

Report of the Chief Executive

APPLICATION NUMBER:	21/00364/FUL
LOCATION:	Pair of garages, Cyprus Avenue, Beeston, Nottinghamshire
PROPOSAL:	Construct two flats following demolition of garages

Councillor S J Carr has requested this application be determined by the Committee.

1 Executive Summary

- 1.1 The application seeks permission to demolish the existing garages and construct two flats.
- 1.2 The site consists a pair of single storey, flat roof garages on a corner plot of Cyprus Avenue. The site is within walking distance of Beeston town centre and within close proximity to retail and commercial offerings along Wollaton Road.
- 1.3 The main issues relate to whether the principle of two flats would be acceptable, the impact on the surrounding area, parking and access, design and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean two additional homes within an urban location which would be in accordance with policies contained within the development plan which is given significant weight. Whilst it is acknowledged there would be some impact on neighbour amenity and parking, it is considered these matters are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

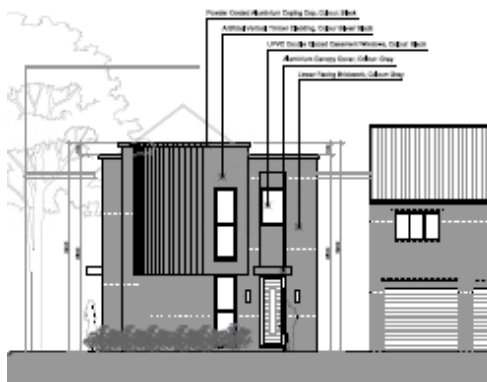
1 Details of the Application

- 1.1 The application seeks permission to construct two flats following the demolition of a pair of garages on a corner plot on Cyprus Avenue. The two storey building will be 6.2m in height, have a flat roof and reflect a contemporary appearance. The building will be stepped in and curve at first floor level on the corner of the building. It will be constructed from bricks and cladding.
- 1.2 Each flat will have one bedroom with en-suite and a kitchen, living, dining area. No parking is proposed with the scheme. Bins will be located to the south west of the building.
- 1.3 During the course of the application a number of changes were made to the design in order to improve its appearance. The main changes include the following:

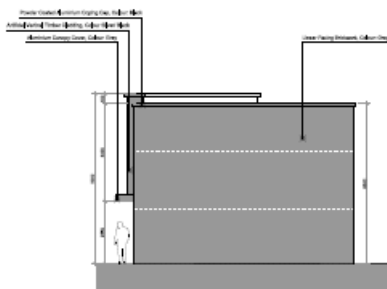
Initial Design



Proposed Front Elevation Street Scene

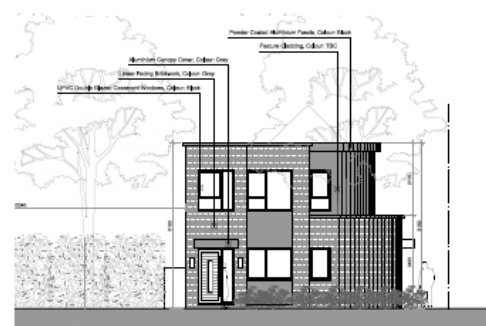


Proposed Side Elevation Street Scene



Proposed Rear Elevation

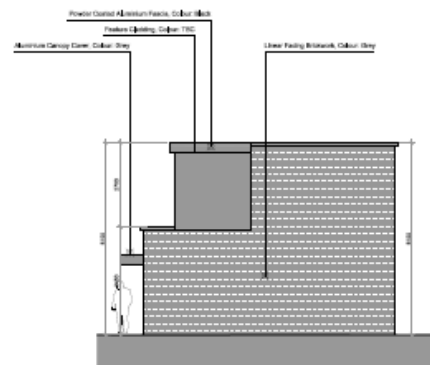
Amended Design



Proposed Front Elevation Street Scene



Proposed Side Elevation Street Scene



Proposed Rear Elevation

2 Site and surroundings

2.1 The site is within Beeston within walking distance of Beeston town centre. The application site is a corner plot on Cyprus Avenue. The site is currently occupied by a pair of single storey, flat roof garages. The garages form the boundaries with surrounding plots.

3 Relevant Planning History

3.1 An application to construct two apartments (11/00131/FUL) was withdrawn in May 2011.

3.2 An application to change the use of land to residential and construct a building comprising two self-contained one-bedroom flats (12/006468/FUL) was withdrawn in September 2012.

