

Report of the Chief Executive

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| APPLICATION NUMBER: | 19/00605/FUL |
| LOCATION: | 42 Derby Road Beeston NG9 2TG |
| PROPOSAL: | Construct 4 dwellings and associated works following demolition of existing dwelling |

The application is brought to the Committee at the request of Councillor Steve Carr

1 Executive Summary

- 1.1 The application seeks planning permission for the construction of four detached dwellings and associated works following the demolition of the existing house. The dwellings would be of two and three storeys in height. Plot 1, to the top (north) of the site, would have six bedrooms and plot 2, to the south of this, would have five bedrooms. These are both two storey dwellings. Plots 3 and 4, the three storey dwellings, would each have six bedrooms. However, the layout shows two rooms at first floor level that potentially could be used as bedrooms, resulting in a maximum of eight bedrooms. The existing access would be altered and widened where it meets the public highway.
- 1.2 The site is currently occupied by a detached two storey traditionally designed house, positioned to the north of the site.
- 1.3 The main issues relate to whether the principle of the development is acceptable, whether the design, scale and massing would have an acceptable impact on the character and appearance of the area and street scene and whether the development would have an unacceptable impact on neighbours and on highway safety.
- 1.4 The benefits of the proposal are that the development would provide an additional three dwellings. This is given significant weight.
- 1.5 The negatives of the proposal are the potential for an impact on the amenities of the neighbouring occupiers, an impact on the character and appearance of the area, and impact on highway safety. On balance, it is concluded that the development has successfully addressed the potential negative impacts.
- 1.6 The Committee is asked to resolve that planning permission be granted, subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The dwellings would be set out in a linear form fronting the existing access, all facing east. The proposed development would be of two and three storey high buildings with a slight slope to the roofs. The dwellings would have five bedrooms to plot 2, and six bedrooms each to plots 1, 3 and 4. A 2.5m high acoustic fence is proposed to the south west boundary, between the site and Abel Collins Homes site, and along the main road frontage to the south east. Retaining walls and hedges are proposed between each plot. The treatment to the elevations would be predominately brick, with horizontal and vertical features in render between each floor and dark grey cladding to other vertical areas and around the eaves of the roof. The cladding would continue around one side elevation, above a brick plinth, with render to the other side elevation. Each property would have panels of full height glazing to the front and rear elevations, each of these windows would have dark oak timber louvres to one half. Each dwelling would have an attached or integral flat roof double garage.
- 1.2 The design and layout of plots 1 and 2 (the two northern most plots) have been amended, following concerns in regard to scale and impact on the occupiers of neighbouring property, and now see a reduction in height from three storeys to two storeys, with an increase in width to both to accommodate the second floor rooms. These two plots would have asymmetric low rise roofs and would retain the design in terms of materials and elevational features such as the cladding and louvres to the windows on the front and rear elevations. Both plots would have an integral double garage.
- 1.3 The existing access, which comes directly off Derby Road (A52), will be realigned slightly and a turning area introduced between plots 3 and 4 (toward the south of the site). The turning area was originally shown to be between plots 3 and 4, further south along the drive, however it was considered that this would be too close to the access off Derby Road, which may have had an impact on highway safety, as vehicles entering the access may have conflicted with vehicles using the turning area. The access has also been widened since the original submission. A communal bin store area, for collection days, would be provided to the bottom of the access. This is intended to serve all eight properties, as the existing access currently serves five dwellings.
- 1.4 In addition to the alterations to the existing access serving the existing and proposed dwellings, and in order to ensure that an appropriate visibility splay can be achieved, alterations to the position of the boundary wall and gates serving the Abel Collins Homes site, adjacent to the application site, will need to be made. The alterations consist of the relocation of the gates further back into the site, by approximately 0.9m, slight realignment of wall to the west, and reduction in height of the wall to 0.5m for a length of 5m from the new position of the gates.

2 Site and surroundings

- 2.1 42 Derby Road is a detached two storey property, set back from the road. Previously the house had extensive gardens to the front and to the rear, however

the rear garden to the property has, in the past, been subdivided and built on and is now occupied by an additional four detached two storey properties, all served from the same access off Derby Road. These are known as 42a, b, c and d. Planning permission was granted for this development in 2001 (planning reference 01/00778/FUL).

- 2.2 42a Derby Road is the closest property to the application site and is side on to the north boundary. This property has a single storey extension and an attached garage to the south elevation, separating the dwelling from the application site. There is a gap of 2m between the garage and the boundary. There is a tall window serving the stairs and landing, and a smaller bathroom window on the southern side elevation. 42a is at a higher ground level than the existing detached garage at 42 adjacent (approximately 1m).
- 2.3 42b, c and d are to the north of 42a and the application site. The principle elevations of 42c and d face south, with 42b facing east. 42d has a detached garage with study / office room above, to the front of the house, and has a window at first floor which looks directly south down the access toward Derby Road.
- 2.4 To the east of the site is 40 Derby Road. This is also a large detached two storey house set back from the road and within a spacious garden, similar to 42. Again, areas to the rear of this property have also been sold off and redeveloped, and four dwellings built, known as 40c, d, e and f. There is a further fifth dwelling to the side garden of 40 (40b Derby Road). These properties are served off a separate access at the side of 40, to the east, and this access also serves a larger detached dwelling to the north at the top of the access, 40a Derby Road, which dates from the 1950's.
- 2.5 40d is directly to the rear of 40, and is a detached bungalow. This property is to the north east of the site and has its rear elevation facing west. 40c, to the north of 40d, is a detached two storey dwelling which also has its' rear elevation facing west. 40e and 40f, also two storey detached dwellings, are to the north of 40c.
- 2.6 To the west of the application site, there is a development of social housing known as Abel Collins Homes. This development consists of single storey and two storey semi-detached and terraced buildings. The closest properties are 1 Abel Collins Homes, to the south east corner of the development, which is a two storey building with its side elevation facing the site. There are habitable room windows in this facing elevation. There is a detached building north of this which appears to be in use as an ancillary (non-habitable) building, then further north there are a terrace of three bungalows (27, 28 and 29). This terrace faces the site and has habitable and non-habitable room windows in the east facing elevation.
- 2.7 To the south of the site is Derby Road (the A52), a dual carriageway, beyond which and facing the site are two storey detached dwellings. The A52 has a dedicated bus lane directly outside the access to the development and has a maximum speed limit of 40mph. 'Average speed' cameras have recently been installed along the length of the dual carriageway.

