

**PLANNING COMMITTEE**

**REPORT OF CHIEF PLANNER**

**117 Morley Avenue, Nottingham**

**1 SUMMARY**

Application No: 18/01196/PFUL3 for planning permission

Application by: Melanie Dearing Architects on behalf of Mr Andrew Lawless

Proposal: New dwelling.

The application is brought to Committee at the request of a Local Ward Councillor.

To meet the Council's Performance Targets this application should have been determined by 22nd August 2018. An extension of time has been agreed until 24<sup>th</sup> October 2018.

**2 RECOMMENDATIONS**

**GRANT PLANNING PERMISSION** subject to the indicative conditions substantially in the form of those 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 Director of Planning and Regeneration

**3 BACKGROUND**

- 3.1 The application relates to the site of 117 Morley Avenue. The site is occupied by a single detached dwelling which fronts onto Morley Avenue. The garden to the rear of the property is approximately 27m in length and slopes down away from the property. The rear site boundary adjoins the back edge of pavement on Mapperley Rise.
- 3.2 The gardens to the rear of the properties at 107-113 Morley Avenue have been developed, each accommodating single detached dwellings fronting onto Mapperley Rise.
- 3.3 There is a bus stop clearway adjacent to the proposal site on Mapperley Rise. The bus stop operates between 7am and 7pm and has an associated electronic display, raised board kerb central refuge and road markings.

**4 DETAILS OF THE PROPOSAL**

- 4.1 The application seeks planning permission for a single dwelling within the rear garden of the existing property at 117 Morley Avenue. The proposed dwelling would front onto Mapperley Rise and would be three storey in height. The ground floor would accommodate an integral carport with access off Mapperley Rise and a

kitchen. The first floor would provide a living room and the second floor, a bedroom and bathroom.

- 4.2 The proposed dwelling would be similar in appearance to the existing dwellings that have been developed to the rear of nos. 107-113 Morley Avenue, being tall and narrow in proportion with a pitched roof. The new dwelling would stand to the south east of the existing properties, separated by the undeveloped plot to the rear of 115 Morley Avenue.
- 4.3 Following a number of concerns raised by neighbouring residents, the scale of the proposed dwelling has been amended to reduce its overall height and eaves height and remove the proposed accommodation within the roof space. As amended, the proposed eaves height of the dwelling would be consistent with that of the existing properties on the Mapperley Rise frontage, relative to the changing ground levels.

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

### **Adjoining occupiers consulted:**

Notification letters were sent to the following addresses:  
110-116 (evens), 115 and 119 Morley Avenue  
27A Mapperley Rise  
2 Maurice Drive

The application was also advertised by a site notice.

Three letters of representation have been received, raising the following objections to the development:

- The proposed dwelling would be in close proximity to the existing properties on Morley Avenue and will result in loss of privacy for the occupiers of these properties
- The dwelling would result in loss of sunlight and daylight to the rear of properties on Morley Avenue and have an overbearing impact, giving a sense of enclosure
- The proposal would result in additional congestion and create difficulties with parking outside of the existing properties on Morley Avenue
- The design of the dwelling is overbearing and dominant
- The proposed dwelling will stand alone and look out of place
- It is not clear what fencing would be used between the existing and proposed dwellings
- The annotation on the drawing which states that the garden is overgrown is incorrect.

An objection from a Local Ward Councillor was also received, raising concerns about the design of the dwelling and proximity to the existing properties on Morley Avenue.

Further notification letters were sent to the following addresses following the receipt of amended plans:  
110-116 (evens), 115, 119 and 121 Morley Avenue  
27A Mapperley Rise  
2 Maurice Drive

No further representations have been received.

The Local Ward Councillor feels that the amendments to the proposal are not sufficient to alleviate concerns expressed by local residents.

**Additional consultation letters sent to:**

**Pollution Control:** No objection.

**Highways:** No objection. Conditions requiring the submission of details of a dropped vehicular access, relocation of the adjacent bus stop electronic display and drainage details are recommended.

## **6 RELEVANT POLICIES AND GUIDANCE**

### **National Planning Policy Framework (2018)**

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 124 notes that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

Paragraph 127 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.

### **Greater Nottingham Aligned Core Strategies (September 2014)**

Policy 1: Climate Change - development proposals will be expected to mitigate against and adapt to climate change.

