

Report of Director of Planning and Transport

Garages Rear Of 17 To 21 Marshall Street

1 Summary

Application No: 23/00008/PFUL3 for planning permission

Application by: Dominic Harrison

Proposal: Construction of four terraced houses.

The application is brought to Committee as it has raised significant local interest.

To meet the Council's Performance Targets this application should have been determined by 1st March 2023.

2 Recommendations

GRANT PLANNING PERMISSION subject to conditions substantially in the form listed in the draft decision notice at the end of this report, with power to determine the final details of the conditions to be delegated to the Director of Planning and Transport.

3 Background

3.1 The site is a garage court surrounded by houses. It is accessed from the south from Marshall Street. To the southeast, alongside the entrance, is a children's playground. To the south, on Marshall Street, are semi-detached houses. To the west, on Mansfield Street, are relatively new semi-detached houses. To the north is a pedestrian access only row of terraced houses, Wisa Terrace, the gable end of which forms part of the application site boundary. To the east, on Hood Street, are three storey flats and two storey terraced houses. The area is largely residential.

4 Details of the proposal

4.1 Planning permission is sought for a terrace of four new houses. The houses would run from approximately north to south, detached from but forming an extension of Wisa Terrace. The houses would be two storey with accommodation in the roof, their ridges the same height as Wisa Terrace. The rear of the new houses would be in line with the rear of Wisa Terrace; the first floor front would also be in line, with a ground floor section extending out similar to the Wisa Terrace rear offshoots (although these are 'front offshoots' on the application properties). The houses would have living room and kitchen / dining room on the ground floor, two bedrooms on the first floor and one bedroom in the roofspace. Materials are brick and tile. The four houses would be accessed via a driveway from Marshall Street. There would be a parking space in front of each house with a further three spaces

along the driveway. Bin stores are to be constructed in each front garden. The application has been revised during consideration, revising the scale of the houses and the overall layout.

5 Consultations and observations of other officers

Adjoining occupiers consulted:

Twenty-six neighbours were notified of the initial application by letter and again following receipt of revised drawings.

Fourteen representations were received, objecting to the proposal for the following reasons:

- loss of light, privacy and outlook due to scale of new houses and their proximity to the existing surrounding houses;
- loss of view, as above (it is noted that loss of view is not in itself a planning issue, although the slightly different concept of loss of outlook is a planning matter);
- parking problems on surrounding streets, where parking for residents is already problematic;
- highway safety problems from use of the narrow access onto Marshall Street;
- design is not in keeping with surrounding area, particularly the proposed dormers and the large areas of glazing;
- how boundaries are to be treated;
- loss of tree; this is both supported and objected to by different residents (and is not within the application site boundary);
- noise during construction (this is not a planning matter, although controls are in place through environmental health legislation should work and noise take place at unreasonable hours);
- concerns about the impact of the development on flooding in the area.

Following receipt of revised proposals, further letters were sent to neighbours. Six representations were received. These noted that their initial objections to the development remained and that the revised proposals had not overcome the objections.

Additional consultation letters sent to:

Highways: no objection subject to conditions regarding Demolition/Construction Traffic Management Plan and reinstatement of damaged highway.

Drainage: appropriate drainage and flood prevention arrangements can be achieved by condition.

Environmental Health and Safer Places: no objection subject to conditions regarding contaminated land.

6 Relevant policies and guidance

National Planning Policy Framework (NPPF) (December 2023)

The NPPF advises that there is a presumption in favour of sustainable development and that applications for sustainable development should be approved where possible. Paragraph 131 notes that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Aligned Core Strategies (ACS) (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

Policy 17: Biodiversity

Land and Planning Policies (LAPP) (2020)

Policy HO1: Housing Mix

Policy CC1: Sustainable Design and Construction

Policy CC3: Water

Policy DE1: Building Design and Use

Policy DE2: Context and Place Making

Policy EN6: Biodiversity

Policy IN2: Land Contamination, Instability and Pollution

7. Appraisal of proposed development

Main Issues

- (i) Principle of the development
- (ii) Design and impact on the streetscene
- (iii) Impact on neighbours

(iv) Other matters

(i) Principle of the development (Policy 8 of the ACS and Policy HO1 of the LAPP)

- 7.1 The application site is located within a predominantly residential area. There is therefore no objection in general principle to residential development, provided that the proposal complies with the other policies of the development plan. Policy HO1 (Housing Mix) of the Local Plan encourages the development of sites for family housing, including larger family housing (within use class C3), as opposed to other forms of residential accommodation.

(ii) Design and Impact on the streetscene (Policy 10 of the ACS and Policies DE1 and DE2 of the LAPP)

- 7.2 The proposed houses are considered to be of an appropriate scale and design. The use of brick and tile, and details such as the bays, cills, dentil courses and roof shapes are considered to be part of a high quality design which takes into account local characteristics. Details of materials can be required by condition.

