

20/01839/FUL

Applicant Mr Steve Coe

Location 1 Gorse Road Keyworth Nottinghamshire NG12 5LL

Proposal Erect building comprising 2 apartments

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. Planning permission was granted in 2017 for the erection of a two storey detached building comprising two apartments on land to the south of 1 Gorse Road (planning reference 17/01341/FUL). This building is under construction and nearing completion. The current application seeks the erection of an apartment building attached to the south side of the building currently under construction. This would occupy a parcel of land owned by the applicant, situated between the former curtilage of 1 Gorse Road and the neighbour to the south at 42 Plantation Road, comprising an overgrown grassed area enclosed by a closed boarded fence.

DETAILS OF THE PROPOSAL

2. The application seeks planning permission for an attached apartment building comprising two apartments. The building would measure between 4.6 and 5 metres in width, 8 metres in depth, with a front and rear sloping pitched roof measuring 5.2 metres to the eaves and 7.4 metres to the ridge. The building would be faced in materials to match the adjoining apartment building, comprising brick with a feature section of cedar cladding and a concrete tile roof. Each one bedroom apartment would occupy a floor, the ground floor apartment would be accessed via a front entrance, the first floor apartment would be accessed from a shared staircase within the existing apartment building. The existing and proposed apartments would share a 76 sqm rear garden. A refuse store would be sited to the rear. Two parking spaces would be provided to the front of the building.

SITE HISTORY

3. 14/01558/FUL - Erect building comprising 3 apartments. Withdrawn in 2014.
4. 14/02103/FUL - Erect building comprising 3 apartments. Refused in 2014.
5. 17/01341/FUL - Erect building comprising 2 apartments. Granted in 2017.
6. 19/02917/FUL - Erect building comprising 2 apartments. Withdrawn in 2019.

REPRESENTATIONS

Ward Councillor(s)

7. One Ward Councillor (Cllr Inglis) objects to the proposal. Planning permission was previously refused for 3 apartments in 2014 (14/02103/FUL), by reasons of the scale, height, massing, design, and layout including parking arrangements. It was considered over- intensive and out of character and incongruous in the street scene. A revised scheme for 2 apartments was approved in 2017. The current application effectively doubles the size of the previously permitted plans, resulting in four apartments on the site that was refused for three, therefore going against the previous decision. Car parking was previously highlighted as an issue and this will still be the case, resulting in a frontage taken up entirely by cars with likely additional on- street parking. The 72sqm of garden space includes the bin store, discounting this there is just 64 sqm of space, falling well below minimum standards. The applicants design statement shows an old photo and does not reflect the current street scene and massing of the current build, which is already overpowering the street scene and neighbouring properties, exacerbated by the slope of the road. An additional build would give a terracing effect.

Town/Parish Council

8. The Parish Council objects on the basis of insufficient parking, over intensive development, and not being in keeping with the character of the village.

Statutory and Other Consultees

9. The Nottinghamshire County Council as Highway Authority note that the application falls to be considered as standing advice.

Local Residents and the General Public

10. One neighbour objects to the application. They note that the application plans show an increase in land, however this additional land is owned by Metropolitan Housing and not by the applicant. The existing plan also incorrectly shows land not owned by the applicant. The Design and Access Statement does not show the new apartments and is misleading, the apartments already built do not fit in with the current houses on the street. Additional apartments would be out of keeping with the street, resulting in over-development. The level of off-street parking provision is insufficient as it is possible that each property may have two tenants, there may also be insufficient parking for the new-build apartment. Gorse Road is relatively narrow and on a hill with limited spaces, additional parking could cause a safety issue for pedestrians particularly during winter. A previous application for three apartments was declined partly due to lack of parking. A subsequent application for two apartments was approved, therefore if the current application is approved, then it would result in a total of four apartments, affecting amenity, particularly residential amenity.

PLANNING POLICY

11. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (CS) and the Local Plan Part 2: Land and Planning Policies

(LPP2), which was adopted on 8 October 2019. The Keyworth Neighbourhood Plan was adopted on 1 June 2018 and also forms part of the development plan for the area. Other material considerations include the National Planning Policy Framework (NPPF) (2019), the National Planning Practice Guidance (the Guidance), and the Rushcliffe Residential Design Guide (2009).

