

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

Site Of 1 To 10 And 12 To 20, Windmill Close

1 SUMMARY

Application No: 12/03076/PFUL3 for planning permission

Application by: Studio-G Architecture LLP on behalf of Nottingham City Homes

Proposal: Erection of 12 semi-detached dwellings.

The application is brought to Committee because officers are recommending the approval of the application without the S106 planning obligations relating to public open space and education as required by adopted planning policies.

To meet the Council's performance targets this application should be determined by 12th 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 former garage and parking area located between Windmill Close (off Windmill Lane) to north west and Walton Avenue to the south east. The site has been cleared and surfaced with turf, with a tarmac footpath running through the centre of the site. Large boulders along the north west and south east perimeters prevent vehicular access into the site. The site is defined as a Primarily Residential Area within the Local Plan.
- 3.2 There are public footpaths to the south west and north east sides of the site, beyond which are the side boundaries of nos. 126 and 128 Windmill Lane and nos. 23 and 25 Walton Avenue, all of which are residential properties. One detached property remains on Windmill Close (no. 11) and faces north west onto Windmill Lane. The application site boundary extends around the perimeter of this site.
- 3.3 Windmill Lane and Walton Avenue are characterised by terraced and semi-detached two storey dwellings. The dwellings are enclosed to the front by a mix of timber fencing and hedgerows, with the exception of the properties on the opposite side of Windmill Lane which stand at the back edge of the pavement. Existing properties on both Windmill Lane and Walton Avenue, do not benefit from off-street parking. There is a lay-by directly to the front of the application site on Watson Avenue.

- 3.4 There is one Sorbus tree within the site and a mature Lime tree within the public highway adjacent to the site on Windmill Lane.
- 3.5 Planning permission was granted in 2007 for the erection of 12 dwellings on the site (ref. 07/00266/PFUL3) following the demolition of the original properties in 2005. This permission was similar to the scheme now proposed but that was not implemented and it has now lapsed.

4 DETAILS OF THE PROPOSAL

- 4.1 This is a full application for 12 dwellings consisting of 10 three bedroom houses and 2 two bedroom houses. The development would be 100% affordable to be provided by Nottingham City Council and would be constructed to Lifetime Homes standards.
- 4.2 The proposed layout shows two pairs of semi-detached dwellings fronting onto Windmill Lane and four pairs of semi-detached dwellings onto Watson Avenue. Off-street parking would be provided in the form of driveways to the front of properties. Additional on-street parking would be provided within the existing lay-by on Watson Avenue.
- 4.3 The proposed dwellings would be similar in scale and appearance to existing terraced and semi-detached properties on Windmill Lane and Watson Avenue with red brick facades and concrete tiles. Some render panels would be incorporated on the first floor elevations .

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:

11 Windmill Close
122-132 (evens) 127-141 (odds) 143-145 and living accommodation over 143-145,
147-161 (odds) Windmill Lane
19-29 (odds) 20-46 (evens) Walton Avenue

The consultation period expired on 19th December 2013.

One letter of objection from the occupier of 132 Windmill Lane has been received, in which the following comments were made;

- The plans do not appear to show provision for car parking. Existing residents make use of on-street parking provision and this would be compromised if the new development did not provide allocated car parking.
- In all other respects the development is welcomed and would enhance the area of Sneinton.

Additional consultation letters sent to:

Pollution Control: No objection.

Highways: No objection. The development would encroach onto adopted highway

land and as such the applicant will be required to submit an application to the Department for Transport to stop up this land, under section 247 of the Town and Country Planning Act 1990.

Tree Officer: No objection. Recommended condition relating to tree replacement and requirement for AMS in relation to street tree.

Police Architectural Liaison Officer: No objection.

Education: No objection. S106 Contribution towards education provision recommended.

Heritage and Urban Design: Scheme is welcomed. The proposed dwellings would be in keeping with the scale and appearance of existing properties on Windmill Lane and Watson Avenue and would respect established building lines. The scheme proposes the use of good quality materials and has incorporated a sufficient level of detail to provide variety and interest to the elevations. The incorporation of Lifetime Homes Standards and compliance with the Code for Sustainable Homes Level 4 is welcomed.