(iii) Impact on neighbours (Policy 10 of the ACS and Policy DE1 of the LAPP)

- 7.3 Having regard to the design, scale, location of and outlook from the proposed development, and the relationship with the site boundaries, it is considered that the proposal in its revised form would have an acceptable impact on neighbouring properties in terms of privacy, daylight, sunlight and outlook. The southern, side elevation of the new houses would be a little under 15m from the main rear elevation of the existing Marshall Street houses; this is an acceptable distance given that the new house would be to the north and have a blank gable. The west, rear elevation of the new houses would be 24m from the rear of existing houses on Mansfield Street; again, this is considered to be an acceptable distance to avoid any unacceptable loss of privacy. The site is highly sustainable, being in close proximity to Sherwood centre and to excellent public transport services. The development provides off-street parking such that it would not be expected to unduly impact on the highway network. It is noted that there is no objection from the highway team with regard to the access and its relationship with Marshall Street. Details of boundary treatment can be required by condition.

(iv) Other matters (Policy IN2 of the LAPP)

- 7.4 Conditions can ensure that ground, groundwater and ground gas contamination are dealt with appropriately.

8. Sustainability / Biodiversity (Policies 1 and 17 of the ACS, Policies CC1, CC3 and EN6 of the LAPP, and the Biodiversity SPD)

- 8.1 The following is a summary of the sustainability and biodiversity measures to be incorporated into the scheme:

- Betterment (%) above Building Regulations- none noted.
- Renewable / low carbon energy- none noted. PVs would be difficult to accommodate given the number of rooflights.
- Sustainable drainage to be secured by condition.
- Reduced water consumption- to be secured by condition
- Electric Vehicle Charging Points- required under the Building Regulations

- Cycle parking- to be secured by condition
- Biodiversity- The development is not subject to mandatory Biodiversity Net Gain. Redevelopment of the site provides opportunities for biodiversity enhancement through landscaping, hedgehog friendly fencing, swift and bat boxes. The landscaping scheme can ensure the use of native species and planting attractive to pollinators.

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

Neighbourhoods - Better Housing; the provision of new homes.
City - Carbon Neutral City by 2028; supporting energy efficiency and renewable energy generation, supporting biodiversity.

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: 23/00008/PFUL3 - link to online case file:
<https://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RNY8XGLYIPSO0>

17. Published documents referred to in compiling this report

Aligned Core Strategies – Local Plan Part 1 (2014)
Land and Planning Policies – Local Plan Part 2 (2020)
NPPF (2021)
Strategic Council Plan 2024-27 refresh

Contact Officer:

Phil Shaw, Case Officer, Development Management.

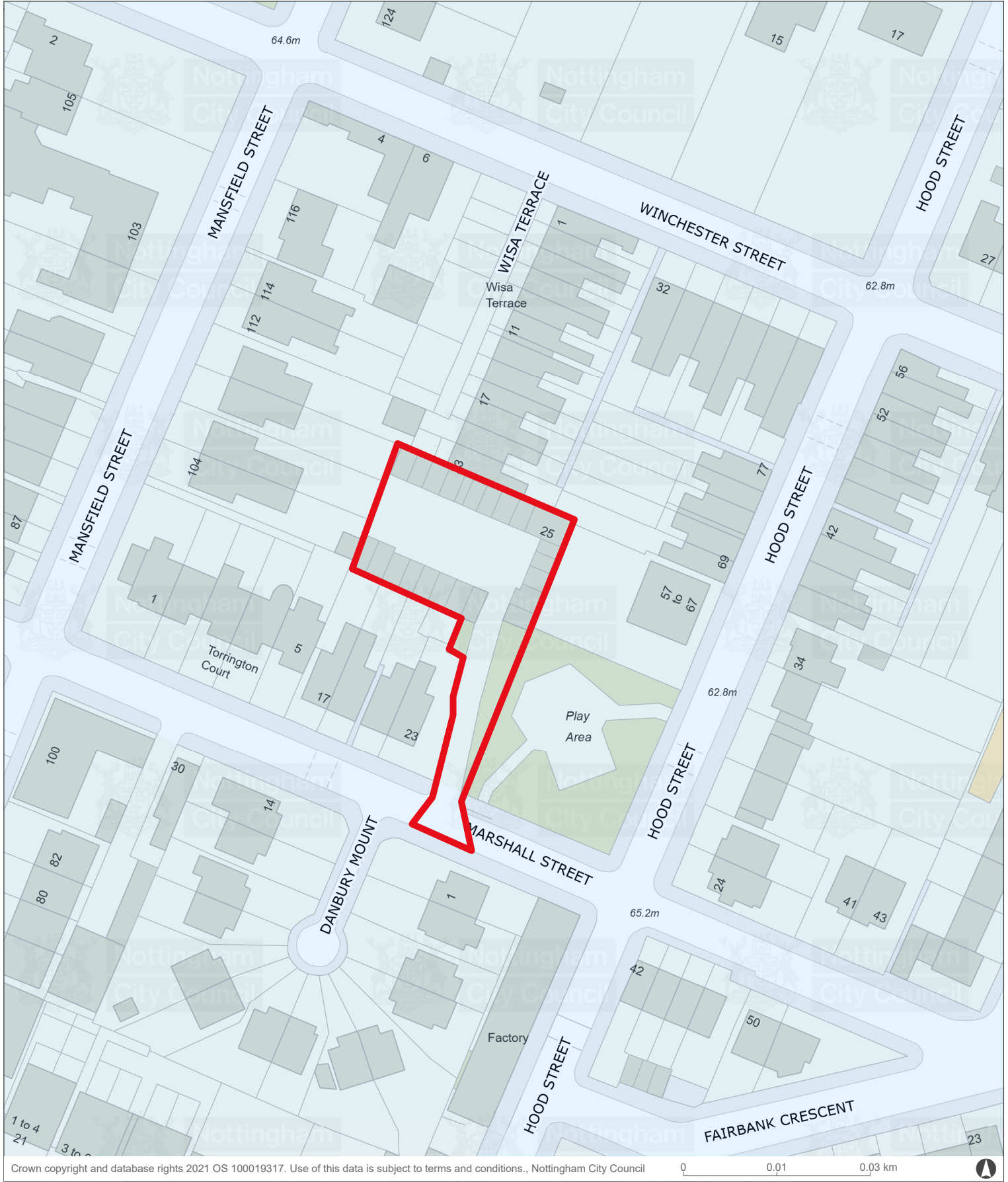
Email: philip.shaw@nottinghamcity.gov.uk Telephone: 0115 8764076