3 Relevant Planning History

- 3.1 01/00361/FUL - Construct 4 houses and garages on land to rear and new garage for no. 42. Refused planning permission
- 3.2 01/00778/FUL – Construct four houses and garages on land to rear and new garage for no.42 (revised scheme). Granted planning permission
- 3.3 03/00950/FUL - Construct detached dwelling house, to the front of the existing. Planning permission was refused

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 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019:

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

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenities
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment.

5 Consultations

- 5.1 **Highways England:** Require details of an access which meets the requirements of the Design Manual for Roads and Bridges, to be submitted and agreed prior to the commencement of the development, and also details of surface water drainage, which shall be contained within the site. Further information received which includes a Road Safety Audit, at the request of Highways England. This has now been completed to the satisfaction of Highways England. Objection removed.
- 5.2 **Council's Environmental Health Officer:** No objections to the proposal, subject to conditions in respect of; installation of noise mitigation measures prior to occupation; prior approval of a Demolition and Construction Method Statement to

be agreed; and Notes to Applicant – hours of construction work and no burning of waste on site.

- 5.3 **Council's Waste and Recycling Officer:** sets out the requirements for the amount and size of bins, which would be required individually for each dwelling, both existing and proposed. The bins need to be taken to the collection point which is at the edge of the adopted highway (that is, Derby Road), unless the access is to be adopted.
- 5.4 **Nottinghamshire Wildlife Trust:** Any loss of hedgerows should be compensated for, through the planting of replacement hedges. Recommend that a detailed CEMP (Construction Environmental Management Plan) be submitted and agreed, to ensure that flora and fauna within and around the site are protected. Agree with measures set out in the ecology survey and report in regard to bats and birds.
- 5.5 17 properties either adjoining or opposite the site were consulted and a site notice was displayed. 13 letters were received in response, 11 objecting for the following reasons:
- There is a history and heritage associated with the larger houses fronting Derby Road (38, 40, 42 and the Abel Collins Homes). These houses are set back from the public highway and retain a consistent building line. Whilst development has taken place to the rear of these properties, this has been in keeping with the area by retaining the open character to the frontage. The proposal to demolish 42 and build four new dwellings is out of keeping with anything else in the immediate vicinity, and is inappropriate and over-powering, and will detrimentally change the neighbourhood.
 - The Governments' new National Design Guide sets out the 10 principles of good building. Would like to know how the new development complies with these guidelines.
 - The proposed development would result in eight properties being served off a private drive, in contravention of existing guidelines and recommendations, where private drives should not serve in excess of five dwellings, and should allow for the passage of two vehicles at the access / exit point.
 - The development appears to be driven by the desire to make money.
 - The proposal will have an impact on privacy, to all neighbouring properties, due to the external viewing decks (3rd floor), and the large amount of glazing to be used in the elevations.
 - The proposed dwellings would be overbearing and have an impact on light and potential noise.
 - The layout does not appear to allow for sufficient space for the number of vehicles that would be generated by the development of four x six bedroom homes. More space needs to be allocated for each property as otherwise vehicles will be left on the access drive, thereby blocking and restricting access to the other properties.
 - The proposal to increase the total number of dwellings to eight would result in 20 plus cars, doubling the existing amount. This would result in a highway safety issue as the existing access onto Derby Road is already dangerous with limited views from oncoming traffic, including buses in the bus lane, and additionally views to the east along the pavement are also compromised, being a danger to pedestrians and cyclists. Vehicles would have to wait in the bus lane to gain

access. The access should be widened and should also be adopted with road markings and lighting.

- Currently, the existing dwellings to the rear of 42 have to leave their bins out on the pavement of Derby Road, restricting the width of the pavement for pedestrians and cyclists, on bin collection days. The development would have the potential to result in up to 20 bins being left on Derby Road
- As the access will be amended to remove the 'kink' at the bottom, privacy for the dwelling at the top of the drive would be impacted upon.
- Many of the trees on the site have already been removed and as such the tree survey concludes that not many trees would be affected.
- There are bats which can be seen flying around the site and surrounds and the bat survey suggests that bat droppings have been found in the house (42). The survey says that bats do not inhabit the house – as a protected species the bats need to continue to be protected.
- The proposal would result in further decline of species (biodiversity) in the area due to the loss of habitat. The noise of the development would also cause disturbance to the wildlife during construction.
- Trees lost would also have a negative impact on pollution, especially nearer to Derby Road.
- The existing house is beautiful and should not be demolished as it gives a nice presence to the busy Derby Road.
- The development would create an undesirable precedent which would make it difficult for the local authority to resist similar proposals in the vicinity which would cumulatively erode the character and quality of the local area.
- The development would result in a cramped layout and create a sense of enclosure.
- If the application is to be approved, request that hours of construction and related operations be restricted.
- The development would result in loss of existing views.
- The height of the proposed 'sound reducing fence' and the close proximity of the dwelling adjacent to Derby Road, would result in a significant loss of visibility in and out of the access onto Derby Road.
- Planning permission has previously been refused for development to the front of 42 and to 40.

5.6 In addition to the letters of objections, one letter was received with no comments, and one letter raised an observation, requesting a boundary enclosure of a minimum of 1.8m in height to be to the western boundary, adjacent to the Abel Collins Homes development, and for the existing trees to be maintained.

