

## Report of the Chief Executive

<b>APPLICATION NUMBER:</b>	<b>21/00096/OUT</b>
<b>LOCATION:</b>	<b>Land adjacent to 24 Princess Avenue, Beeston, Nottinghamshire, NG9 2DH</b>
<b>PROPOSAL:</b>	<b>Outline application with all matters reserved to construct detached dwelling</b>

Councillor L A Lally has requested this application be determined by Planning Committee.

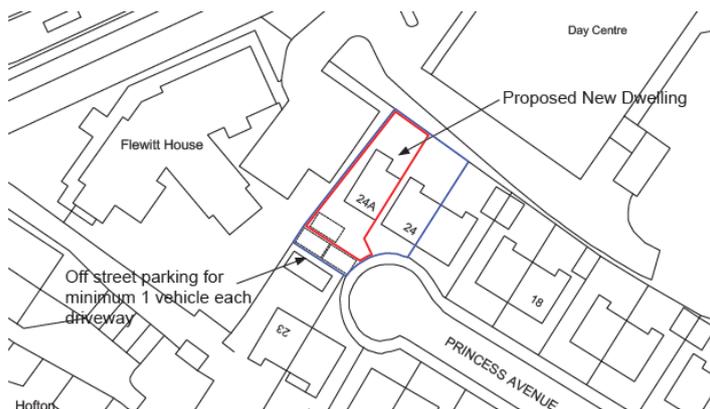
1 Executive Summary

- 1.1 The application seeks outline permission to create a new residential plot in no. 24 Princess Avenue's garden which would be occupied by a detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved. The indicative plan demonstrates one car parking space can be accommodated for the proposed dwelling and host dwelling.
- 1.2 An application was approved in December 2017 (17/00708/OUT) for a similar application. The only difference is the parking layout which is shown below. This application has been submitted as the previous permission has expired.
- 1.3 The main issue relates to whether the principle of a dwelling would be acceptable on this plot, the impact on amenity, parking and if it would be acceptable in flood risk terms.
- 1.4 The benefits of the proposal are that it would provide one additional unit which will contribute to the stock in the borough. Although there will be some impact on neighbour amenity, it is considered this will not be detrimental and is outweighed by the benefits of the scheme. On balance, the scheme is acceptable and should be approved.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

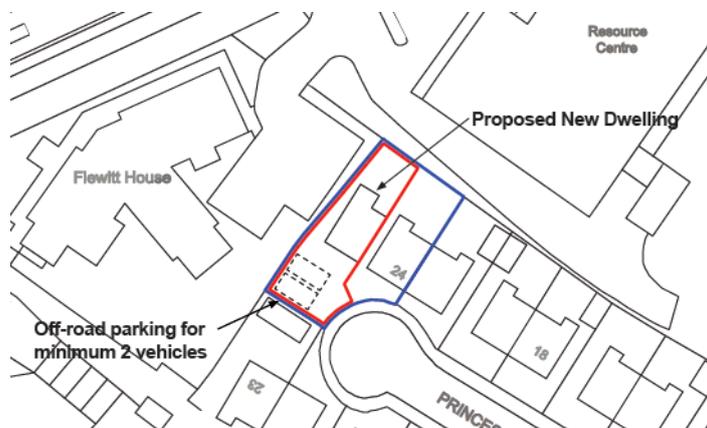
APPENDIX

1 Details of the Application

- 1.1 The application seeks outline permission to create a new residential plot in no. 24 Princess Avenue's garden which would be occupied by a detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved. The indicative plan demonstrates one car parking space can be accommodated for the proposed dwelling and host dwelling.
- 1.2 An application was approved in December 2017 (17/00708/OUT) for a similar application (the parking layout has been amended which is shown below). This application has been submitted as the previous permission has expired.