Relevant National Planning Policies and Guidance

12. The relevant national policy considerations for this proposal are those contained within the 2019 NPPF and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 12 of the NPPF (Achieving well designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130 of the NPPF, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Relevant Local Planning Policies and Guidance

13. CS Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under Policy 10 of the CS (Design and Enhancing Local Identity). Development should be assessed in terms of its treatment of the criteria listed under paragraph 2 of this policy.
14. In considering the sustainability of the location for development, the proposal falls to be considered under CS Policy 3 (Spatial Strategy). This policy identifies the settlement hierarchy for sustainable development which should be focused on the main built up area of Nottingham; and six Key Settlements identified for growth. Keyworth is a key settlement identified for growth for a minimum of 450 homes.
15. CS Policy 8 (Housing Size, Mix and Choice) states that residential development should provide a mix of housing tenures, types and sizes.
16. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2, specifically the following criteria: 1) ensuring there is no adverse impact on neighbouring amenity from activities on site or traffic generated; 2) ensuring a suitable means of access without detriment to highway safety, with parking in accordance with Highway Authority requirements; 3) providing sufficient ancillary amenity and circulation space; 4) ensuring the scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area. It should not lead to an over intensive form of development, be overbearing in relation to neighbouring properties, nor lead to undue overshadowing or loss of privacy.
17. The proposal also falls to be considered under Policy 11 of the LPP2 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted subject to compliance with the criteria listed under

part 1 of this policy.

18. The adopted Keyworth Neighbourhood Plan is a material planning consideration. Paragraph 30 of the NPPF states that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently. Policy TA3 (Parking Standards) states that for schemes of less than 10 dwellings, an appropriate level of parking should be demonstrated based on the criteria listed under this policy. Policy H3 (Design Requirements for New Development) applies to any scheme for over 10 houses and is therefore not applicable to this application. Policy H1 (Housing Strategy) states that applications for infill development, or on previously developed sites within the settlement boundary, will be supported subject to compliance with other Development Plan policies and provision of suitable vehicular access and sustainable links to shops and services.

APPRAISAL

19. The proposal falls to be considered under LPP2 Policy 11 (Housing Development on Unallocated Sites within Settlements), whereby planning permission will be granted for development on unallocated sites subject to compliance with the criteria listed under part 1 of this policy. Of specific relevance are criteria a, b, c, f, and g whereby planning permission will be granted provided:
- a) the proposal in terms of scale and location is in accordance with Local Plan Part 1: Core Strategy Policy 3 (Spatial Strategy);
 - b) the proposal is of a high standard of design and does not adversely affect the character or pattern of the area by reason of its scale, bulk, form, layout or materials;
 - c) the existing site does not make a significant contribution to the amenity of the surrounding area by virtue of its character or open nature;
 - f) the proposal would not cause a significant adverse impact on the amenity of nearby residents and occupiers; and
 - g) appropriate provision for access and parking is made.
20. In considering the principle of development, the application relates to an infill plot within a built-up area. Keyworth is identified as a sustainable settlement capable of accommodating growth. The principle of a residential development in this location would accord with CS Policy 3 (Spatial Strategy).
21. In terms of neighbouring residential amenity, the proposed building would abut the rear boundary of 24 Plantation Road. The separation distance between the proposed building and this neighbouring dwelling would be 18.5 metres. The building would be sited adjacent to a concrete drive running across the rear of this neighbouring garden. As No. 24 is situated to the south, the proposed building would not result in a direct loss of sunlight or overshadowing of this neighbouring rear garden. It is not considered that there would be an undue overbearing impact given the separation distance from this neighbouring building. The apartment building would feature a ground and first floor side window facing No. 24, however these would both serve bathrooms rather than habitable rooms. As such, it is not considered that the proposal would result in overlooking or loss of privacy to this dwelling.