Site Location Plan

Not to scale

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0 0.01 0.03 km



Key



City Boundary

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Description

A map printed from Nomad.



Nottingham
City Council

My Ref: 23/00008/PFUL3 (PP-11803073)
Your Ref:
Contact: Mr Phil Shaw
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City Council**

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Date of decision:

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

Application No: 23/00008/PFUL3 (PP-11803073)
Application by: Mr Dominic Harrison
Location: Garages Rear Of 17 To 21, Marshall Street, Nottingham
Proposal: Construction of four terraced houses.

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)



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2. The development shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority:-

- a) Details of the external materials of the buildings;
- b) Details of the enclosure of the site and plots, incorporating hedgehog-friendly design;
- c) Details of the hard surfacing of the site;
- d) Details of the design, materials and appearance of the bin stores;
- e) Details of secure cycle parking for each dwelling;
- f) Details of a scheme for the provision of swift and bat boxes within the development.

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

Reason: To ensure that the appearance of the development and its impact on neighbouring occupiers is satisfactory, in the interests of sustainable development and biodiversity enhancement in accordance with Policies 1, 10 and 17 of the Aligned Core Strategies and Policies CC1, DE1 and EN6 of the Local Plan.

3. The development shall not be commenced until a Construction Traffic Management Plan has been submitted to and agreed in writing by the Local Planning Authority. Provision shall be made for all site operatives, visitors and construction vehicles loading and offloading at the site during the construction period. The Plan shall also include adequate precautions to be taken to prevent the deposit of mud and similar debris on the adjacent public highway.

The development shall be constructed in accordance with the approved Plan.

Reason: To ensure that the construction of the development has an acceptable on the local highway network and neighbouring properties to accord with policy 10 of the ACS and policies DE1 and IN2 of the LAPP.

Pre-occupation conditions

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

4. The development shall not be carried out other than in accordance with an additional Flood Risk Assessment and Drainage Strategy, taking into account the matters raised in correspondence between the Lead Local Flood Authority and CDS Consulting dated 18 October 2023. No dwelling shall be occupied until the sustainable drainage of the site has been implemented.

Reason: In the interests of sustainable development and to prevent flood risk in accordance with Policy 1 of the Aligned Core Strategies and Policies CC1 and CC3 of the Local Plan.



5. The new dwellings shall not be occupied until appropriate mitigation of ground, ground gas and groundwater contamination of the site has been fully completed. It is the responsibility of the developer to carry out this work. The mitigation shall follow the provision of a Remediation Strategy that includes the following components to deal with the risks associated with ground, groundwater and ground gas contamination of the site:
- a) A Preliminary Risk Assessment which has identified:
 - i) all previous site uses
 - ii) the nature and extent of potential contaminants associated with those uses
 - iii) the underlying geology of the site
 - iv) a conceptual model of the site indicating sources, pathways and receptors
 - v) potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site.
 - b) A Site Investigation, based on a) above, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A Remediation Plan, based on a) and b) above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
 - d) A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in c) above are complete.
 - e) A Verification Report, which shall include the data referred to in the Verification Plan, to demonstrate that the approved Remediation Strategy to deal with contamination of the site has been fully implemented and completed.