Proposed indicative layout 21/00096/OUT (each dwelling would have one off-road car parking space each)



Indicative layout for 17/00708/OUT (proposed dwelling would have two car parking spaces and the host dwelling, no parking)

- 1.3 The main issue relates to whether the principle of a dwelling would be acceptable on this plot, the impact on amenity, parking and if it would be acceptable in flood risk terms.
- 1.4 The benefits of the proposal are that it would provide one additional unit which will contribute to the housing stock in the borough. Although there will be some impact on neighbour amenity, it is considered this will not be detrimental and is outweighed by the benefits of the scheme. On balance, the scheme is acceptable and should be approved.

## 2 Site and surroundings

- 2.1 The application site comprises a semi-detached house with hipped roof, ground floor bay window and canopy roof. The garden is positioned to the side and rear. There is space for two cars to the front/side of the property (this will reduce to one space as one space will be allocated to the new property).
- 2.2 The site is enclosed by fencing, vegetation and a stone wall.
- 2.3 The site is relatively flat and located within mainly Flood Zone 2 and partly within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding.
- 2.4 Princess Avenue is characterised by semi-detached dwellings with hipped roofs. The site is within walking distance of Beeston town centre and regular bus and tram services. Flewitt House is a flat roof, two/three story block of student flats positioned to the north west and The Resource Centre is a flat roof, two story building positioned to the north east of the site. No. 22 Princess Avenue is the adjoining semi-detached property.

## 3 Relevant Planning History

- 3.1 Outline permission (with all matters reserved) (17/00708/OUT) was granted for one dwelling in December 2017. This permission was not implemented and has now expired.

## 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 1: Climate Change
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

### 4.2 **Part 2 Local Plan**

- 4.2.1 The Council adopted the Part 2 Local Plan 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

## 5 Consultations

5.1 49 neighbouring properties were consulted on the application and three objections (one containing two photos showing parking on Princess Avenue) were received which can be summarised as follows:

- Loss of daylight
- Overlooked
- Loss of privacy
- Noise and disturbance from increase in residents
- Increase in pollution, noise, dust and debris
- Increase in parking on a road with insufficient parking
- Blocking access for emergency, delivery and social care vehicles
- Difficulty exiting driveway in car
- Main exit would be onto turning circle on Princess Avenue
- Turn into a building site
- The road is at capacity with residents due to houses in multiple occupancy
- Over development
- Insufficient space for a two storey dwelling
- Concerns the property will be a house in multiple occupancy
- Several other properties on road are being turned into or are already houses in multiple occupancy
- Light pollution
- Ruin community

5.2 **Environmental Health:** No objection. Advisories in respect of working hours and prohibiting burning waste on site.

5.3 **Environment Agency:** Only a small part of the site falls within Flood Zone 3, therefore, standing advice applies.

5.4 **Waste and Recycling:** advise bin requirements.

5.5 **NET:** no objection.

5.6 **Highways:** no objection. The car parking has changed slightly showing two vehicles in a tandem space, to the left of the parking area. This depth will only accommodate one, off-street parking space per dwelling. A condition is advised requesting further details on parking/turning facilities, access widths, gradients, surfacing, visibility splays and drainage as part of the reserved matters applications.