5.7 Following re-consultation on amended plans, a further 21 responses were received.

One letter with no objections / observations:

- Occupier been widely consulted on the revisions and agreement has been made to facilitate the works on the Abel Collins site

20 objections received, on the following grounds:

- Loss of privacy to adjacent garden and house through overlooking, in particular from house no. 1 [furthest north]. The proposed louvres would benefit the future occupants but would still allow for these occupants to overlook the adjacent

properties. Internally, the 'cinema' room and store could potentially be changed to bedrooms, further increasing the opportunity for overlooking

- As the height of the buildings has not been reduced, still consider that the proposed development fails to respect the scale and proportion of nearby buildings. The close proximity combined with the extensive height will make it visually overbearing and will result in a loss of light. House 1 should be reduced to two storeys maximum, or swap the house over such that the garage is on the north side, thereby moving house (plot) 1 southwards. This third floor only has one bedroom plus cinema and store room and it is considered that the two lower floors could contain the required accommodation
- The layout has not changed significantly and as such the development would have a detrimental impact on the street scene. The dwellings are cramped, awkward looking and domineering. They do not fit into the current pattern of development. If profit were not the aim, two or three houses could be designed with larger spacing between, leaving a greater distance between house no 1 (the northernmost dwelling) to the northern boundary of the site. Queried whether they are the desired architectural design for the population of Beeston
- Highway safety is a concern, due to the close proximity of the entrance to the busy A52. Note that the traffic survey was carried out during lockdown, consider that this would not be representative of a 'normal' day on Derby Road, as traffic was very light and bus frequencies reduced. The council should commission an independent survey
- The proposed bin collection area is not big enough to be able to serve all eight properties, which could be up to 32 bins. Currently bins for the existing five dwellings are often left on the pavement which restricts access / causes obstruction for pedestrians and cyclists, particularly problematic for those with mobility issues
- The council should use its powers to alter the design, layout and heights of the buildings and the amount of glass used. Also the council should enforce controlled hours of operation and other restrictions throughout the construction period
- If trees are felled on the east side of the access road (inevitable since groundworks are likely to damage roots and make the trees unstable), this would have a greater impact on privacy for the occupiers of properties to the east
- Visibility will remain restricted when exiting the site onto the A52 unless the telegraph pole is moved and the hedging along the boundary of the Abel Collins site is cut right back and the height reduced to the height of the wall. Queried who would be responsible for maintaining the visibility splay going forward. If the post box is to be moved, have Royal Mail agreed to this
- Removal of existing hedging will impact negatively on the occupants of Abel Collins Homes in terms of noise and on the view
- Access road is still not wide enough for two vehicles to pass and may result in an incoming vehicle blocking the road
- The turning area should be further north within the site so as to avoid vehicles using the top of the access serving 42 a, b, c and d
- Have the alterations proposed to the Abel Collins boundary been agreed, no changes to the hedge and trees beyond, which will continue to obstruct the view
- Whilst parking has been provided for each proposed house, the development does not make provision for visitors or delivery vehicles, which could result in vehicles being left on the drive, restricting access
- The removal of the 'kink' at the bottom of the access would result in a reduction of privacy and increase noise and pollution [for the occupants of the existing four properties]

- There is evidence of bats in the vicinity and at 42. As a protected species, they need to continue to be protected
- Remain concerned in regard to the large window on the north elevation facing 42a – impact on privacy
- If allowed, the proposal would set a precedent for development to be allowed on other sites forward of the existing built form
- These houses would only suit the budget of a few, and would not contribute to any housing problem which may exist in the area
- Proposal constitutes an inappropriate layout with poor design and appearance, with an increase in density resulting in a negative visual impact, and is over-bearing, out of scale and out of character
- The proposed development would result in a loss of views from neighbouring properties, adversely affecting public and residential amenity
- The development would result in a negative impact on wildlife and habitat, and a further loss of trees
- There will be an increase in smell from increased waste drainage issues, the plans do little to resolve this
- Queried whether the individual residents of Abel Collins have been consulted
- Several trees have been removed on the site, prior to the application being submitted. Concerned that the development would damage the environment further
- There is a problem with drainage affecting the existing housing (42, 42a, b, c and d) and concerned that the resulting development of eight dwellings would put a huge strain on the drainage system
- Proximity of plot 4's parking area to the junction, along with the high acoustic fence, would restrict visibility for vehicles entering the access off the A52 and may result in vehicles having to wait in the bus lane to ensure no vehicles are exiting the drive of plot 4
- Queried whether Highways England and County Council Highways have been consulted
- House no 1 will overshadow property to the east
- A more conservative design, with average sized windows (instead of the large floor to ceiling windows) would be more in keeping with the local area. The larger windows result in a loss of privacy
- Remain concerned in regard to the access, which despite the amendments (hatched areas, reduction of bus lane etc) still leaves residents to the east (40, and 40 a to f) highly vulnerable to a major road traffic accident, due to increase in number of vehicular movements. No study has been submitted to show how this will affect the entry and exit to the properties to the east
- Unsure as to how painting the bus lane a different colour mitigates for the additional traffic and additional safety concerns
- Remain of the opinion that the dwellings would overlook the gardens and rear of houses 40, 40b, 40c, and 40d Derby Road, especially where there is no existing tree screening
- Remain concerned that the increase in vehicles and associated delivery and visitor traffic would lead to congestion on the access road and an increase in danger turning in and out of the access
- Consider that the alterations to the Abel Collins boundary would not be enough to solve the problem of visibility when exiting the access / is the visibility splay achievable

- Questions whether there is ample turning space to allow a large vehicle e.g. a fire tender to turn in the site and avoid reversing out onto the A52
- Concerned that whilst the revised bin collection area for 16 bins has been provided, the refuse collection personnel would not return the bins to the same place and as a consequence, there is a potential for 16 bins to be left on the public highway which would be an eyesore and also a potential danger to pedestrians, the elderly, cyclists, and those with mobility problems
- As a nice property with character, in an elevated position with superb views and a pleasant garden, considers that it is inconceivable that it would need to be demolished, with no justification both ecologically and ethically, to destroy this beautiful house
- The demolition and rebuild would result in large amounts of waste and lead to noise, land and air pollution. The transport to remove the waste would have a negative environmental impact and waste a lot of energy. The disruption would pose adverse health impacts on all neighbouring residents and object to having to be forced to live on a construction site in the years ahead
- No reference in the proposed plans for the use of renewable energy solutions
- Consider that the height of the enclosure around the bin collection area would prevent clear visibility of pedestrians and cyclists emerging from the west

6 Assessment

6.1 The main issues for consideration are the principle of the development, the design, scale and massing of the proposed buildings, the layout, impact on highway safety and impact on the amenities of the occupiers of neighbouring properties.