6 RELEVANT POLICIES AND GUIDANCE

Nottingham Local Plan (November 2005):

ST1 - Sustainable Communities – partly complies.

H2 -Density – complies.

H3 - Appropriate Housing Types – complies.

BE2 - Layout and Community Safety – complies.

BE3 - Building Design – complies.

BE4 - Sustainable Design – 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) Traffic and parking considerations
- iv) Impact upon residential amenity

v) Impact upon trees

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

- 7.1 The proposal relates to a brownfield site which lies within a primarily residential area as identified in the Local Plan. Furthermore, the principle of residential development has been established through the granting of previous permission 07/00266/PFUL3.
- 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 reasonably 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. The scheme proposes affordable housing for couples and families and this is considered to be appropriate in this location. The scale and layout of the proposed dwellings would be appropriate for the intended tenure and would be in keeping with the scale and density of existing residential development in the area. The principle of the development would therefore comply with policies ST1, H2 and H3 of the Local Plan.

Issue ii) Design considerations (policies BE2 and BE3)

- 7.4 Local Plan policies and the NPPF recognises 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 responds to the existing layout of terraced and semi-detached houses on Windmill Lane and Watson Avenue. It is well defined with active frontages with surveillance onto the streets and secure private rear gardens. The scale of the dwellings is considered to be appropriate within the context.
- 7.6 The proposed alignment of the properties on Watson Avenue has been amended to increase the back-to-back distances between the properties and to increase the garden sizes of plots 5-12. The front boundaries would be enclosed by low level walls whilst the rear boundaries would be enclosed by timber fencing of 1.8 metres in height. The side boundaries of those properties adjoining the footpaths to either side of the site would be enclosed by brick walls of 1.8metres in height. The type and height of boundary enclosures are considered to be appropriate in this location and would enhance the overall appearance of the streetscene.
- 7.7 Bin storage would be incorporated within the rear gardens which would be accessible via external footways. The bin storage would provide space for three bins to promote waste recycling in accordance with policy BE3g).
- 7.8 The architectural treatment of the dwellings is based upon the existing properties on Windmill Lane and Watson Avenue but includes additional detail such as render panels to add variety and visual interest.

- 7.9 Off-street parking has been provided for eight of the 12 dwellings in the form of driveways to the front of the dwellings. The visual impact of frontage parking would be broken up with grass and shrubbery within front gardens. The proposal is therefore in accordance with policies BE2 and BE3 of the Local Plan.

Issue iii) Traffic and Parking Considerations (policies BE2 and T3)

- 7.10 As a redevelopment of a previous housing site, it is not anticipated that the proposed development would have any significant impact upon the surrounding highway network in terms of traffic generation and access. 11 of the 12 plots would each have one off-street car parking space. The 12th dwelling is unable to get access to a new drive due to the location on-street services. Occupiers of that property will therefore be able to park on-street. The parking to the frontages would be broken up with turfed front gardens and soft landscaping.
- 7.11 The application site encroaches onto adopted highway land on both Walton Avenue and Windmill Lane although the front site boundaries would still align with those of existing properties to either side. Practically, it is not envisaged that this would have any adverse impact upon the public highway as sufficient width of footway would remain on both frontages. However, as the land is adopted highway, the applicant would be required to "stop up" these areas of highway under Section 247 of the Town and Country Planning Act 1990. Applications to "stop up" the highway are administered by the Department for Transport but will not be considered until planning permission is in place.
- 7.12 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)

- 7.13 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. Back to back distances between the properties are considered to be sufficient to protect residents' privacy and natural light. The development would therefore comply with policy BE3.

Issue v) Impact upon trees (policy NE5)

- 7.14 There is an existing tree within the site which would be removed to facilitate the development. The applicant has confirmed that this would be replaced with a tree to be planted within the public highway. The details of this would be agreed within the terms of the highway agreement and the landscaping scheme.
- 7.15 The mature Lime tree within the pavement on Windmill Lane is to be retained and the alignment of the driveways of plots 9 and 10 has been altered to ensure that the tree would not hinder vehicular access. An Arboricultural Method Statement is required in relation to the construction of these driveways to ensure that the works would not result in harm to the Lime tree. This would be secured by condition.