3.3 An application to erect a dwelling (12/00602/FUL) was refused permission in January 2013.

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 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 on 16 October 2019.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 4 – Decision-making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 **Council's Environmental Health Officer:** no objection subject to a condition in respect of providing a contamination report and an advisory in respect of working hours and prohibiting burning commercial waste.

5.2 **Council's Waste and Recycling Officer:** raises no objection and advises bin requirements.

- 5.3 **Council's Tree Officer:** refer to NCC's Tree Officer in respect of the trees on the pavement.
- 5.4 **NCC Highway Authority:** proposal is to have no off-street car parking. However, there is a possibility that should the development be permitted there may also be an increased demand for on-street parking. The Highway Authority must stress that existing on-street parking availability in the proximity of the proposed development may be subject to local concern and the Local Planning Authority may therefore wish to consider whether the development is permitted would adversely affect the local amenity.

In view of the above, the Highways Authority would not raise any highway concerns to the proposal, due to the sustainable location being near good transport links and within Beeston central area.

- 5.5 **NCC Tree Officer:** in agreement with precommencement condition as advised by the Local Planning Authority. NCC must be informed in relation to root pruning if required. NCC are planning on removing and replacing the tree to the north west of the garages which is not in conjunction with the development.
- 5.6 28 properties were consulted and a site notice and amended site notice were displayed. 20 representations were received, 32 objections and 4 observations which can be summarised as follows:

- Retention of trees should be dealt with via a condition
- Trees provide screening, landscaping and support wildlife
- Trees will touch buildings
- Tree would need to be removed to facilitate parking
- Management of street trees during construction should be clarified
- Application form states there are no significant trees adjacent to proposed site
- Reduce privacy
- Loss of daylight and sunlight
- Overshadowing
- Insufficient amenity for future occupants
- Noise and disturbance from construction and vehicles
- Dust, pollution and odours
- Loss of view
- Services box/telegraph box preventing parking of four cars is not shown on plans
- Parking shown on plans is not in ownership of the site and belongs to no. 146 Wollaton Road
- Significant impact on parking and traffic
- Hinder and weaken access
- Block service vehicles
- Dance school causes issues with traffic and parking
- Highway safety concerns for residents, children and elderly
- Some residents don't have a car and if this changes, will increase car ownership
- Increased height would cause blind spot for drivers
- Access to property and commercial units will be compromised
- Parking was raised as an issue in withdrawn application
- Residents parking permits required
- Too large and out of scale with existing properties in terms of height and size

- Contemporary style and materials not respectful or in keeping with traditional houses in surrounding area
- Footprint is larger than previous application which was refused
- Garages are part of cultural heritage of Cyprus Avenue
- Bins will be on pavement
- Compromise bin storage for other businesses and properties
- Inaccuracies in Design and Access statement in relation to size
- Could be slow to develop
- No requirement for more flats
- Path is too narrow to walk on with large trees
- Lack of space for domestic/commercial bins
- Latest plans do not make any material difference to the problems with the development

5.7 **Beeston Civic Society:** objection - design, scale and massing is overbearing on a cramped, narrow, small corner site and is out of keeping with surrounding residential properties. Application no 13/00766/FUL was granted permission for car parking for 3 cars associated with the 3 flats in the extended 146 Wollaton Road on part of this site. No additional parking spaces are shown for this application, thus there is insufficient space for 2 extra cars and on street parking is already a problem in this location. There are additional constraints imposed by street furniture and mature street trees on Cyprus Avenue and rear access to the ground floor commercial use in 146 Wollaton Road. Inadequate amenity for proposed occupants by virtue of the size of the proposed rooms and associated loss of amenity for neighbouring residents.

6 Assessment

6.1 The main issues relate to whether the principle of two flats would be acceptable, the impact on the surrounding area, parking/access, design and whether there will be an unacceptable impact on neighbour amenity.

6.2 **Principle**

6.2.1 The site is within an existing residential area and provides an opportunity to provide additional housing outside of the Green Belt within the borough. There is also a need to boost housing supply which sites such as this can help deliver. The provision of two apartments is considered to be a benefit in terms of the provision of homes.

6.2.2 Policy 8 encourages a mix of housing tenures, types and sizes. It is considered that the emphasis of the policy is on promoting housing mix rather than preserving the existing character of the street. Cyprus Avenue, is largely occupied by semi-detached properties but the neighbouring property, no. 146 Wollaton Road has been partially converted into three apartments (11/00133/FUL). Furthermore, the site is within walking distance of Beeston town and therefore high density living such as flats without parking are commonly accepted due to their proximity to sustainable transport links such as frequent buses and tram services.