6.2 **Principle**

6.2.1 The application site is in an established residential area, and is not allocated in the Local Plan for any particular use. The principle of residential development is therefore considered acceptable, subject to the matters outlined below.

6.3 **Planning History**

6.3.1 Planning permission for the four houses north of the plot (42a, b, c and d) was granted in 2001 (reference 01/00778/FUL). These dwellings have been built.

6.3.2 In 2003, planning permission for the construction of a detached dwelling house (reference 03/00950/FUL) was refused for the reason that the proposal would have constituted an inappropriate form of development that would adversely affect the spacious setting of both the existing dwelling, and this stretch of Derby Road, which is characterised by large houses with extensive front gardens. If permitted, the development would have created an undesirable precedent which would cumulatively erode the quality and character of the locality. Additionally, the development was considered to not provide an adequate level of amenity for the future occupiers of the new dwelling. Whilst the reasons for refusal are noted, in regard to development forward of the building line, for the reasons below, which include the granting of planning permission forward of and to the side of 38 Derby Road, to the east of the site, for residential development, then it is considered that the precedent has been set.

6.4 Design, Scale and Massing

- 6.4.1 The predominant character of development in the surrounding area is one of two storey detached dwellings with hipped or gable roofs, and in the main, built of traditional materials such as brick with tiled or slate roofs. There are elements of render on some of the dwellings nearby, along with some examples of modern materials such as timber cladding. Window and door openings are typically traditional in form.
- 6.4.2 The contemporary design is, in principle, acceptable, and whilst reference could be taken from the materials used in the immediate area, it is acknowledged that the design would lead to a development with its own character and would be distinctive and contemporary. The materials to be used are a mix of brick, render and cladding, along with timber louvres to the windows. Details of materials would be secured by condition.
- 6.4.3 The dwellings as originally submitted were all shown to be three storeys in height, with flat or slightly pitched roofs. 42 Derby Road, the existing dwelling, and the other dwellings served by the access and no. 40 Derby Road, are all large properties of two storeys in height and have either hipped roofs or pitched roofs. The two plots to the north of the site, plots 1 and 2, have now been reduced to two storeys in height and would have asymmetric roofs. Whilst this has resulted in the floor area of these dwellings being increased, it is considered that the scale and massing of the proposed dwellings is acceptable given the roof design, and in regard to other developments nearby where these have been built within former garden areas, having similar densities.
- 6.4.4 The site is currently occupied by one large detached dwelling and the proposal will see the erection of four large detached dwellings in its place. Whilst this constitutes an increase in density of development, and would bring built development further forward of the existing property line and 40 and 38 Derby Road, it is acknowledged that there has been redevelopment on nearby sites, most notable to the east, at the junction of Middleton Crescent, which have already resulted in the incursion of the building line along this stretch of the A52. The site is considered large enough to comfortably accommodate four dwellings.

6.5 Highway Safety and Access

- 6.5.1 The development would result in a total of eight dwellings off the private access road. The access on to Derby Road is already considered to be substandard, and Highways England would require the access to be designed to provide a priority type junction with full height kerbs as a means of access, which would have to be installed in accordance with the approved scheme, prior to the occupation of any of the proposed dwellings.
- 6.5.2 A Vehicle Speed Survey was submitted in July 2020. This followed the introduction of 'average speed' cameras along the whole stretch of the A52. The survey was commissioned in order to assess the average speed of vehicles using the eastbound section of the A52 at this point, so as to determine the appropriate visibility splays that would be required at the proposed access point. The contents of the survey were accepted by Highways England. Whilst it is acknowledged that

the survey was carried out in April 2020, during 'lockdown', when traffic would have been lighter than usual and bus timetables adjusted, it should be noted that the purpose of the survey was to establish average speeds, and not the level of traffic, and as such is not dependent on the latter.

- 6.5.3 It is proposed that the access will be altered in order to meet the requirements of Highways England. This includes widening the access such that two vehicles can pass each other upon entering and exiting the access; introduction of tactile paving at the crossing point; alterations to the eastbound bus lane to allow for turning vehicles to cross the bus lane; and installation of signage on the public highway. The access arrangements/improvements as approved would need to be completed prior to the first occupation of the development. These measures will ensure that the safety of all users of the public highway, including pedestrians and cyclists, will be safeguarded.
- 6.5.4 In addition to these measures, a re-alignment to part of the front boundary to the adjacent site, Abel Collins Homes, is proposed. The boundary wall would be set back slightly so as to provide an enhanced visibility splay so that vehicles exiting the site can see and be seen by approaching traffic. Highways England are satisfied with these details. A condition to ensure that the improvements to the junction are carried out prior to the occupation of any of the new dwellings will be imposed.
- 6.5.5 The development would see a nett increase of three dwellings. It is considered that this would not result in a significant increase in vehicle movements, leading to congestion, as the occupiers would generally leave and arrive at differing times. Within the site, each dwelling would have off street parking for three vehicles, plus access to a double garage. This is considered to be sufficient. A turning head is proposed, located between plots 2 and 3. As this access is not proposed to be part of the adopted highway, it is considered that this arrangement is satisfactory.
- 6.5.6 A large vehicle such as a fire tender would be able to access the site, and it is considered that the changes to the access would be an improvement on the accessibility compared to the existing arrangement, where there is no turning head and where the existing access is relatively narrow.
- 6.5.7 A Demolition and Construction Method Statement, to be submitted to and agreed prior to the commencement of demolition, would ensure that the development has minimal impact on highway safety during the demolition and construction phases.