Other Matters (policies R2 and ST1)

- 7.16 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. In addition and in accordance with Policy ST1e) a financial contribution towards the provision of education facilities is required in order to cater for additional education demand within the community.

- 7.17 Financial contributions would normally be secured by s106 obligation. However, the applicant has requested that the financial contributions 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 and NE14)

The proposed development would be constructed using a fabric first approach to provide highly insulated, thermally efficient buildings to reduce energy at source. This, together with the inclusion of PV solar panels on all properties would exceed the 10% renewable energy requirement. All properties would be built to comply with the Code for Sustainable Homes, level 4. The proposals would therefore accord with policies BE4 and NE14 of the Local Plan.

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

The scheme will provide improved surveillance and community safety.

15 **VALUE FOR MONEY**

None.

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

1. Application No: 12/03076/PFUL3 - link to online case file:

<http://plan4.nottinghamcity.gov.uk/WAM/pas/findCaseFile.do?appNumber=12/03076/PFUL3>;

2. Observations of Tree Officer, dated 22.11.12

3. Observations of Education Section, dated 27.11.12

4. Observations of Housing and Regeneration, dated 7th January 2013

5. Third party representation from 132 Windmill Lane dated 27th November 2012

17 **Published documents referred to in compiling this report**

Nottingham Local Plan (November 2005)

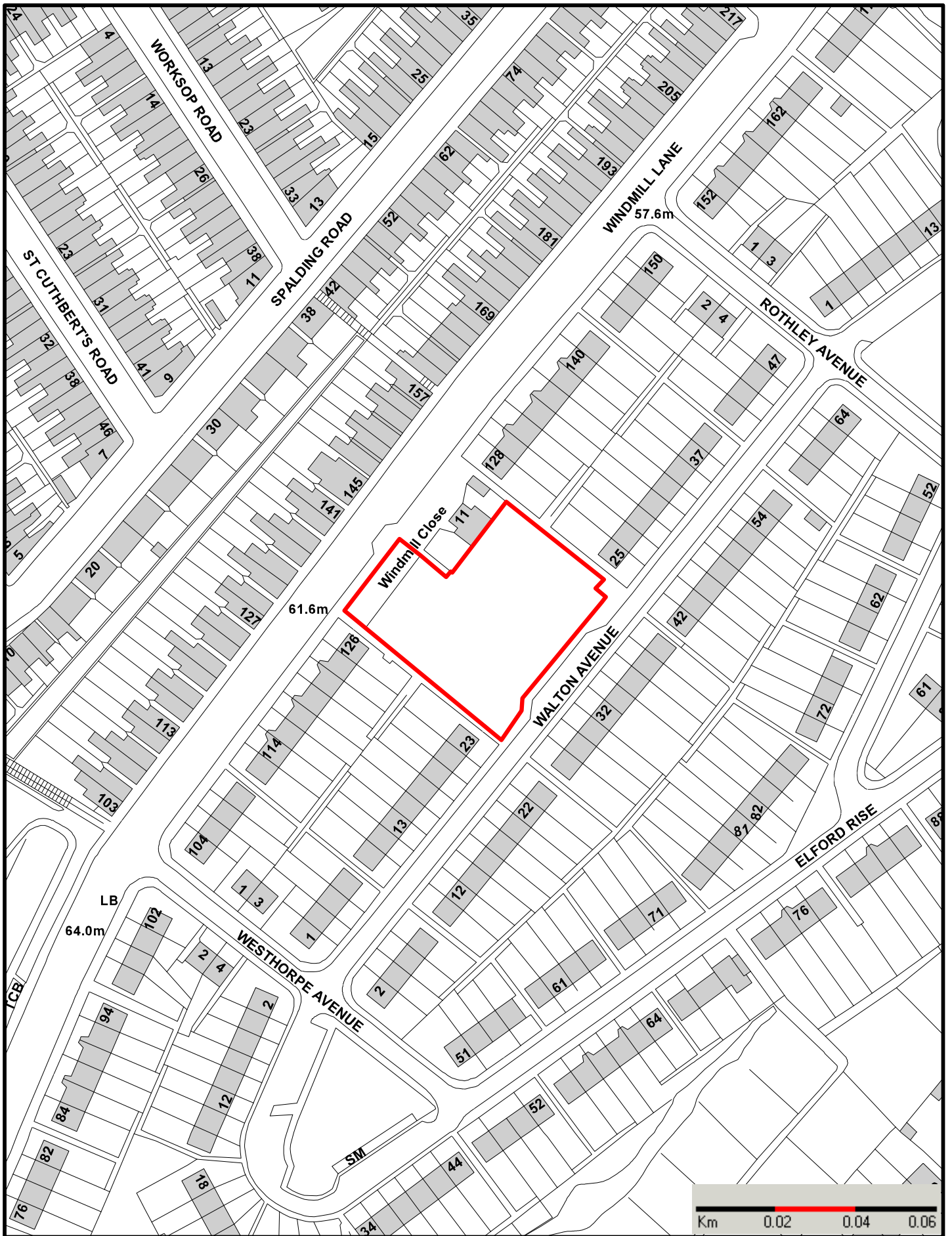
Supplementary Planning Guidance: Planning Guidelines For the Provision of Local Open Space in New residential Development (updated 2011)