6.2.3 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will also provide an additional two residential

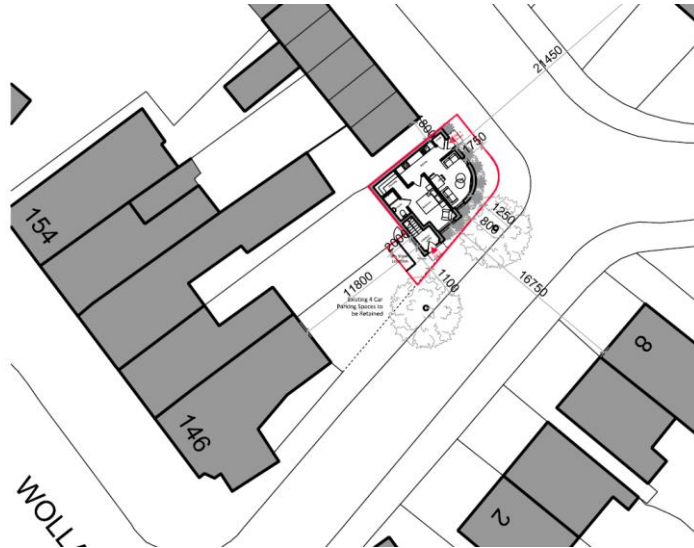
units within an existing settlement in a highly sustainable location, close to Beeston town centre and public transport links. It is considered the proposed apartments will not have an adverse effect on neighbour amenity and amendments to the design mean the massing, scale and appearance are considered to be acceptable. The principle of the development is therefore considered to be acceptable.

6.3 Design and Layout

- 6.3.1 The initial design was considered to not be suitable for this location which was largely due to the large overhanging feature of the building. It was advised that contemporary design could be acceptable but that it should be amended to be more in keeping with the surrounding area. The plans were amended to inset the curved first floor element, reduce the height (from 7m to 6.2m) and amend the fenestration.
- 6.3.2 The design of the two apartments reflects a contemporary appearance but is still considered to be acceptable that it will not appear out of keeping with the surrounding area. The massing and height of the building are considered to be modest and do not extend beyond the height of the Dance School to the north west, nor any other adjoining buildings. The first floor is set back and curved which represents an element of subservience and follows the character of the curved corner plot.
- 6.3.3 Although the site is outside the town centre, it is still within close proximity and therefore a contemporary designed building with a flat roof is considered to be acceptable. Furthermore, the flat roof reduces the massing and scale of the building.
- 6.3.4 Whilst it is acknowledged it is a compact sized plot, the building is considered to be acceptable, height, massing and scale and will not appear overbearing in its appearance. The fenestration is considered to reflect an element of symmetry and will be slightly recessed which is considered to positively add to the contemporary design approach positively.
- 6.3.5 Whilst the materials are stated on the plans, these will be agreed via a condition.
- 6.3.6 To conclude, the proposed flats reflect an acceptable level of design and are an acceptable height, scale and massing for this corner plot location.

6.4 Amenity

6.4.1 The proposed flats will not exceed a height of 6.2m which is considered to be a relatively modest height for a two storey building. It will not have windows in the south east or north west elevations and therefore will not directly overlook any rear gardens. Whilst it is acknowledged there will be some impact on the properties to the south west of the site, it is considered there is a sufficient separation distance and the building it not excessively tall that this will be detrimental.



Block Plan

6.4.2 The proposed flats will provide outward facing windows from primary rooms and are considered to be a sufficient size that they will provide an acceptable level of amenity for future occupants. Whilst space standards are not within the Council’s adopted policy, the proposed flats will be between 39-40m². 39m² is the minimum internal floor space required for a one bed roomed flat for one person as stated in the National Technical Housing Standards. Whilst it cannot be confirmed if one or two people will live in both flats, it is still considered this amount of floor space is acceptable.

6.4.3 It is accepted there will be a degree of noise, disturbance, dusts and odours generated from the construction of the building but this is likely to be on a short term basis. Anything that is deemed excess should be reported to the council’s Environmental Health department.

6.4.4 To conclude, it is considered the building will not have a detrimental impact on the amenity of surrounding neighbours due to its positioning and height and the separation distance with surrounding properties. It is considered there will not be a detrimental loss of daylight or sunlight or overshadowing caused by the building. Furthermore, there are no windows that directly overlook rear amenity space. It is considered the proposed flats will provide a sufficient level of amenity for future occupants.