6.6 **Amenity**

- 6.6.1 40 Derby Road is to the east of the site. This is a large two storey detached dwelling which is set a minimum of 14m from the common boundary of the site, and there is in excess of 27m between the closest point of plot 1 to the side elevation of no. 40. Plots 3 and 4, to the southern part of the site and closest to no. 40, are three storeys in height, and it is considered that due to the distances and relationship between the development and no. 40, there would be no significant impact on the amenities of the occupiers of this property in regard to loss of light, outlook or on privacy.
- 6.6.2 42A Derby Road is to the north of the site and is side on to the proposed development. This property has two single storey extensions on its south elevation,

one of which is a double garage, separating the main house from the development site. The property has a tall window serving a stairway and a first floor window to a bathroom on the facing elevation. There would be a minimum distance of 10m between the south elevation of this dwelling and the closest point of the north elevation of plot 1. Plot 1 would have a tall window, serving the staircase, in the north elevation facing no. 42A. It is considered that whilst both facing windows serve non-habitable rooms, due to their size, the window as proposed would have the potential to have a significant impact on privacy for both the occupiers of 42A and for the future occupiers. A condition to secure obscure glazing and for the window to be non-opening is recommended. Subject to this, it is considered that in other respects, the proposed development would not have a significant impact on the occupiers of this property in terms of loss of light, privacy or outlook.

- 6.6.3 42B, 42C and 42D are to the north of 42A and are located to the top of the access. All three properties are detached two storey dwellings which face south. It is considered that as the proposed development is south of no. 42 and therefore screened from these properties, and at a distance in excess of 35m between the side elevation of plot 1 and the nearest property (42B), the development would not have a significant impact on the amenities of the occupiers of these properties. A concern has been raised in regard to the straightening of the access, as it would allow for unimpeded views directly up to the top of the access and thereby have an impact on privacy. It is considered that as the length of the access is in excess of 100m from its junction with the public highway to the top of the access, there would be no significant impact on privacy for the occupiers of existing property at the top of the access. It is considered that the straightening of the access would have the potential to increase casual surveillance of the access and beyond, to the benefit of all occupiers.
- 6.6.4 40D Derby Road is to the north of no. 40, and north east of the application site. This is a detached bungalow which has its' rear elevation facing west toward 42A Derby Road. There would be a minimum distance of 43m between the rear elevation of 40D and the closest part of plot 1. Whilst plot 1 will be a two storey property with areas of full height glazing, these are partly screened by timber louvres. It is considered that, due to the distance between, the oblique view and the introduction of the louvres, the proposal, whilst visible from 40D, would not have a significant impact on the amenities of the occupiers in terms of loss of privacy, light or outlook.
- 6.6.5 40C, 40E and 40F are further north of 40D and are two storey detached dwellings. It is considered that due to the distance between the rear elevations of these properties and the closest part of plot 1, the proposed development would not have a significant impact on the amenities of the occupiers of these properties in terms of loss of privacy, light or outlook.
- 6.6.6 To the west of the site is the Abel Collins Homes complex, a group of social housing properties. These are a mix of single storey and two storey semi-detached and terraced houses. There are four properties directly facing the application site.
- 6.6.7 1 Abel Collins Homes is a two storey end of terrace dwelling located to the south west corner and is side on to the site. There are a series of three neighbouring windows at both ground and first floor level in the side elevation facing the site.

These appear to be secondary windows. There would be a minimum distance of 21m between the rear elevation of plot 4 and the side elevation of no. 1, and as such, it is considered that the relationship between the two would not result in a significant impact on the occupiers of this property.

6.6.8 27, 28 and 29 are sited toward the north of the site and are a terrace of three bungalows. The bungalows have windows facing the site in their east facing elevations, and whilst some of these serve non-habitable rooms, each bungalow has a window serving a kitchen. There is also an entrance door, and whilst it is acknowledged that this is not the principle elevation, it is clear from the case officer site visit and from photos submitted by the applicant that the small outside area for each property, which has areas of hard surface and planted borders, is used for sitting out and the quiet enjoyment of the outdoor amenity space. The rear elevation of plot 1 would directly face these properties, and plot 2, whilst not directly facing, would over look these properties. It was considered that the initially proposed three storeys dwellings with full height glazing, would have had a detrimental impact on the occupiers of these bungalows in terms of loss of privacy and outlook. The height of plots 1 and 2 have now been reduced to two storeys in height and it is considered that the development would no longer have a significant impact on the occupiers of these three dwellings in terms of loss of privacy, outlook or light.

6.6.9 The amenity of the future occupiers of each dwelling is considered to be acceptable, allowing for access to natural light and to an outlook from each habitable room. The internal floorspace of the dwellings exceeds that set out in the Governments' Technical housing standards - Nationally Described Space Standards.

6.6.10 A Demolition and Construction Method Statement, to be submitted to and agreed by the LPA prior to the commencement of demolition, would ensure that the development would reduce any impact on the amenities of the occupiers of neighbouring property, in terms of noise and disturbance.

6.6.11 A concern has been raised in regard to an increase in smells from waste drainage and that the plans do little to resolve this. The drainage services on the site, including waste water, would need to be designed so as to comply with the relevant Building Regulations in force at the time of the build, and should not result in an increase in smells or other odours from the drainage system.

6.7 Landscaping, Trees and Biodiversity

6.7.1 Several trees had been removed prior to the submission of the planning application, most notably along the frontage to Derby Road, but also along the edge of the access road, within the garden of 42.

