

## **REPORT OF CHIEF PLANNER**

### **Garages North West Of 2, Querneby Avenue**

#### **1 SUMMARY**

- Application No: 17/02616/PFUL3 for planning permission
- Application by: JMF Chartered Architects Ltd on behalf of Mr A.J. Firth
- Proposal: Erection of detached two-storey dwelling.

The application is brought to Committee because it raises a similar issue to application reference 17/02389/PFUL3 elsewhere on this agenda, which is being brought to Committee at the written request of a Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 15th January 2018.

#### **2 RECOMMENDATIONS**

- 2.1 **GRANT PERMISSION** subject to the indicative conditions listed in the draft decision notice at the end of this report; and
- 2.2 Power to determine the final details of the conditions to be delegated to the Chief Planner.

#### **3 BACKGROUND**

- 3.1 The site is a flat roofed double garage at the rear of 672 Woodborough Road, a shop with flats above. To the north are further shops and flats on Woodborough Road and to the southeast is a dwellinghouse (2 Querneby Avenue). Across Querneby Avenue is the parking for the flats at 670 Woodborough Road, to the southeast of which is the site of planning application ref. 17/02389/PFUL3, a current application for a new dwelling.

#### **4 DETAILS OF THE PROPOSAL**

Permission is sought for a new, two-storey, detached dwellinghouse, following demolition of the garages. The new house would be of traditional design and materials (brick and slate), similar in appearance to the adjacent terraced properties. The house would have a lounge and kitchen on the ground floor and two bedrooms and a bathroom on the first floor. The bathroom and stairs would be at the rear so that this elevation would have only narrow obscurely glazed windows on the first floor. There would be a yard at the rear of the house and bin storage would be at the side of the building with existing bins serving 672 Woodborough Road.

## **5 CONSULTATIONS AND OBSERVATIONS OF OTHER OFFICERS**

### **Adjoining occupiers consulted:**

Notification letters have been sent to the following addresses: Flats 1 to 4 at 1 Querneby Avenue; 2 and 4 Querneby Avenue; 670, 672 and flat above, 674 and flat at rear, 676 and flat above, 678 and flat at rear, all Woodborough Road. A site notice was posted on the 23<sup>rd</sup> November. No responses have been received.

### **Additional consultation letters sent to:**

**Environmental Health and Safer Places:** No objection.

**Highways:** No objection.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (March 2012)**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies. While planning applications still need to be determined in accordance with the development plan unless material planning considerations indicate otherwise, the NPPF is a material consideration in the assessment of this application.

The NPPF advises that there is a presumption in favour of sustainable development. Paragraph 17 of the NPPF lists the core planning principles that should underpin decision making on planning applications. Of particular relevance to this application is the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraphs 56-64 of the NPPF sets out the approach for achieving good quality design, including responding to local character, creating a strong sense of place and resisting poor design that fails to take opportunities to improve the character and the quality of an area.

### **Nottingham Local Plan (November 2005):**

Policy ST1 – Sustainable Communities

Policy H2 – Housing Density

### **Aligned Core Strategy (ACS) (September 2014):**

Policy A - Presumption in Favour of Sustainable Development

Policy 1 – Climate Change

Policy 8 – Housing Size, Mix and Choice

Policy 10 - Design and Enhancing Local Identity

## **7. APPRAISAL OF PROPOSED DEVELOPMENT**

### **Main Issues**

- (i) Principle of residential accommodation
- (ii) The design and appearance of the development
- (iii) Impact on amenity of surrounding residents
- (iv) Highway considerations

### **Issue (i) Principle of residential accommodation (Policies A and 8 of the Aligned Core Strategy, Policies ST1 and H2 of the Local Plan)**

- 7.1 The site is allocated as primarily residential in the Local Plan. The proposed development would provide a two-bedroom dwelling, which would contribute to the provision of a balanced mix of housing in the area, and to the creation and maintenance of a sustainable community, in accordance with Local Plan Policy ST1. The proposal accords with ACS Policies A and 8 and LP Policy H2.

### **Issue (ii) Design and appearance of the development (Policy 10 of the Aligned Core Strategy)**

- 7.2 The new building would be built of traditional materials (brick and slate) and be similar in design and appearance to the adjacent terraced houses. This is considered to be appropriate and in accordance with ACS Policy 10.

### **Issue (iii) Impact on amenity of surrounding residents (Policy 10 of the Aligned Core Strategy)**

- 7.3 The relatively small scale of the proposed house means that it would not impact unacceptably on the flats at the rear of and above 674, 676 and 678 Woodborough Road in terms of light and outlook. The small windows on the rear elevation avoid loss of privacy to those properties. There is one window in the rear elevation of 672 Woodborough Road which serves a storeroom for the ground floor shop and so the impact on this is also acceptable. The proposal therefore accords with ACS Policy 10.

