

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>20/00801/FUL</b>
<b>LOCATION:</b>	<b>Flewitt House, Middle Street, Beeston NG9 2AR</b>
<b>PROPOSAL:</b>	<b>Construct single storey rear extension to form a 5 bed cluster flat</b>

The application is brought to the Committee at the request of Councillor P Lally and Councillor L A Lally.

1 Executive Summary

- 1.1 The application seeks planning permission to construct a single storey extension to provide a 5 bed residential 'cluster' unit.
- 1.2 The site contains a two and three storey detached building currently in use as apartments. The site is located close to Beeston town centre and is in Flood Zone 2.
- 1.3 The main issues relate to whether the principle and scale of development is acceptable, whether the design is appropriate and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal are that it would provide purpose built accommodation in an existing urban area and would be in accordance with policies contained within the development plan. This is given significant weight. There would be a loss of one parking space on site (five spaces retained) but this is outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

## APPENDIX

**1     Details of the Application**

- 1.1     The proposal seeks to construct a single storey 'L' shaped extension to the rear of the existing building and would provide a five bed 'cluster' flat, with a shared living/kitchen area, and each bedroom would have an en-suite. The extension would be located in the south/south west section of the site. It would have a flat roof to the section where it is toward the south west corner, and a gable roof to the section where it is directly adjoining the existing building, with the gable facing south east.
- 1.2     The extension would be directly adjacent to the south west boundary with a maximum gap of 1m and a minimum (for a small part) of 300mm between the building and the application site boundary. The extension would have a maximum gap of 4.8m and a minimum of 1m to the south east boundary (the latter measurement to the site boundary at the head of the cul-de-sac). A distance of 8.5m would be between the extension and the north west side elevation of no. 23 Princess Avenue.
- 1.3     Two windows are proposed in the north west facing elevation, serving bedrooms, as well as a window and door in the recessed area on the same elevation (facing towards the existing building). Five windows are shown to the south east elevation, serving bedrooms and the communal area. A further window and a door are shown to the north east elevation. Pedestrian access from both Middle Street and the parking area are to be provided.
- 1.4     One parking space is to be removed and an enlarged bin store provided in its place, to the north west of 24 Princess Avenue.

**2     Site and surroundings**

- 2.1     Flewitt House is a two and three storey detached building fronting Middle Street, and has a two storey wing centrally located to the rear elevation. There is a hard surfaced area to the front, with a covered area for cycles, and a parking area with bin store to the rear, which is accessed via a shared access off Middle Street, which also serves the Middle Street Resource Centre. A soft landscaped area is to the south west of the rear wing. Flewitt House is in use as apartments. Directly adjacent to the site, to the north, is the Middle Street tram stop.
- 2.2     Flewitt House is in Flood Zone 2.
- 2.3     The Middle Street Resource Centre is to the north east of the site. This is a community facility understood to provide services in respect of mental health. The centre is a detached single storey building and the access and drive, which separate the site from the resource centre, lead to a parking area to the south east, behind the houses on Princess Avenue. The centre is at a lower ground level than the application site.

- 2.4 To the south west of the site is Churston Court. This is a two storey detached building which houses four apartments and is separated from the site by a drive way which leads to 23 Princess Avenue. There are windows in the side and rear elevation of this building. There would be a gap of 11.4m between the nearest points of the proposed building and Churston Court.
- 2.5 23 Princess Avenue is to the south/south east of the site. This is a two storey semi-detached dwelling located to the south west of the head of the cul-de-sac. The dwelling is at a lower ground level than the site. The side elevation faces the site, and has a door and kitchen window to the ground floor level, and a secondary window at first floor level. The garden of this property partly adjoins the south west boundary of the application site (between the site and Churston Court) and partly adjoins the south east site boundary.
- 2.6 24 Princess Avenue is opposite no. 23 and is also a two storey semi-detached dwelling side on to the application site. This property also has a door and kitchen window at ground floor level and secondary window at first floor. The property is to the south east of the site, and has a relatively wide garden to the side, giving a minimum gap of 8.3m between the side elevation of no. 24 and the site boundary. This property is located closest to the parking/bin store area on site.
- 2.7 Opposite the site, to the north and north west of Middle Street, are two storey residential properties on Regency Court and The City.

### **3 Relevant Planning History**

- 3.1 Planning permission was granted in 2011 for the demolition of a public house and construction of a two and three storey building to create 7 apartments. Reference 11/00688/FUL.
- 3.2 Planning permission was refused in 2019 for the construction of a two storey and single storey rear extension to form 1 x five bed apartment, on the grounds that the development would be over-intensive and would have a detrimental impact on neighbour amenity, in terms of loss of light and being overbearing. Reference 19/00332/FUL.