6.7.2 The remaining trees provide an important screen to the east and west of the site and also would help to mitigate pollution in terms of noise and emissions from Derby Road. It is therefore recommended that the retained trees are protected during development, and that a landscaping scheme, which should look to mitigate for the loss of the trees, shall be submitted and agreed prior to any above ground works.

6.7.3 The landscaping scheme required by condition would include the requirement for details of biodiversity enhancements in the form of the provision of bat and bird boxes; hedgehog friendly boundary enclosures; and lighting. The Protected Species and Ecology Assessment, submitted as part of the planning application, noted that bat droppings were found in the roof space of the existing dwelling, and that whilst no evidence was found, the roof of the building was suitable for roosting bats. Bats were noted flying around and across the site. The assessment also noted that the trees and landscaped areas have the potential to provide nesting sites for birds, and the landscaped areas have potential to be a valuable resource for birds and other wildlife. As such, conditions will be imposed requiring details of landscaping, including bat and bird boxes, and a Construction Environmental Management Plan (CEMP), which seeks to protect existing flora and fauna on the site, to be agreed prior to commencement of the development

6.8 Noise

6.8.1 It is acknowledged that the site is adjacent to the A52, a busy dual carriageway which runs to the south of the site. The road generates a high level of noise, especially at peak times. Plot 4, the southernmost property, is side on to the highway and would potentially be most affected by traffic noise. This property would have no habitable room windows in the south elevation and would have a 2.5m high acoustic fence along the southern boundary.

6.8.2 A Noise Report has been submitted. The contents have been found to be satisfactory, and, subject to the measures being implemented prior to occupation, and retained for the lifetime of the development, the amenities of the future occupiers would be safeguarded, in regard to noise.

6.9 Waste and Recycling

6.9.1 Each dwelling would require 2 x 240 litre bins and 1 x 37 litre bag for glass, as per all other dwellings served by the access. The bins need to be collected from a point adjacent to the public highway. As this may result in a maximum of 16 bins on every other week, a bin collection point is proposed to the south east of the site, adjacent to the access where it meets the public highway. The collection area would need to serve all eight properties, and a condition to secure the retention of this area for the lifetime of the development will be imposed. Bins should not be left so as to result in a danger or nuisance to pedestrians or other road users and the Waste and Refuse team will be aware of this. The bin collection point is conveniently located adjacent to the public highway and return to this point should be achievable.

6.9.2 The demolition and re-development of the site would inevitably result in large amounts of waste products being generated. A Demolition and Construction Method Statement and a Construction Environmental Management Plan will need to be submitted prior to the commencement of the works, in order to ensure that measures are undertaken to ensure that waste is contained and disposed of in an appropriate way and that any impact on biodiversity is minimised.

6.10 Other Matters

- 6.10.1 The comment in regard to the motives of the applicant is not considered to be a material planning matter.
- 6.10.2 Whilst loss of outlook is a material consideration, loss of views where it is across third party land is not considered to be a material planning matter.
- 6.10.3 Previous planning applications determined at this site or on adjacent sites is a material consideration, and have been assessed against the current proposal in the above paragraphs.
- 6.10.4 As the proposed development is not considered as a 'major' application, there is no requirement for the development to include provision for affordable housing.
- 6.10.5 The developer will need to ensure that drainage for the site will meet the requirements set out in the Building Regulations.
- 6.10.6 The existing post box is shown to be retain in its' original position. The plans indicate that the post box is behind the visibility splay line and as such there would be no requirement for the box to be re-located.
- 6.10.7 It can be confirmed that individual homes at the Abel Collins site, and Highways England have been consulted on the planning application. The County Council are not required to be consulted as because the A52 is a trunk road, the access comes under the jurisdiction of Highways England.
- 6.10.8 As the planning application is not considered to be 'major' development, there is no requirement to demonstrate that renewable energy measures would be incorporated into the design. The Design and Access statement, submitted as part of the application, states that the orientation of the buildings (east to west) allows for the maximisation of natural light, reducing reliance on artificial lighting; the buildings would have a high degree of thermal mass; and would have underfloor heating. In addition, an automated ventilation system will be installed, and glazing, wall and roof insulation would be of a higher performance standard than that required by building regulations. Notwithstanding this, the development would need to meet the minimum of the relevant building regulation standards in respect of energy efficiency.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of four residential properties and an improvement to highway safety through the provision of an improved access onto Derby Road.
- 7.2 The negative impacts are impact on the amenities of the occupiers of neighbouring property.
- 7.3 On balance, it is considered that the development is acceptable and the amenity of the occupiers of neighbouring property can be safeguarded by the imposition of an appropriate condition.

8 Conclusion

- 8.1 The development accords with Policies 15, 17, 19 and 31 of the Broxtowe Part 2 Local Plan, Policies 10, 11, 14 and 17 of the Broxtowe Aligned Core Strategy, and the relevant sections of the National Planning Policy Framework. As such it is recommended that planning permission, subject to conditions, be granted.