Section 106 Contributions Interim Planning Guidance (2010)

Contact Officer:

Mrs Zoe Kyle, Case Officer, Development Management.

Email: zoe.locker@nottinghamcity.gov.uk. Telephone: 0115 8764059



© Crown Copyright and database right 2012. Ordnance Survey License number 100019317



Nottingham
City Council

My Ref: 12/03076/PFUL3 (PP-02265910)
Your Ref:
Contact: Mrs Zoe Kyle
Email: development.management@nottinghamcity.gov.uk



**Nottingham
City Council**

Development Management
City Planning
Loxley House
Station Street
Nottingham
NG2 3NG

Tel: 0115 8764447
www.nottinghamcity.gov.uk

Studio-G Architecture LLP
FAO: Mr Noel Barrowclough
The Business Centre
Rio Drive
Collingham
Newark
Nottinghamshire
NG23 7NB

Date of decision:

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

Application No: 12/03076/PFUL3 (PP-02265910)
Application by: Nottingham City Homes
Location: Site Of 1 To 10 And 12 To 20, Windmill Close, Nottingham
Proposal: Erection of 12 semi-detached 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 trees to be replanted within the public highway.

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. 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.

6. The development shall not be commenced until details of hard surfacing, which shall comprise porous or permeable materials, for those parts of the site which would not be soft landscaped have been submitted to and agreed in writing with 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.

7. 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.

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

8. 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.

Pre-occupation conditions

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

9. No part of the development shall be occupied until the proposed access and 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.

10. 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.

11. 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.

12. Notwithstanding the submitted details, no part of the development hereby permitted shall be occupied until the renewable/low carbon energy scheme, details of which shall have first been submitted to and agreed in writing by the Local Planning Authority, has been installed and is able to provide renewable/low carbon energy to serve the development. Once the development is occupied the scheme shall be permanently retained and maintained and shall continue to provide energy for the development for as long as it remains unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of providing a sustainable development with a proportion of its energy supplied by way of a renewable source in accordance with Policies BE4 and NE14 of the 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

- 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 T304-04 A-006 revision E, received 8 January 2013
Drawing reference T304-04 A-005 revision J, received 8 January 2013
Drawing reference T304-04 A-004 revision F, received 8 January 2013
Drawing reference 223-04 A-7802 revision F, received 14 November 2012
Drawing reference 223-04 A-1201 revision E, received 14 November 2012
Drawing reference 223-04 A-1202 revision F, received 14 November 2012
Drawing reference 223-04 A-7801 revision E, received 14 November 2012
Drawing reference 223-04 A-91001 revision E, received 14 November 2012
Drawing reference 223-04 A-91002 revision F, received 14 November 2012
Drawing reference 223-04 A-111201 revision B, received 14 November 2012
Drawing reference 223-04 A-111202 revision B, received 14 November 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.

RIGHTS OF APPEAL

Application No: 12/03076/PFUL3 (PP-02265910)

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.