### **4 Relevant Policies and Guidance**

#### **4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.1 The Council adopted the Core Strategy (CS) on 17 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

#### **4.2 Part 2 Local Plan 2019:**

- 4.2.1 The Council adopted the Part 2 Local Plan (P2LP) on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity

#### 4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

#### 5 Consultations

- 5.1 **Environment Agency:** Standing advice can be applied as the site falls within Flood Zone 2. Recommend that the minimum ground floor level (finished floor level) of 27.56m AOD be secured by condition.
- 5.2 **County Council as Highway Authority:** No objections to the proposal on highway safety grounds. Note that the site is adjacent to the tram stop and in close proximity to Beeston centre and therefore sustainable modes of travel are expected to be high. Acknowledge that residents and their visitors may cause inconvenience to the existing residents and the residents on surrounding streets, who also have current demand for parking in the area.
- 5.3 **NET (tram operator):** Request that a construction plan detailing site access (including signage) and plans for preventing the transmission of debris to the track is submitted and agreed prior to construction. A dilapidation survey will be carried out (by NET) on the tram stop in conjunction with the developer due to the high risk of delivery and construction traffic damaging the tram stop. The developer needs to be mindful of how pedestrian flow is managed to ensure pedestrians are not pushed on to the tram way.
- 5.4 **Council's Waste and Recycling Officer:** Additional capacity is required, in the form of 1 x 1100 litre general waste bin.
- 5.5 **Council's Environmental Health Officer:** No objections, subject to notes to applicant in respect of hours of construction and no bonfires on site.
- 5.6 Seven properties either adjoining or opposite the site were consulted, and a site notice was posted outside the site. Four responses were received; one observation and three objections to the proposal.

##### Observation:

- Would like confirmation that the development would not result in loss of day/sunlight to residents of Churston Court, queried whether provision has been made for additional parking spaces.

##### Objections:

- The extension would be too close to adjacent property and would result in noise from the occupation of the development.

- Loss of privacy.
- Sense of enclosure.
- Construction phase likely to affect the users of the Middle Street Resource Centre, which is used by Mental Health Social Care team and a Mental Health charity.
- Access to the resource centre (as the access is shared) will be restricted during the building phase and beyond, and deliveries/other suppliers would find it difficult to use the resource centre's car park.
- The resource centre has major concerns in regard to flood risk, following the flooding of the site in June 2020, where rain water came directly from Flewitt House land into the resource centre land and ingressed the building.
- Considers that as Flewitt House already dominates the surrounding area, further construction will exacerbate the situation and therefore be over development of the site.
- Whilst the proposal has been reduced from the previous application, it would still result in an enclosure, further dominating the area, and also result in a reduction of light.
- Consider that the retaining wall on the south east of the site would not be able to withstand any further construction alongside it as it is already crumbling and should have been rebuilt when Flewitt House was originally constructed.
- Mature trees, left to grow, on the adjacent site help to screen Flewitt House when viewed from Princess Avenue.
- The proposal increases the number of occupiers but there is no corresponding increase in parking spaces. Believe there is a requirement by the LPA to provide 1 space per 6 residents. There are already insufficient spaces (on street) for existing residents.
- There is an existing issue with rubbish and food waste disposal on the site; the bins are often left open and rubbish not always put in the bins, which attracts vermin (an on-going problem on the site), rubbish blowing around on windy days and bad smells on warm days.
- Several inaccuracies on the submitted plans, for example, sloping bank shown where it should be a fence and brick wall, and properties labelled wrongly e.g. Middle Street where it should be Princess Avenue.
- The Flood Risk Assessment (FRA) as submitted appears to be inaccurate. Believes that there is no public sewerage system for surface water to drain in to, as per the FRA. The proposal will see the amount of permeable ground (that is, the garden area) being reduced and as a result, excess surface water will run off into the surrounding properties.

## 6 Assessment

6.1 The main issues for consideration are the principle of the development and whether it would represent an over-intensive use of the site; design and appearance; and impact on neighbour amenity.

### 6.2 **Principle**

6.2.1 The proposed development is considered acceptable in principle, given the character of the area, which is residential. It is considered that the provision of a purpose built residential unit, to an existing building in the same use, would be

acceptable as it would provide additional accommodation suitable for students or other persons wishing to live together, instead of accommodating this need in an existing C3 dwelling house.