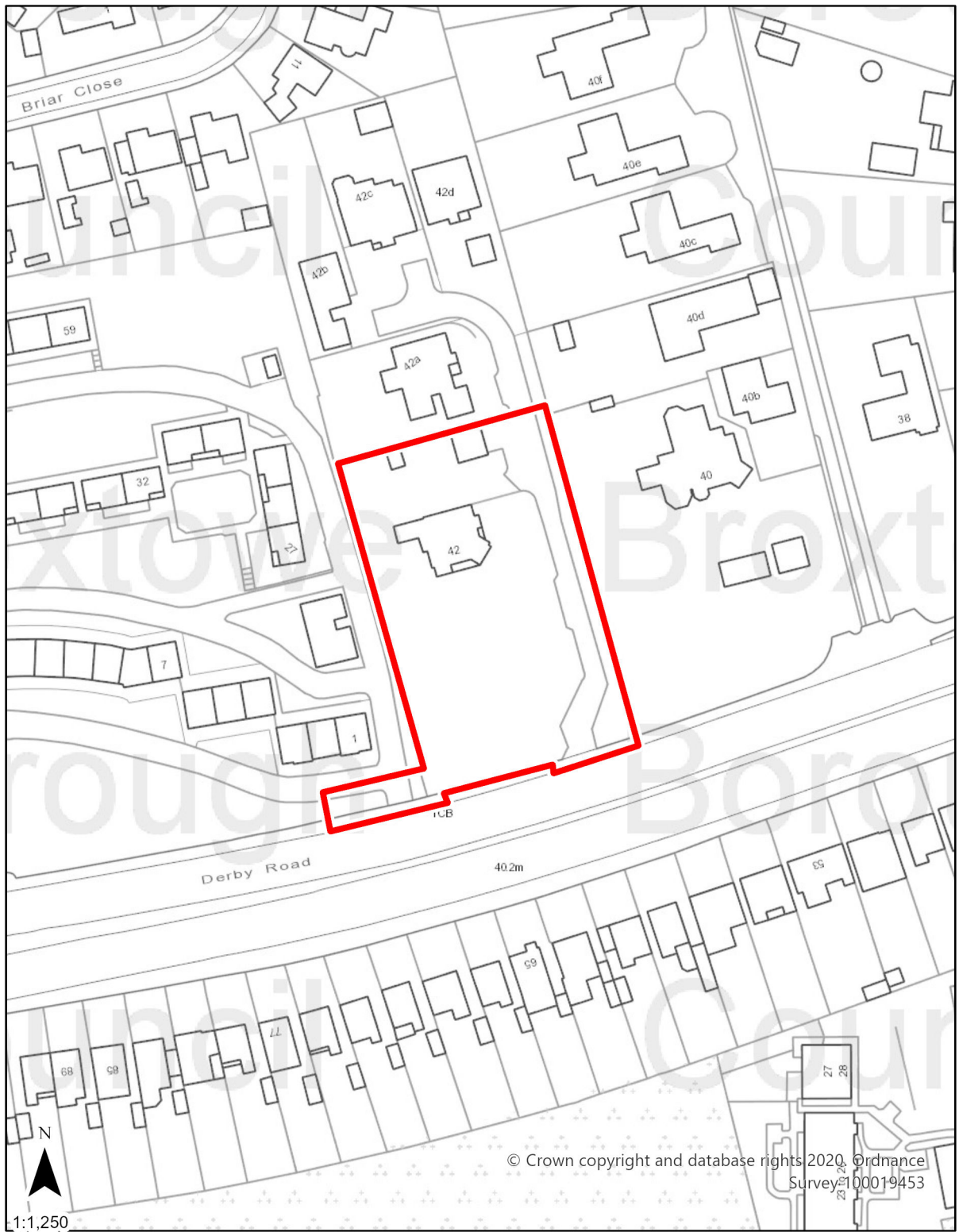
| <u>Recommendation</u> | |
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| The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions. | |
| 1. | <p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</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> |
| 2. | <p>The development hereby permitted shall be carried out in accordance with drawing numbers MEIN-XX-XX-DR-A-70-004, received by the Local Planning Authority on 30.07.20, BEES-BSP-ZZ-ZZ-DR-D-0003 rev P02, D-0002 rev P01 and D-0001 P02 received by the Local Planning Authority on 01.10.20, MEIN-XX-XX-DR-A-70-001 rev 1, 002 rev 4, 003 rev 4 and 006 rev 2, MEIN-03-XX-DR-A-20-018 and 016, MEIN-02-XX-DR-A-20-011 rev 3, 010 rev 4, 009 rev 4, MEIN-02-XX-DR-A-20-007 rev 4, 006 rev 4, MEIN-01-XX-DR-A-24-001 rev 1, MEIN-01-XX-DR-A-20-005 rev 2, 004 rev 2, 003 rev 2, 002 rev 2 and 001 rev 2, received by the Local Planning Authority on 13.10.20, and MEIN-03-XX-DR-A-24-003 rev 1, MEIN-03-XX-DR-A-20-017 rev 1 and 015 rev 1, received by the Local Planning Authority on 14.10.20.</p> <p><i>Reason: For the avoidance of doubt.</i></p> |
| 3. | <p>No above ground works shall be carried out until details of the manufacturer, type and colour of the bricks, render, cladding and louvres and any other external materials to be used in facing elevations have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</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> |

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| 4. | <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">(a) trees, hedges and shrubs to be retained and measures for their protection during the course of development(b) numbers, types, sizes and positions of proposed trees and shrubs(c) proposed boundary treatments(d) design including materials of the communal bin storage / collection area(e) proposed hard surfacing treatment(f) proposed lighting details(g) planting, seeding/turfing of other soft landscape areas(h) details including siting of ecological enhancements including the provision of bird and bat boxes <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 to enhance biodiversity, in accordance with the aims of Policy 17 and Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 and Policy 17 of the Aligned Core Strategy (2014).</i></p> |
| 5. | <p>No part of the development hereby permitted shall be commenced until details of a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Local Planning Authority. The CEMP shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of safeguarding biodiversity on and around the site, in accordance with Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014)</i></p> |

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| 6. | <p>42 Derby Road shall not be demolished and no part of the development hereby permitted shall be commenced until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) Parking provision for site operatives and visitors; c) The loading and unloading of plant and materials; d) The storage of plant and materials used in the construction of the development; e) A scheme for recycling / disposal of waste resulting from construction works; and f) Details of dust and noise suppression to be used during the construction phase. <p>The statement as approved shall be adhered to throughout the construction phase.</p> <p><i>Reason: In the interests of the amenities of the occupiers of neighbouring property, and to reduce the impact on highway safety in accordance with the aims of Policies 10 and 19 of the Broxtowe Part 2 Local Plan (2019), and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 7. | <p>No part of the development hereby permitted shall be occupied until the improvements to the junction, including the alterations to the boundary at Abel Collins Homes, have been completed in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety, 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> |
| 8. | <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 building(s), 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> |
| 9. | <p>No part of the development shall be occupied until the bin collection area, located to the southernmost part of the access drive, has been provided in accordance with the approved details.</p> |