Policy 10 – Design and Enhancing Local Identity

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

### **Main Issues**

- (i) Impact on Residential Amenity
- (ii) Design and impact on the streetscene
- (iii) Highways Issues

### **Issue (i) Impact on Residential Amenity (Policy 10 of the Aligned Core Strategies)**

- 7.1 Neighbouring residents have raised concerns about the proximity of the proposed dwelling to the rear of existing properties on Morley Avenue and the resulting impact upon privacy of the occupiers of these properties. The proposed dwelling would stand at a distance of approximately 22m from the rear elevation of the property directly to the rear (no. 117) and due to the level change across the site, would also stand at a substantially lower ground level than the existing properties on Morley Avenue. In response to initial concerns raised, the height of the dwelling has been reduced by 2m and the accommodation within the roof space has been omitted. The second floor of the proposed dwelling would be lower than the first floor of the existing dwellings on Morley Avenue.
- 7.2 Taking all of these factors into consideration, it is considered that the proposed dwelling would be located at a sufficient distance away from the existing properties on Morley Avenue to prevent any significant impact upon daylight and sunlight, particularly as the new dwelling would stand to the north-east of the existing properties. Taking account of the level difference across the site, the distance between the properties (which meets with the recommended minimum back to back distances for residential accommodation) and following the omission of the additional storey of accommodation within the roof space, it is considered that the proposed dwelling, as amended, would not result in any significant loss of privacy for the occupiers of the existing properties on Morley Avenue. In summary, it is considered that the proposed development would comply with Policy 10 of the Aligned Core Strategies.

### **Issue (ii) Design and impact on the streetscene (Policy 10 of the Aligned Core Strategy)**

- 7.3 Concerns have been raised in relation to the design of the proposed dwelling, with local residents suggesting that it would be overbearing and dominant. The height of the proposed dwelling has subsequently been reduced by 2m and a dormer that was intended to serve to the accommodation within the roof space has been omitted. The eaves height of the property has been reduced so that it would be consistent with that of the existing dwellings along this stretch of Mapperley Rise (relative to the sloping ground level). A streetscene elevation has been provided to show the proposed dwelling in context and demonstrates that the proposed dwelling would be in keeping with the scale and appearance of the existing dwellings to the west on Mapperley Rise.
- 7.4 Concerns have also been raised about the fact that the proposed dwelling would 'stand alone'. However, it would be separated from the existing row of detached dwellings by only a single plot width and as such, it is not considered that it would look out of place within the streetscene. It is also possible that the adjacent plot could be developed in the future.

- 7.5 Whilst the overall design and appearance of the dwelling is considered to be satisfactory, conditions requiring the submission of details of materials, and large scale details of window and door reveals and eaves are recommended in order to ensure that the quality of the development is sufficient. Further conditions requiring details of boundary enclosures, landscaping and bin storage are also recommended. Subject to the recommended conditions, it is considered that the development would comply with Policy 10 of the Aligned Core Strategies.

**Issue (iii) Highways (Policy 10 of the Aligned Core Strategies)**

- 7.6 As mentioned above, there is a bus stop clearway adjacent to the proposal site on Mapperley Rise. In order to provide a vehicular cross over off Mapperley rise to serve the proposed car port, Traffic Management have advised that the electronic bus stop display will need to be relocated to the east of the new car port. A condition requiring this relocation to be carried out prior to the occupation of the proposed development is recommended.
- 7.7 Other than the bus stop, there are no further parking restrictions along this stretch of Mapperley Rise and as such, it is not considered that the proposal would give rise to any significant increase in congestion or car parking. One off street parking space in the form of the proposed car port is to be provided and this is considered to be sufficient for a one bedroom dwelling.
- 7.8 A condition requiring that the vehicular crossover be provided prior to the first occupation of the development is recommended. All works to the public highway will be subject of a separate Section 278 Highways Agreement. Subject to the recommended conditions, it is considered that the development would comply with Policy 10 of the Aligned Core Strategies.

**Other Matters**

- 7.9 A neighbouring resident has raised concern over the annotation of the garden area as 'overgrown'. It is not considered that the current state of the garden area has any bearing on the decision making process in this instance.

**8. SUSTAINABILITY / BIODIVERSITY (Policy 1 of the Aligned Core Strategies)**

Drainage Engineers have recommended a condition which requires the submission of a drainage strategy for the site. This should, where possible, include Sustainable Drainage solutions. The building itself would also need to incorporate appropriate energy/water conservation measures in order to comply with current Building Regulations. It is considered that these measures are sufficient to satisfy the requirements of Policy 1 of the Aligned Core Strategies.