### **6.3 Design and Appearance**

6.3.1 Planning permission was refused in 2019 for a similar scheme. The earlier proposal saw a single and two storey extension which was greater in length than the current proposal, was two storeys in height to the central part, and also resulted in a loss of two parking spaces. Reference 19/00332/FUL.

6.3.2 The extension as proposed would be built of traditional materials (brick and tile). It would be single storey and partially flat roofed. Given the low profile of the proposed extension, and being at the rear of the site, it is considered that the proposed development, subject to details of materials, would not have a detrimental impact on the visual amenity of the existing building or on the character of the street scene from Princess Avenue. It would not appear over-dominant, being single storey and seen in the context of the two and three storey building beyond.

6.3.3 The proposed development would utilise the existing unused garden area to the rear, and would make best use of the existing layout of the site. It would provide additional accommodation in a sustainable, urban location. Pedestrian access to the new unit would be provided direct from Middle Street, as well as an enhanced pedestrian access to the parking and bin store area to the rear.

### **6.4 Amenity**

6.4.1 23 Princess Avenue, to the south east, is the property closest to the proposed development. Whilst it is acknowledged that this property is at a lower ground level to the application site, it is considered that as the proposed development is single storey, as there are no habitable windows at first floor level in the north west elevation of no. 23, and as a gap of 8.5m between the build and the side elevation of 23 would be maintained, there would be no significant impact on the amenity of the occupiers of this property in terms of loss of light or privacy, and it would not appear overbearing.

6.4.2 The extension would be mainly contained in the south west corner of the site. It would not be in direct view of the residents of Churston Court and as the element closest to the boundary would have a flat roof, it is considered that the extension would not have a significant impact on the amenities of the occupiers of these properties in terms of loss of light, privacy or outlook.

6.4.3 There is a minimum distance of 14m from the closest point of 24 Princess Avenue to the proposed development. As the proposal is single storey it is considered that the proposal would not have a significant impact on the amenities of the occupiers of this property in terms of loss of light, privacy or outlook. The bin store as proposed would be in the same position as the existing, albeit enlarged. Limited details of the bin store have been submitted, however these will be secured by condition. The height of the bin store would not need to be greater than the boundary treatment, and as such it is considered that the bin store as enlarged would not have a significant impact on neighbour amenity in terms of loss of light

or outlook. The bin store can be designed so as to minimise the opportunity to create anti-social behaviour through misuse.

6.4.4 In terms of its physical appearance, it is considered that the proposed development would not have a significant impact on the users of the resource centre, given the distance between.

6.4.5 The future occupiers would have an acceptable level of internal space and would have access to natural light and to an outlook, from all rooms. The occupiers would have safe and convenient access to the parking and bin store area, and direct access to the cycle storage area to the front and to Middle Street and the tram stop. The remaining garden areas would be retained and made available for all residents to use. Details of a landscaping scheme would ensure that the garden areas are enhanced and therefore more attractive to use. Open space such as that at Broadgate Park are nearby.

## **6.5 Access and Highway Safety**

6.5.1 Pedestrian access to the rear of the building will be enhanced and as a result passive surveillance of the rear of the building would be increased. There are no changes proposed to the vehicle access from Middle Street.

6.5.2 In assessing the highway impacts of a proposal, paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Paragraph 105 provides a list of factors which should be taken into account, which includes the availability of and opportunities for public transport, and the type, mix and use of the development. Policy 10 of the ACS states that development should be designed so as to reduce the dominance of motor vehicles.

6.5.3 Whilst there would be a reduction in parking spaces provided (a loss of one space, reducing the number to five), the Highway Authority raise no objection in terms of highway safety. It is also acknowledged that the site is in a highly sustainable location, being located on a well-served public transport route (trams and buses), as well as a cycle route along Middle Street. The site is also within easy walking distance of the town centre and all amenities. As such, reliance on a private motor vehicle is likely to be low at this development. It is therefore considered that the loss of a parking space would not result in a detriment to highway safety, or increase the pressure for on-street parking in the vicinity. There are public car parks within a short distance of the application site.

6.5.4 The tram route runs directly adjacent to the site. In order to ensure the continued operation of the tram network, details of a construction management plan would be secured by condition.

## **6.6 Flood Risk**

6.6.1 The application site is within Flood Zone 2. The adjacent resource centre falls within Flood Zone 3.

- 6.6.2 A Flood Risk Assessment has been submitted and the Environment Agency have raised no objection to the proposed development, subject to the minimum finished floor level of 27.56m AOD being secured by condition. The FRA states that the lowest ground level on the site is 27.93mAOD, and as such the minimum level is considered to be attainable.
- 6.6.3 It is noted that the adjacent site, the resource centre, is within Flood Zone 3 and as such is more susceptible to flooding at times of heavy rainfall. It is considered that the development of the application site would not have an impact on the designation of the adjacent site and would not in itself contribute to an increased risk of flooding to this facility. The development would need to be constructed in accordance with the building regulations in place at the time, and this would include surface water drainage. A detailed landscaping plan, which would include soft and hard landscaping, would be secured by condition, and this could contribute to ensuring surface water being allowed to drain away within the site.

