham City Council as Local Planning Authority hereby **GRANTS PLANNING PERMISSION** for the development described in the above application subject to the following conditions:-

Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Pre-commencement conditions

(The conditions in this section require further matters to be submitted to the local planning authority for approval before starting work)

2. The development shall not be commenced until details of the external materials of all buildings have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

3. The development shall not be commenced until a detailed landscaping and planting scheme, for the development indicating the type, height, species and location of proposed trees and shrubs, has been submitted to and approved in writing by the Local Planning Authority. This should include details of native species.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

4. The development shall not be commenced until details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

5. No equipment, machinery or materials shall be brought onto the site in connection with the development until an arboricultural method statement (AMS) detailing tree protection measures in accordance with BS 5837:2005 [Trees in relation to construction: Recommendations] has been submitted to and approved by the Local Planning Authority. The AMS shall address not only tree protection but also the method of working and the detail of construction within the root protection area (RPA) of retained trees. Tree protection shall remain in place for the duration of the development and shall not be removed until all equipment, machinery and surplus materials have been removed from the site.

Reason: To ensure that existing trees are safeguarded during construction in accordance with Policy NE5 of the Local Plan.

6. The development shall not be commenced until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the type, size and frequency of vehicles to/from the site, haul routes (if any), staff parking provision, site security, traffic management plans, wheel cleaning facilities and measures to prevent the deposit of debris on the highway and, a timetable for its implementation. Thereafter the construction plan shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid prejudice to traffic conditions within the vicinity of the site and to safeguard the amenities of neighbouring residents in accordance with Policies BE2 and NE9 of the Local Plan.

7. Notwithstanding sdetails shown on the approved plans, the development shall not be commenced until details of hard surfacing have been submitted to and agreed in writing with the Local Planning Authority. This should include details of tactile paving and the alignment of the upstand of the footway.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development will be satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

8. The development shall not commence until surface water drainage proposals have been submitted to and approved in writing by the Local Planning Authority. The proposals should demonstrate a 30% reduction in the peak run-off rate.

The development shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding in the interest of sustainable development in accordance with Policy BE4 of the Nottingham Local Plan

9. Notwithstanding the details shown on the approved plans, the development shall not be commenced until details of the means of preventing vehicular access between Flaxton Way and Whitworth Rise, have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of future occupiers and in the interests of highway safety in accordance with Policies BE2 and BE3 of the Local Plan.

Pre-occupation conditions

(The conditions in this section must be complied with before the development is occupied)

10. No part of the development shall be occupied until the proposed access and garage/parking spaces for that part have been provided and surfaced with porous or permeable materials and, where appropriate, individual spaces marked out in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policies BE2 and T3 of the Nottingham Local Plan.

11. No part of the development shall be occupied until the site boundary and boundaries of individual plots within that part have been enclosed in accordance with the approved details.

Reason: In the interests of the occupiers of nearby property in accordance with Policy BE3 of the Nottingham Local Plan.

12. No part of the development shall be occupied until bin storage for that part has been provided in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy BE3 of the Nottingham Local Plan.

Regulatory/ongoing conditions

(Conditions relating to the subsequent use of the development and other regulatory matters)

13. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and any trees or plants which die or are removed or become seriously damaged or diseased within five years shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the appearance of the development is satisfactory, in accordance with Policy BE3 of the Local Plan.

Standard condition- scope of permission



Safer, cleaner, ambitious
Nottingham
A city we're all proud of

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Not for issue

Continued...

S1. Unless otherwise agreed in writing by the Local Planning Authority or modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the following drawings/documents:
Drawing reference 2162/P03 revision G, received 9 January 2013
Landscaping reference 167.01, received 18 October 2012
Drawing reference 12033 SP003 revision A, received 18 October 2012
Drawing reference 12033 SK1001 revision C, received 18 October 2012
Drawing reference 2162/P04 revision C, received 18 October 2012
Drawing reference 2162/P05 revision C, received 18 October 2012
Drawing reference 2162/P06 revision B, received 18 October 2012
Drawing reference 2162/P07 revision C, received 18 October 2012
Drawing reference 2162/P08 revision B, received 18 October 2012
Drawing reference 2162/P09, received 18 October 2012
Drawing reference 2162/P10 revision A, received 18 October 2012
Other reference TREE PROTECTION PLAN, received 18 October 2012

Reason: To determine the scope of this permission.

Informatives

1. This permission is valid only for the purposes of Part III of the Town & Country Planning Act 1990. It does not remove the need to obtain any other consents that may be necessary, nor does it imply that such other consents will necessarily be forthcoming. It does not override any restrictions contained in the deeds to the property or the rights of neighbours. You are advised to check what other restrictions there are and what other consents may be needed, for example from the landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

3. The City Council is responsible for the allocation of street names and property numbers/names. If your proposal will create a new property, through either new build or conversion, you should contact the Address Management section at an early stage of the development, if they have not already made contact by letter. The section details are: Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG; e-mail address.management@nottinghamcity.gov.uk; telephone (0115) 8765012.

They will agree an official address with you and ensure that all relevant parties are notified of it, including the emergency services and Royal Mail. This will ensure the allocation of an official and unique address for each property, avoiding any problems with location or misidentification that can arise through the use of unauthorised addresses.

4. The reason for this decision, and a summary of the policies the local planning authority has had regard to are set out in the committee report, enclosed herewith and forming part of this decision.

Where a condition specified in this decision notice requires any further details to be submitted for approval, please note that an application fee will be payable at the time such details are submitted to the City Council. A form is available from the City Council for this purpose.

Your attention is drawn to the rights of appeal set out on the attached sheet.



DRAFT⁵ ONLY
Not for issue

Continued...

RIGHTS OF APPEAL

Application No: 12/02933/PFUL3 (PP-02204948)

If the applicant is aggrieved by the decision of the City Council to impose conditions on the grant of permission for the proposed development, then he or she can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Any appeal must be submitted within six months of the date of this notice. You can obtain an appeal form from the Customer Support Unit, The Planning Inspectorate, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Phone: 0117 372 6372. Appeal forms can also be downloaded from the Planning Inspectorate website at <http://www.planning-inspectorate.gov.uk/pins/index.htm>. Alternatively, the Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal - see www.planningportal.gov.uk/pes.

The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay.

The Secretary of State need not consider an appeal if the City Council could not for legal reasons have granted permission or approved the proposals without the conditions it imposed.

In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

PURCHASE NOTICES

If either the City Council or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. This procedure is set out in Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain limited circumstances, a claim may be made against the City Council for compensation where permission is refused or granted subject to conditions by the Secretary of State. The circumstances in which compensation is payable are set out in Section 114 of the Town & Country Planning Act 1990.