22. The proposed building would not project beyond the rear of the approved apartment building and, given the separation distances that would be maintained, it is not considered that there would be a loss of privacy to the neighbour to the rear at 89 Spinney Road. The development has the potential to result in oblique views across the end of the gardens to properties on Plantation Road, but this would not result in unacceptable overlooking or loss of privacy.
23. The application seeks permission for the erection of a building containing 2 apartments, however the 'red line' site plan includes the approved apartment building which has been largely completed. The development is also reliant on this approved building, for example the shared stairwell. As such, the approved and proposed apartments should be assessed together in terms of whether the site, as shown within the red line plan, is capable of accommodating a total of four apartments.
24. Planning permission was refused in 2014 for a building comprising three apartments (ref:14/02103/FUL) on the basis that it would result in an over-intensive development appearing out of character with the surrounding area and street scene; and it would result in insufficient amenity space for the dwelling at 1 Gorse Road with a loss of parking for this dwelling. Subsequently, a revised application for a building comprising two apartments was approved in 2017 (17/01341/FUL). The current application proposes a building/extension comprising two apartments, to be linked to the previously approved apartment building. In comments from the Ward Councillor and a neighbour, it was noted that the application would result in a total of 4 apartments on the site, this being one more than the 2014 refusal. However, the current application differs from the 2014 refusal in that the proposal involves a larger site with the proposed apartment building to be constructed on an adjacent area of land that was not included in the previous application, thus the total of four apartments would be across a larger site area.
25. In terms of design and appearance in the street scene, the proposed apartment building would not project forward of that currently under construction and it would have a lower ridge height, given that it would be a two storey building without the attic floor featured in the approved apartment building. Although the proposed building would be on a slightly higher ground level than the approved apartment building, the lower ridgeline would counteract this change in levels, ensuring a degree of subservience to the approved apartments. It is therefore considered that the building would not appear overly dominant in the street scene. The resultant semi-detached form of the two apartment buildings would reflect the pattern of development in the vicinity comprising a mix of semi-detached and terraced properties running north along Gorse Road. The facing materials would match those on the approved apartment building.
26. In terms of parking, there would be two spaces in front of both the approved and proposed apartment buildings, rather the three spaces in front of one building as was proposed in 2014, reducing the cramped appearance of parking on the frontage. A section of planting is proposed between the two sets of parking spaces, which would help break up the frontage to avoid one long continuous run of parking.
27. Previously application 19/02917/FUL was withdrawn following officer concerns regarding a lack of rear garden space. The plans showed 0.8 metres of space

to the rear of the proposed apartment building, with no linkage to the outdoor amenity space serving the previously approved apartment building. The current application now includes an enlarged rear garden area which would be contiguous with the rear garden space to the rear of the previously approved apartments. The result is a more coherent scheme across the resultant apartment building. However, whilst the applicant controls the land upon which the building would sit, the additional land required to create the larger garden is not currently within their ownership. Securing this additional parcel of land is important to ensuring a cohesive scheme and a usable rear garden space, and also to overcome the concerns with the previously withdrawn scheme. Therefore, it is recommended that the grant of permission should be subject to a legal agreement/unilateral undertaking to ensure that the additional parcel of land is secured prior to work commencing on the construction of the additional apartments.

28. The application plans show that the four apartments (two in the approved building and two in the proposed building) would share 76 sqm of garden space, however it is noted that the refuse store would occupy approximately 6 sqm of this. The Ward Councillor has expressed concern regarding the insufficient rear garden size is noted. The Rushcliffe Residential Design Guide (2009) sets out guidelines for minimum garden size standards, however this only applies to independent dwellings rather than apartments with shared amenities. In respect of development involving the provision of flats, the design guide advises *“Private or communal garden/outdoor amenity space for apartments is desirable and should be provided where practicable. However, much will depend on the nature of the scheme and the character of the area and every case will be treated on its merits.”*
29. Concern has been raised in representations regarding land ownership, namely that the applicant does not own part of the application site. The additional area of land to the rear of the proposed building does not currently fall within the ownership of the applicant, however notice has been served on the relevant landowner, satisfying the requirements of Article 14 of the Town and Country Planning (Development Management Procedure) Order 2015. It should be noted that planning permission does not give a legal right over land which the applicant does not own.
30. In terms of parking provision, the scheme would provide one space per apartment. In considering the Nottinghamshire Highway Design Guide and Policy TA3 (Parking Standards) of the Keyworth NP, the site is located within 5 minutes’ walk of the Keyworth Connection bus stop and a small convenience store. The level of parking proposed is considered appropriate given the location close to services.
31. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that the Executive Manager – Communities is authorised to grant planning permission, subject to receipt by the Council of a signed unilateral undertaking in respect of the additional parcel of land and following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: OS Site Map, Block Plan, and COE/300/02 (Proposed Plans Sections and Elevations), received on 30 July 2020.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. The materials specified in the application (Design and Access Statement) shall be used for the external walls and roof of the development hereby approved and no additional or alternative materials shall be used.