6.5 Access and Parking

- 6.5.1 A number of concerns have been raised in regards to the parking proposed with the scheme. The plans have been amended to remove the parking to the south west as these spaces are not in association with the site and therefore not considered within the application. The site location plan showing the red line has been amended to reflect this.
- 6.5.2 Whilst the Highway Authority has acknowledged that the provision of two flats in this location with no parking could increase demand for on-street parking, they have also concluded that they do not raise any objection and that the site is in a sustainable location close to good transport links within Beeston. Therefore, as the Highway Authority has raised no objection, the two units are one bedroomed and its walking distance to sustainable transport links, it is considered unreasonable to refuse the application based on highway safety grounds.
- 6.5.3 Whilst the blocking of access is not a material planning consideration, the plans demonstrate that access will not be blocked. To the rear, there will be a 1.8m separation distance between the site and dance school which access from rear gardens on Wollaton Road. The bin store to the south east will not be positioned in front of the existing gate serving no. 146 Wollaton Road.
- 6.5.4 In relation to assessing the highway impacts of a proposal, paragraph 111 of the National Planning Policy Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst paragraph 107 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development.
- 6.5.5 Examples of schemes approved for residential flats in Beeston with no parking include the Methodist Church on Wollaton Road (20/00091/FUL) which was converted into a house in multiple occupancy and consisted of 20 rooms and 17 flats on Villa Street (18/00422/FUL).
- 6.5.6 Whilst the above examples are for different schemes, it demonstrates the acceptability of high density schemes with a low number of bedrooms on the periphery of town centres being acceptable. Whilst this scheme does not have any parking associated with it, the proposal of two, one bedroom units within walking distance of Beeston town centre is considered to be acceptable that it would not cause an unacceptable impact on highway safety which is further supported by the Highway Authority. Therefore, it is considered the scheme is acceptable on highways grounds.

6.6 Other Issues

- 6.6.1 The two trees are on highways land; however, a precommencement condition will be included within the recommendation to ensure details of their protection are submitted before works commence.

- 6.6.2 A precommencement condition will be included to provide details of the bin store.
- 6.6.3 It is considered there will still be sufficient space to walk between the new building and trees on the pavement and the Highway Authority has not raised any concern with this.
- 6.6.4 The duration of the development for this particular scheme would not be conditioned that it needs to be completed within a particular timeframe.
- 6.6.5 Whilst it is noted that there are some inaccuracies within supporting information, the proposed plans which will be conditioned are considered to be clearly understood and acceptable.
- 6.6.6 It is considered the existing garages do not hold any architectural value that the proposal of a new scheme would be resisted.
- 6.6.7 An application (12/00602/FUL) was refused for one dwelling; however, this was assessed in line with policies that are now out of date. The application was refused on amenity for future occupants and its size and scale. The proposed dwelling did have a smaller footprint but was 2.2m taller than this proposed scheme. The Highway Authority concluded the scheme was acceptable on highway grounds.
- 6.6.8 Resident parking permits are issued from the NCC Highway Authority.
- 6.6.9 It is considered the building is set back enough from the pavement and road that it will not cause a blind spot for drivers, furthermore, this was not raised as a concern by the Highways Authority.

7. Planning Balance

The benefits of the proposal are that it would provide two additional homes which reflects an acceptable level of design and would not appear out of character with the surrounding area. Although there will be some impact on on-street parking, it is considered this is not detrimental issue that would warrant a refusal, especially given that car ownership is likely to be low or non-existent. On balance, the scheme is acceptable and should be approved.