### **Issue (iv) Highway considerations (Policy 10 of the Aligned Core Strategy)**

- 7.4 The garages are not currently used for parking vehicles, and are considered too narrow to serve that purpose effectively. Vehicles currently park on street outside the garages and there are no parking restrictions in place. This is a sustainable location with access to local facilities and to good public transport routes into the city and Mapperley shops. A two-bed house of this scale is likely to appeal to residents who do not use a car, but in any event is unlikely to lead to more than one additional car parking on the street. It is noted that no objections have been received to the neighbour notification process, nor from Highways. It is considered that the proposal would be unlikely to lead to any significant highway safety concerns, and therefore complies with ACS Policy 10.

## **8. SUSTAINABILITY / BIODIVERSITY**

Whilst no specific features have been highlighted in the planning application, the building would need to incorporate appropriate energy/water conservation

measures in order to comply with current Building Regulations. This is sufficient to satisfy the requirements of Policy 1.

**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**

None.

**14 CRIME AND DISORDER ACT IMPLICATIONS**

None.

**15 VALUE FOR MONEY**

None.

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

1. Application No: 17/02616/PFUL3 - link to online case file:

<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OZLQ4TLYGBX00>

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

Nottingham Local Plan (November 2005)

**Contact Officer:**

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# NOMAD printed map



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Key  
City Boundary

Description  
No description provided

**My Ref:** 17/02616/PFUL3 (PP-06545740)

**Your Ref:**

**Contact:** Mr Phil Shaw

**Email:** development.management@nottinghamcity.gov.uk



**Nottingham  
City Council**

Development Management  
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JMF Chartered Architects Ltd  
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Date of decision:

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

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Application No: 17/02616/PFUL3 (PP-06545740)  
Application by: Mr A.J. Firth  
Location: Garages North West Of 2, Querneby Avenue, Nottingham  
Proposal: Detached two-storey dwelling.

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

<b>Time limit</b>
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  <i>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.</i>
<b>Pre-commencement conditions</b> (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 all external materials have been submitted to and approved in writing by the Local Planning Authority Thereafter the development shall be carried out in accordance with the approved details.  <i>Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.</i>

3. The development shall not be commenced until details of the means of enclosure of the rear amenity space have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.*

4. Notwithstanding any details shown on the approved plans, the windows of the new dwelling shall be provided with reveals of no less than 70mm.

*Reason: To ensure that the appearance of the development is satisfactory in accordance with Policy 10 of the Aligned Core Strategies.*

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

5. The dwelling shall not be occupied until the rear amenity space has been enclosed in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.*

**Regulatory/ongoing conditions**  
(Conditions relating to the subsequent use of the development and other regulatory matters)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015,(or any order revoking and re-enacting that Order with or without modification) for the time being in force relating to "permitted development" the dwellinghouse shall not be further enlarged without the prior express permission of the Local Planning Authority.

*Reason: To ensure that the appearance of the development is satisfactory and in the interests of the living conditions of nearby residents in accordance with Policy 10 of the Aligned Core Strategies.*

**Standard condition- scope of permission**

S1. Except as may be modified by the conditions listed above, the development shall be carried out in complete accordance with the details described in the forms, drawings and other documents comprising the application as validated by the council on 20 November 2017.

*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



**DRAFT ONLY**  
**Not for issue**

landowner, statutory bodies and neighbours. This permission is not an approval under the Building Regulations.

2. 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.

3. Planning consent is not consent to work on the public highway. Therefore prior to any works commencing on site including any demolition works you must contact Highways Network Management on 0115 876 5238 to ensure all necessary licences (i.e. scaffolding) and permissions are in place. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway, and as such you should undertake every effort to prevent it occurring.

4. Noise Control: hours of work and equipment during demolition/construction  
To assist with project planning, reduce the likelihood of justified complaint and avoid costly restriction and development delays, 'acceptable hours' are detailed below:-

Monday to Friday: 0730-1800 (noisy operations restricted to 0800-1800)  
Saturday: 0830-1700 (noisy operations restricted to 0830-1300)  
Sunday: at no time  
Bank Holidays: at no time

Work outside these hours may be acceptable but must be agreed with Nottingham City Council's Pollution Control Section (Tel: 0115 9152020).

#### Equipment

All equipment shall be properly maintained, serviced and operated in accordance with the manufacturer's recommendations and with appropriate noise suppression/silencers.

#### Dust/Grit and other fugitive emissions

Construction and demolition work invariably generates grit and dust, which can be carried offsite and cause a Statutory Nuisance, and have a detrimental effect on local air quality.

Contractors are expected to use appropriate methods to minimise fugitive emissions, reduce the likelihood of justified complaint and avoid costly restriction and development delays. Appropriate methods include:-

Flexible plastic sheeting  
Water sprays/damping down of spoil and demolition waste  
Wheel washing  
Periodic road cleaning

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: 17/02616/PFUL3 (PP-06545740)

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](http://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.