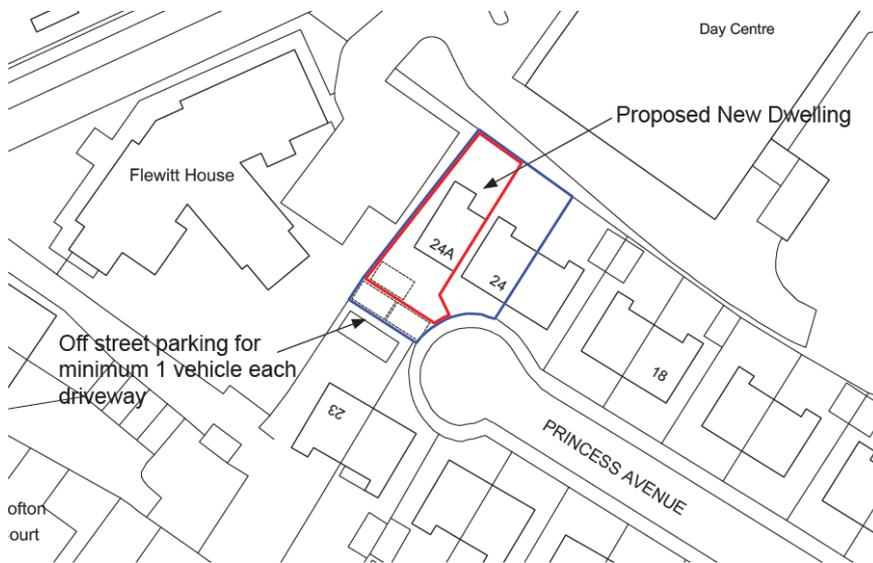
## 6 Assessment

6.1 The main issue relates to whether the principle of a dwelling would be acceptable on this plot of land, the impact on the occupiers of neighbouring properties and if the development is acceptable in respect of flood risk.

**6.2 Principle**

6.2.1 Notwithstanding the principle of developing within a Flood Zone, it is considered that the principle of a new dwelling in the garden of no. 24 Princess Avenue would be acceptable within this predominantly residential area which is in close proximity to sustainable transport links. Weight must also be given to the need to significantly boost housing supply, particularly within urban areas such as this. Whether there is sufficient space for a dwelling on the site and the impact it could have on the surrounding neighbouring properties will be addressed below.

6.2.2 It is considered the side garden of no. 24 is of an adequate size to accommodate a detached dwelling that would largely replicate the footprint of the host dwelling, provide adequate parking and private amenity space (whilst still retaining parking and a private rear garden for the host dwelling). It is considered the indicative layout plan successfully demonstrates that a dwelling could be accommodated on this site and would not appear out of character with surrounding plots.



6.2.3 Furthermore, an application for a very similar scheme (with the only change being the parking layout) was approved in December 2017 (17/00708/OUT). Whilst it is acknowledged this was never implemented and has now expired, it is a material planning consideration when determining this application.

6.2.4 The indicative plan demonstrates that each property could accommodate one off-street parking space and the site itself is located within walking distance of Beeston town centre and regular bus and tram services.

6.2.5 To conclude, the final design and layout would be matters to be assessed at the reserved matters stage but it is considered that the principle of a two storey, dwelling on this site would be acceptable, especially given the previously approved application.

**6.3 Flood Risk**

6.3.1 The site is relatively flat and located within mainly Flood Zone 2 and partly within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application.

Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.

- 6.3.2 Within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 The application site is located predominantly within Flood Zone 2 and a small proportion in Flood Zone 3 where there is a high risk of flooding. In line with the National Planning Policy Framework (NPPF), any application for residential development within Flood Zone 2 or 3 is subject to a sequential test. This test aims to steer new development to Flood Zone 1 where there is a lower probability of river or sea flooding.
- 6.3.4 A Flood Risk Assessment has been submitted which confirms that the proposed floor level of the dwelling would be 29.96m. According to the FRA, the expected flood level in the event of a 1 in 1000 year flood is 27m. Accordingly, the ground floor level of the proposed dwelling will be almost 3m above this level and therefore it is considered it would be safe from flooding. In addition, the FRA provides an escape route and confirms occupants would be advised to sign up to the EA flood warning system.
- 6.3.5 Taking these factors into account, it is considered that a sufficient assessment of alternative sites has been made given that a failure to permit small scale residential development on sites which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations including the Green Belt.

## 6.4 Amenity

- 6.4.1 No. 24 benefits from a fairly substantial sized garden that extends to the side and rear. The majority of dwellings on Princess Avenue have modest sized rear gardens. The addition of a new dwelling would mean no. 24's rear garden would be reduced to relatively the same size as the immediate neighbouring dwellings and is therefore considered to be acceptable. Satisfactory amenity space could be provided to the rear and side of the proposed new dwelling.
- 6.4.2 The indicative plan shows that the proposed dwelling will largely align with no. 24 and therefore it is considered it will have minimal impact on the amenity of the occupants of no. 22. No. 23 is positioned opposite the proposed dwelling and will be a substantial distance away that it is considered it will not have an adverse impact on the amenity of these occupants. It is considered no other surrounding neighbours will be adversely affected by the proposal of a dwelling on this site.