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| | <p>The bin collection area shall be for the use of all properties to be served off the access drive and shall be retained as such for the lifetime of the development.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in the interests of highway safety, in accordance with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p> |
| 10. | <p>No dwelling hereby approved shall be occupied until the noise mitigation measures relevant to that plot and as detailed in Section 7 of the Walnut Acoustics ref WA/1119/NA-235 dated 17.11.2019 have been installed. The measures shall thereafter be retained for the lifetime of the development.</p> <p><i>Reason: In the interests of amenity for the future occupiers of the development 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> |
| 11. | <p>The glazing to the window serving the stairway on the north elevation of plot 1, facing 42A Derby Road, shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and non-opening unless the parts of the windows that can be opened are more than 1.7m above the floor of the room in which it is installed and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents 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> |
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| | 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. | <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> |

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| 3. | The developer is reminded of his legal obligation to stop work immediately should any bats be encountered during the building of the proposed extension. The Bat Conservation Trust should be contacted on 08451300228 for further advice in the event of bats or bat roosts being found. |
| 4. | Demolition works should also take place outside of the bird breeding season (March to September). Further information is available: https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences |
| 5. | The CEMP shall include information regarding the best practice construction protocols: <ul style="list-style-type: none">a) Any pipes over 200mm in diameter should be capped off at night to prevent animals such as badgers and hedgehogs enteringb) Material such as netting and cutting tools should not be left in the works area where they might entangle or injure animalsc) No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removald) During building work, root protection zones should be established around retained trees / hedgerows so that storage and movement of materials and vehicles are not carried out within these zones. |
| 6. | 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. |
| 7. | As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required. |



Legend

Site Outline

Photographs



Front (south) elevation of 42 Derby Road, taken from garden



Rear (north) elevation of no 42



Existing access off Derby Road



Existing bus lane, with boundary to Abel Collins Homes at the back edge of pavement



View looking south down the existing access, from 42 Derby Road



Access point from Derby Road



View of site looking west from the garden of 40C Derby Road



View looking west, with 42A beyond (north of site), taken from garden of 40D Derby Road



View looking west from garden of 40 Derby Road



Side elevation of 1 Abel Collins Homes. Western boundary of the site is to the right



27, 28 and 29 Abel Collins Homes, which face the site



Typical section of existing fence on the west boundary to Abel Collins site



Gates and boundary wall to Abel Collins Homes site, which are to be re-positioned further into the site

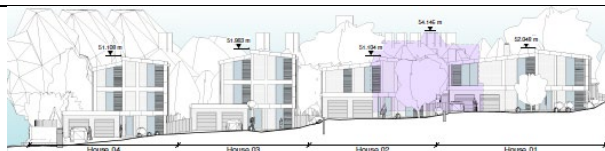
Plans (not to scale)



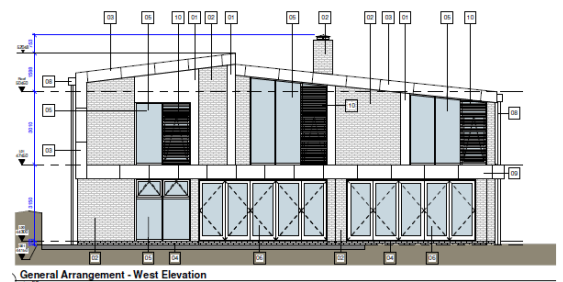
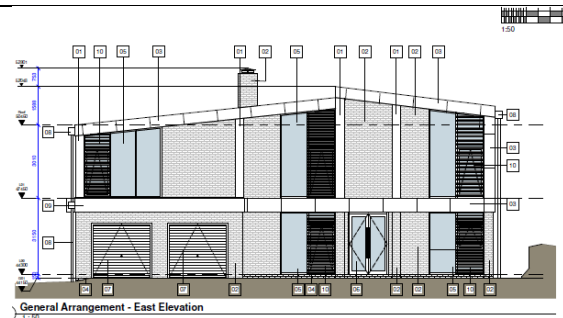
Proposed site layout



3D visual image of the development



Street view



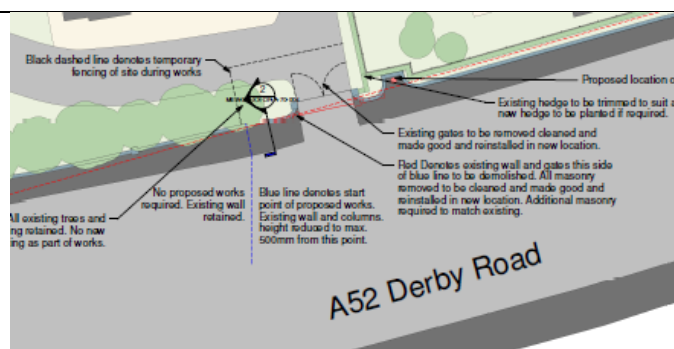
Plot 1 – proposed elevations



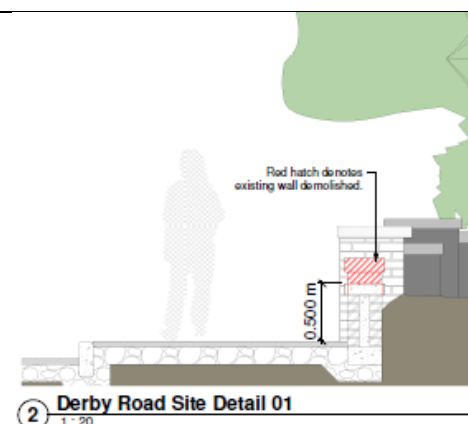
Plot 2 – proposed elevations



Plots 3 and 4 – proposed elevations



Alterations to gates and wall at Abel Collins entrance



Detail of alterations to adjacent wall and gates