**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: Creation of high quality, sustainable residential development.

**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: 18/01196/PFUL3 - link to online case file:  
<http://publicaccess.nottinghamcity.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PAKCX6LY01B00>
2. Highways Comments dated 2.8.18
3. Representation from 115 Morley Avenue, received 22.8.18
4. Representation from 119 Morley Avenue, received 24.8.18
5. Representation from 121 Morley Avenue, received 31.7.18
6. Ward Councillor correspondence dated 6.8.18
7. Ward Councillor correspondence dated 3.9.18

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

Nottingham Local Plan (November 2005)  
Greater Nottingham Aligned Core Strategies (2014)  
National Planning Policy Framework (2018)

**Contact Officer:**

Mrs Zoe Kyle, Case Officer, Development Management.  
Email: [zoe.kyle@nottinghamcity.gov.uk](mailto:zoe.kyle@nottinghamcity.gov.uk). Telephone: 0115 8764059

# NOMAD printed map



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## Key

 City Boundary

## Description

No description provided



Nottingham  
City Council

**My Ref:** 18/01196/PFUL3

**Your Ref:**

**Contact:** Mrs Zoe Kyle

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



**Nottingham  
City Council**

Development Management  
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NG2 3NG

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Melanie Dearing Architects  
Ms M Dearing  
The Barnyard  
Crewe Lane  
Kenilworth  
CU8 2LA

Date of decision:

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

Application No: 18/01196/PFUL3  
Application by: Mr Andrew Lawless  
Location: 117 Morley Avenue, Nottingham, NG3 5FZ  
Proposal: New dwelling.

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. Notwithstanding the submitted details, no development shall commence until samples 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.

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



3. Notwithstanding the submitted details, no development shall commence until large scale details of the roof eaves and window and door reveals 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 in accordance with Policy 10 of the Aligned Core Strategies.*

4. Notwithstanding the submitted details, no development shall commence until details of all boundary enclosures 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 in accordance with Policy 10 of the Aligned Core Strategies.*

5. Notwithstanding the submitted details, no development shall commence until details of bin storage for the development 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 in accordance with Policy 10 of the Aligned Core Strategies.*

6. Notwithstanding the submitted details, no development shall commence until details of the hard and soft landscaping for the development 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 in accordance with Policy 10 of the Aligned Core Strategies.*

7. No development shall commence until a drainage strategy for the development has 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 minimise surface water run off and in the interests of highway safety in accordance with Policies 1 and 10 of the Aligned Core Strategies.*

**Pre-occupation conditions**

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

8. The development hereby permitted shall not be occupied until the new vehicular access has been provided in accordance with the approved details.

*Reason: In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategies.*

9. The development hereby permitted shall not be occupied until the bus stop electronic display on Mapperley Rise has been relocated in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of highway and pedestrian Safety in accordance with Policy 10 of the Aligned Core Strategies.*

10. The development hereby permitted shall not be occupied until bin storage for the site has been provided in accordance with the approved details.

*Reason: To ensure adequate bin storage for the site in accordance with Policy 10 of the Aligned Core Strategies.*

11. The development hereby permitted shall not be occupied until site boundaries have been enclosed in accordance with the approved details.

*Reason: To ensure that the appearance of the development is satisfactory 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)

There are no conditions in this section.

#### **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:  
Drawing reference 720, received 11 July 2018  
Drawing reference 722 revision B, received 20 August 2018  
Drawing reference 721B revision B, received 20 August 2018  
Drawing reference 723 revision A, received 20 August 2018

*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. 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 and permissions are in place.

The Applicant needs to ensure that any skips, construction traffic or vehicles related to the site development are managed effectively so as to not cause a detriment to the highway. The applicant is advised to contact the Highways Network Management Team on 0115 876 5238 to discuss timescales for work on the site and any associated impact on the highway.



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**DRAFT<sup>3</sup> ONLY**  
**Not for issue**

Continued...

To carry out the highway works on 'Mapperley Rise' for the dropped vehicular crossover and bus stop apparatus, approval must first be obtained from the Local Highway Authority. Approval takes the form of a Section 278 Agreement and the Applicant will be required to contact Highway Network Management on 0115 8765238 to initiate the process. All associated costs will be borne by the Applicant.

The Applicant can contact our Drainage colleagues on 0115 8765033 or email them at [drainage@nottinghamcity.gov.uk](mailto:drainage@nottinghamcity.gov.uk) for further advice/details.

3. 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.

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: 18/01196/PFUL3

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/pcs](http://www.planningportal.gov.uk/pcs).

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.



# **DRAFT ONLY**

## **Not for issue**