6.4.3 Flewitt House is a two/three storey block of flats positioned to the north west and due to its intervening car park, it is considered to be a sufficient distance from the proposed dwelling that it will not have a detrimental impact on the amenity of the future occupants of the dwelling and vice versa. The Resource Centre is located a sufficient distance away from the proposed dwelling and therefore it is considered it will not to be adversely affected.

6.4.4 It is considered a two storey dwelling on this plot would not cause an unacceptable amount of overlooking, loss of privacy or daylight. Whilst it is accepted there would be some increase in noise and disturbance from the construction of the property and increase in neighbours, the construction would likely be temporary and the noise from more residents would unlikely be significant.

## **6.5 Other Issues**

6.4.5 Whilst there might be some increase in pollution, noise, dust and debris, it is considered this would not be significant enough to warrant refusal, furthermore, Environmental Health has not raised any concerns in relation to these matters.

6.4.6 Concerns have been raised in regards to Princess Avenue being subject to residential homes being converted into HMO's (house in multiple occupancy) and that this property would add to the loss of community. However, this application is for outline only and it does not state that the property, subject to a reserved matters application, would be converted into a HMO. Furthermore, there are no policies at present restricting properties being converted into HMO's of up to six unrelated occupants and refusing the application on this reason would be unreasonable, especially given the previously approved scheme on this site.

## **6.6 Parking**

6.6.1 Concerns have been raised in regards to the increase in parking as a result of the additional property on this road. Whilst it is evident there would be an increase in parking, it is considered one parking space per dwelling (host and proposed dwelling), is acceptable and is not an uncommon situation in the borough or this area. Furthermore, the majority of properties on this road have on car parking space per dwelling and therefore refusing the application on insufficient parking would be unwarranted.

6.6.2 Whilst it is acknowledged this is relatively narrow road, it is also recognised there is no through traffic as it is a cul-de-sac. The addition of one property with one off-road car parking space is considered to be acceptable that it would not increase the amount of off-road parking to an adverse level that would cause significant highway safety concerns. As stated in paragraph 109 of the NPPF (2019), development should only be refused on transport grounds where the residual cumulative impacts are severe. In this circumstance it is considered the impact would not be severe and therefore should not be refused on this matter.

6.6.3 The Highways Authority has been consulted on this application and have raised no objection. There is no evidence to demonstrate there would be a highway safety issue as a result of approving this application. The Highways Authority has

requested further information to be submitted in line with a reserved matters application which is stated within the recommendation.

6.6.4 The site is within walking distance of Beeston town centre and is in close proximity to the tram and regular bus services along Queens Road. Car ownership associated with this property is likely to be low; however, one car parking space for property is considered to be acceptable.

6.6.5 Any cars that are parked illegally should be reported to the police.

6.6.6 To conclude, it is considered the parking is sufficient for this site given the location and proximity to sustainable transport links.

**7 Planning Balance**

7.1 The benefits of the proposal are that it would provide an additional property in the borough which accords with policies contained within the development plan which is given significant weight. Whilst it is acknowledged there would be some impact on parking and amenity, these matters would be addressed in more detail with a reserved matters application but are considered to be outweighed by the benefits of the scheme.

**8 Conclusion**

8.1 To conclude, it is considered the indicative plans demonstrate that a dwelling can be accommodated by subdividing the land of the host dwelling. Furthermore, it is considered that sufficient parking can be accommodated for each dwelling. It is considered the scheme is acceptable, especially given the approval for the 17/00708/OUT in December 2017 for a very similar scheme.