## **6.7 Other Matters**

- 6.7.1 A concern has been raised in regard to noise from the occupation of the development. It is considered that as the access points are located away from the adjacent dwellings (in the recessed area on the north west elevation, and on the north east elevation facing the car park), there would not be a significant rise in noise as a result of the development.
- 6.7.2 A construction management plan is required to be submitted and agreed. Whilst this is primarily required in order to ensure that the tram network will not be affected, the plan can be used to ensure that all works are contained, wherever appropriate, within the site so as to minimise disruption for the users of the resource centre.
- 6.7.3 The developer would need to ensure the stability of the site and this is not a material planning matter.
- 6.7.4 The enlarged bin store area should provide adequate facilities for all occupiers of Flewitt House. Details of the appearance of the bin store area will be secured by condition. The ongoing problems in regard to the use of the bin store area have been raised with the management of Flewitt House, via the planning agent.
- 6.7.5 There are some discrepancies on the plans as originally submitted, which mainly relate to labelling e.g. Middle Street instead of Princess Avenue. A request for the agent to amend the other inaccuracies, for instance the boundary treatment, has been made.

## **7 Planning Balance**

- 7.1 The benefits of the proposal are the provision of purpose built accommodation in a highly sustainable location.
- 7.2 The negative impact is the loss of one parking space.
- 7.3 On balance, the loss of the parking space is not considered to outweigh the benefit of providing purpose built accommodation suitable for a range of occupiers.



8 Conclusion

- 8.1 It is recommended planning permission be granted subject to the conditions set out below.

<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</b>	
<b>1.</b>	<p><b>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</b></p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<b>2.</b>	<p><b>The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered 2599(08)G02 rev A and 2599(08)R01 rev B received by the Local Planning Authority on 16.11.20, 2599(08)004 rev B received by the Local Planning Authority on 30.11.20 and 2599(08)S02 rev C, 2599(08)E03 rev B, 2599(08)E04 rev B and 2599(08)E05 received by the Local Planning Authority on 07.12.20.</b></p> <p><i>Reason: For the avoidance of doubt.</i></p>
<b>3.</b>	<p><b>The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.</b></p> <p><i>Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<b>4.</b>	<p><b>No development shall take place until a construction plan detailing site access and proposals for the prevention of debris on the tram track have first been submitted to and approved in writing by the Local Planning Authority. The plan should also include provision for signs on exit of the site warning to check for trams, and details of how pedestrian flow will be managed.</b></p> <p><i>Reason: In the interests of highway safety and the continuity of service provision in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>

5.	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> <li>(a) numbers, types, sizes and positions of proposed shrubs</li> <li>(b) proposed boundary treatments</li> <li>(c) proposed hard surfacing treatment</li> <li>(d) proposed lighting details</li> <li>(e) planting, seeding/turfing of other soft landscape areas</li> <li>(f) appearance of the enlarged bin store</li> <li>(g) timetable for provision.</li> </ul> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the extension, whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
7.	<p>Notwithstanding the details as submitted, the finished floor level of the extension shall be a minimum of 27.56m AOD.</p> <p><i>Reason: To ensure that the development does not result in an increase of flood risk for the future occupiers of the building and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT

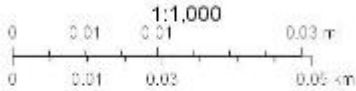
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.
3.	Further details regarding undertaking of works adjacent to the tram network are available at <a href="https://www.thetram.net/work-near-the-tram.aspx">https://www.thetram.net/work-near-the-tram.aspx</a>

Flewitt House Middle Street



1/11/2021, 2:27:21 PM

- Flood Zone 2
- Flood Zone 3
- Site



© Crown copyright and database rights 2020. Ordnance Survey 100019462. You are not permitted to copy, re-use, distribute or sell any of this data to third parties in any form.