[To ensure the appearance of the development is satisfactory and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

4. The windows in the south elevation of the development hereby approved shall be restricted opening to no more than 10cm and fitted with glass which has been rendered permanently obscured to Group 5 level of privacy or equivalent. Thereafter, the windows shall be retained to this specification.

[In the interest of neighbouring amenity and to comply with Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies].

5. The development shall not be brought into use until the shared rear garden space has been provided in accordance with drawing COE/300/02. Thereafter the rear garden shall be retained to this specification, shall not be subdivided and shall be kept available for the use of all residents of the resultant apartment buildings for the lifetime of the development.

[To ensure that the resultant development has sufficient amenity space and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

6. The development shall not be brought into use until the parking area has been provided, surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the life of the development.

[To ensure an adequate form of development in the interests of highway safety and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

7. Prior to the first occupation of the development hereby approved, a landscaping scheme for the planted area on the frontage shall be submitted to and approved by the Borough Council. The landscaping scheme shall be implemented within the next planting season following the approval of the landscaping scheme. Any trees/plants which subsequently die, become seriously damaged or diseased within a period of five years of planting shall be replaced in the next planting season with others of a similar size and species, details of which shall be agreed in writing with the Borough Council.

[To ensure a satisfactory appearance of development and to comply with policy 16 (Green Infrastructure, Landscape, Parks and Open Space) of the Rushcliffe Local Plan Part 1: Core Strategy and Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies

8. The apartments hereby approved shall be designed and constructed to meet the higher Optional Technical Housing Standard for water consumption of no more than 110 litres per person per day.

[To promote a reduction in water consumption and to comply with criteria 3 of Policy 12 (Housing Standards) of the Local Plan Part 2: Land and Planning Policies].

NOTES TO APPLICANT

Please be advised that all applications approved on or after the 7th October 2019 may be subject to the Community Infrastructure Levy (CIL). The Borough Council considers that the approved development may be CIL chargeable, as the proposal is for apartments, some with independent access. Further information about CIL can be found on the Borough Council's website at:

<https://www.rushcliffe.gov.uk/planningandgrowth/cil/>

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.

This grant of planning permission does not alter the private legal situation with regard to the carrying out of any works involving land which you do not own or control. You will need the consent of the owner(s) involved before any such works are started.

The provisions of the Party Wall Act 1996 may apply in relation to the boundary with the neighbouring property. A Solicitor or Chartered Surveyor may be able to give advice as to whether the proposed work falls within the scope of this Act and the necessary measures to be taken.

The Borough Council is charging developers for the first time provision of wheeled refuse containers for household and recycling wastes. Only containers supplied by Rushcliffe Borough Council will be emptied, refuse containers will need to be provided prior to the occupation of any dwellings. Please contact the Borough Council (Tel: 0115 981 9911) and ask for the Recycling Officer to arrange for payment and delivery of the bins

You are advised to ensure disturbance to neighbours is kept to a minimum during construction by restricting working hours to Monday to Friday 7.00am to 7.00pm, Saturday 8.00am to 5.00pm and by not working on Sundays or Bank Holidays. If you intend to work outside these hours you are requested to contact the Environmental Health Officer on 0115 9148322.

The provision of a vehicular footway crossing requires works within the public highway on land outside your control. You are therefore advised to contact the Highways Authority- Nottinghamshire County Council by telephoning 0300 500 80 80.

Condition 8 requires the new dwellings to meet the higher 'Optional Technical Housing Standard' for water consumption of no more than 110 litres per person per day. The developer must inform their chosen Building Control Body of this requirement as a condition of their planning permission.