Reason: In the interests of public health and safety in accordance with Policy IN2 of the Local Plan - Part 2.

6. A landscaping and planting scheme shall be provided for the development. In particular:
- a) no dwelling shall be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, comprising native species and plants attractive to pollinators, has been submitted to and approved in writing by the Local Planning Authority;
 - b) 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
 - c) any trees or plants which die, are removed or become seriously damaged or diseased within a period of 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 and in the interests of biodiversity in accordance with Policies 10 and 17 of the Aligned Core Strategies and Policies DE1, DE2 and EN6 of the Land and Planning Policies - Local Plan Part 2.

7. No dwelling shall be occupied until the following have been carried out in accordance with the approved details:
- the access driveway and off-street parking spaces have been surfaced;
 - cycle and bin storage have been provided;
 - Swift and Bat boxes have been provided; and
 - the site and individual plots have been enclosed.

Reason: In the interests of the living conditions of neighbouring and future residents in accordance with Policy 10 of the Aligned Core Strategies and Policies DE1 and DE2 of the Local Plan.

Regulatory/ongoing conditions

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

8. Notwithstanding any details or notes in the application documents stating or implying otherwise, the dwelling(s) hereby permitted shall be designed and constructed to meet the optional water efficiency requirement of 110 Litres per person per day as specified by Part G of Schedule 1 and regulation 36 (2) (b) of the Building Regulations 2010 (as amended).

Reason: to ensure efficient use of water resources in the interests of sustainability, to comply with Policy CC1 of the Nottingham Local Plan.

(Note: This condition affects the requirements of the Building Regulations that apply to this development. You must ensure that the building control body responsible for supervising the work is informed of this condition)

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 following drawings/documents:
Planning Layout reference Context Design revision B, received 22 March 2023
Elevations reference House Type revision B, received 22 March 2023

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

3. Contaminated Land, Ground Gas & Groundwater

The Remediation Strategy (including its component elements) must be undertaken and implemented in accordance with Defra and the Environment Agency's guidance Model Procedures for the Management of Land Contamination, CLR 11, CIRIA C735 Good Practice on the Testing & Verification of Protection Systems for Buildings Against Hazardous Ground Gases (2014) and other authoritative guidance. The Remediation Strategy must also provide details of:

- 'Cut and fill' operations on site
- How trees retained on site will be dealt with
- How gas precautions including any radon gas precautions will be validated



- Any asbestos surveys carried out, the method statement for removal of asbestos and subsequent validation of air and soil following asbestos removal and demolition.

Following completion of the development, no construction work, landscaping or other activity must be undertaken which may compromise the remediation measures implemented to deal with ground, groundwater and ground gas contamination of the site.

Any ground gas protection measures included in the original development are designed for the buildings as originally constructed to protect against possible dangers to public health and safety arising from any accumulation of methane, carbon dioxide or other gas and to ensure that the site can be developed and used without health or safety risks to the occupiers of the development and/or adjoining occupiers. These protection measures may be compromised by any future extension of the footprint of the original building or new building structures within the curtilage of the site including the erection of a garage, shed, conservatory or porch or similar structure. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought should future extension of the footprint of the original building or new building structures within the curtilage of the site be proposed (regardless of whether the proposed construction requires planning permission or building regulation approval).

It is a requirement of current Building Regulations that basic radon protection measures are installed in all new constructions, extensions conversions & refurbishments on sites which are Radon Class 3 or 4 and full radon protection measure are installed on site which are Radon Class 5 or higher. Advice from the Council's Environmental Health Team regarding appropriate gas protection measures must be sought where there are both radon issues and ground gas issues present.

The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or the landowner. The developer is required to institute a thorough investigation and assessment of the ground conditions, nature and degree of contamination on the site to ensure that actual or potential risks to public health and safety can be overcome by appropriate remedial, preventive or precautionary measures. The developer shall provide at his own expense such evidence as is required to indicate clearly that the risks associated with ground, groundwater and ground gas contamination of the site has been addressed satisfactorily.

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: 23/00008/PFUL3 (PP-11803073)

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.

STREET NAMING AND NUMBERING

Nottingham City Council has a statutory responsibility for agreeing and registering addresses. If the development will create one or more new addresses or streets (for example a new build or conversion) please contact address.management@nottinghamcity.gov.uk as soon as possible,



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quoting your planning application reference. Any addresses assigned outside of this process will not be officially recognised and may result in difficulties with service delivery.

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