Photographs



Front elevation



Shared access to the site and Middle Street Resource Centre



Rear (south east) elevation of Flewitt House



Looking toward Churston Court, across area of garden to be used for the development



Side elevation of 23 Princess Avenue



Parking area looking toward the access



View from parking area to south west boundary

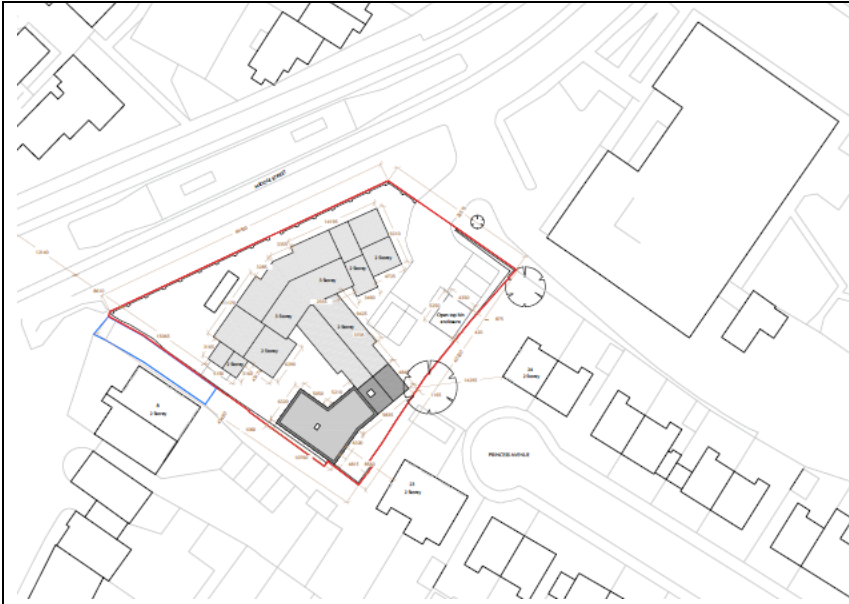


Existing bin storage area, photo taken by Management Company 14.01.21



Existing bin storage area, photo taken by Management Company 14.01.21

**Plans (not to scale)**



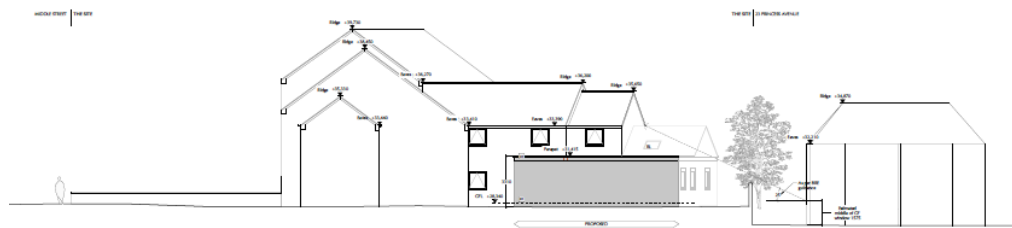
**Proposed block plan**



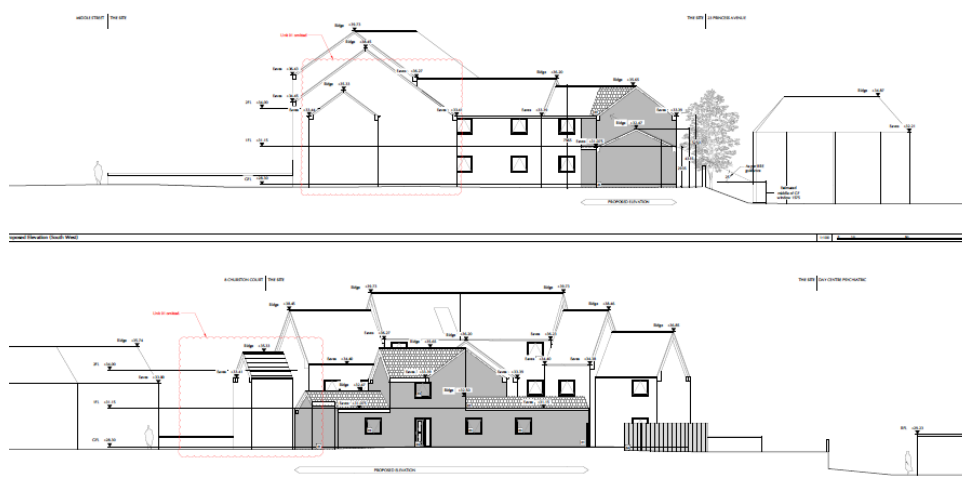
**Proposed ground floor layout**



**Proposed south east and north east elevations**



**Proposed south west elevation**



**Refused scheme for comparison (elevations) – 19/00332/FUL**





**Refused scheme for comparison (ground floor plan) – 19/00332/FUL**