<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>	<b>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</b>  <b><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b>
<b>2.</b>	<b>The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</b>  <b><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></b>

3.	<p>The outline permission relates to the 1:500 Block Plan received by the Local Planning Authority on 2 April 2021.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>Before any development is commenced detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <p>a) the means of access and parking provision within the site;  b) the scale, layout and external appearance of the dwelling;  c) the means of access and parking provision within the site; and  d) the landscaping treatment of the site.</p> <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.</i></p>
5.	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <p>a) access width;  b) surfacing treatments;  c) visibility splays; and  d) drainage of parking areas</p> <p>The development shall be carried out strictly in accordance with the approved details and provided prior to the first occupation of the proposed dwelling.</p> <p><i>Reason: The application was submitted in outline only and to ensure that the details of the development are acceptable to the Local Planning Authority. In the interests of highway safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policies 10 and 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p><b>NOTES TO APPLICANT</b></p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>Due to the proximity of the site to residential properties it is recommended that contractors limit noisy works to between 08.00</p>

	and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
3.	Burning waste on site is prohibited.
4.	The future owners/occupiers of the proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.
5.	<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: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>

Map



Legend

-  Site Outline
-  Flood Zone 3
-  Flood Zone 2

Photos



South west (front) elevation of house



Driveway to the front/side of house



Side garden – position of proposed dwelling



Side garden – position of proposed dwelling

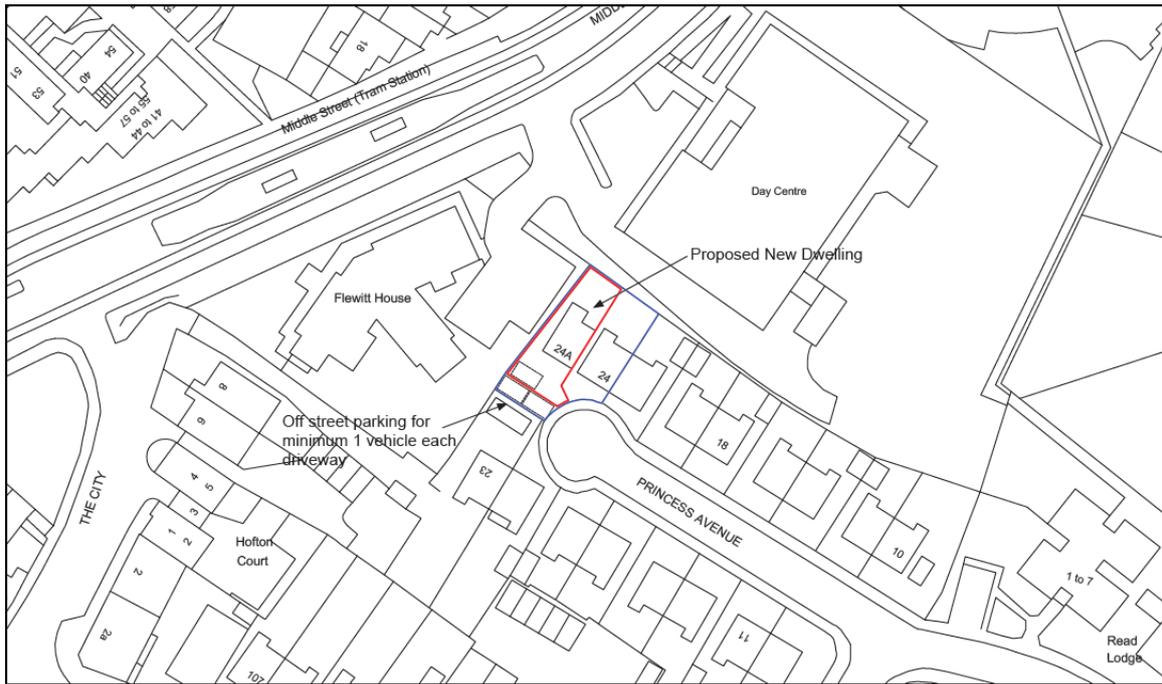


Rear garden of house



View of Princess Avenue

**Plans (not to scale)**



1:500 Block Plan of 24 Princess Avenue, Beeston,  
Nottingham NG9 2DH