8. Conclusion

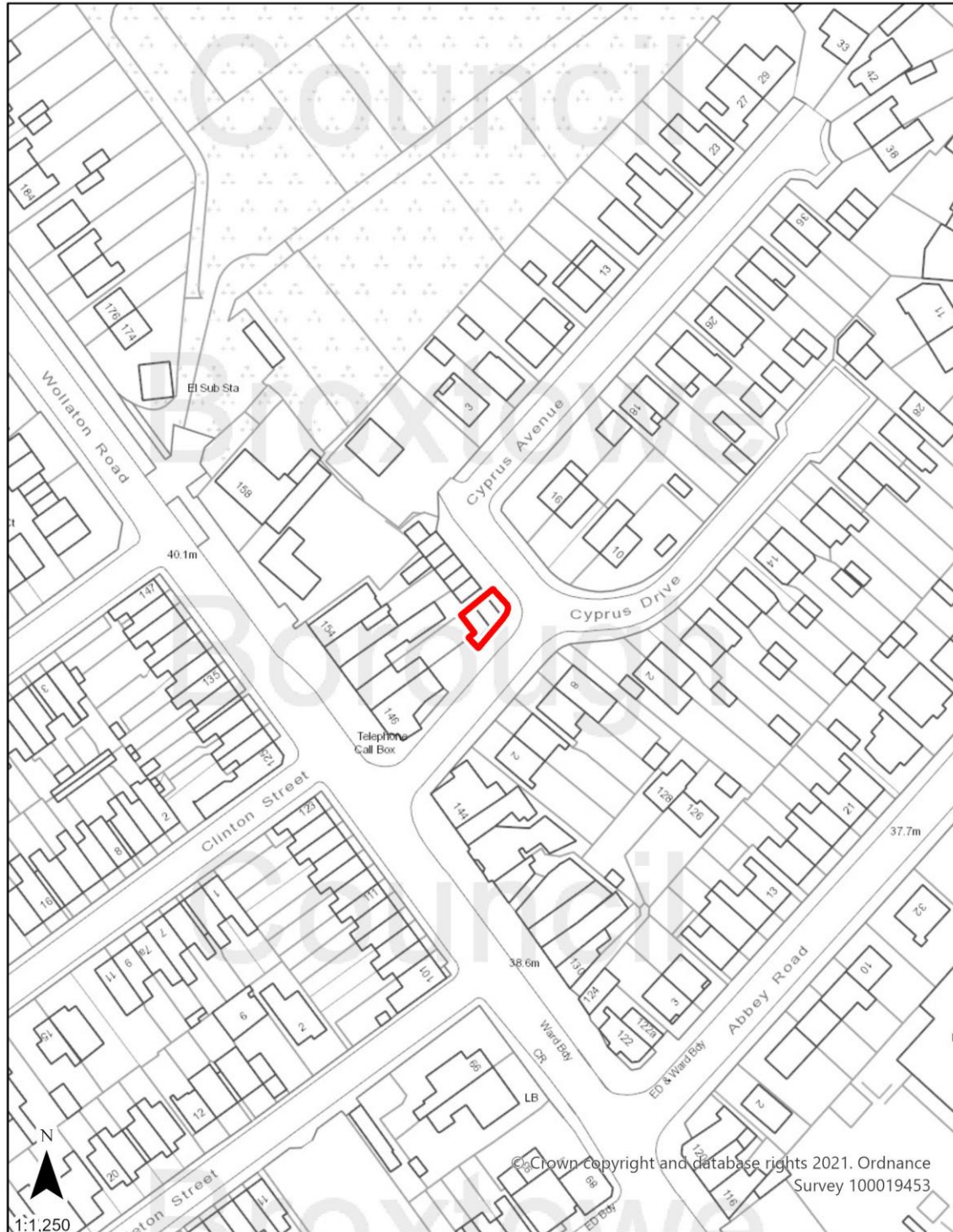
- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
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 drawings:</p> <p>Received by the Local Planning Authority on 27 October 2021:</p> <ul style="list-style-type: none"> • 002 Rev C • 003 Rev C <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and</p> <p>(ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
4.	<p>No part of the development hereby approved shall be commenced until a tree survey has been submitted to and approved in writing by the Local Planning Authority. The tree survey should outline the measures for protection of the trees including details of protective</p>

	<p>fencing and methods of construction within root protection areas. The works should be carried out strictly in accordance with the approved details.</p> <p><i>Reason: Insufficient details were included with the application and to ensure the satisfactory appearance of the development and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No development above ground level shall be carried out until samples and full details of the colour, type and texture of respective external facing materials 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: Insufficient details were included with the application and to ensure the satisfactory appearance of the development and in accordance with Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> a. details of any works to existing trees and measures for their protection; b. details of boundary treatments, curtilage boundary treatments and bin store; c. proposed hard surfacing treatments and d. a timetable for implementation of the scheme. <p>The landscaping scheme shall be carried out in accordance with the approved timetable.</p> <p><i>Reason: Insufficient details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No part of any flat roofs shall be used as a balcony, sun terrace or similar amenity space.</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 Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>

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.	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 an 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.
3.	The applicant is advised to contact the Council's Waste and Recycling Section on telephone number: 0115 917 7777 to discuss waste and refuse collection requirements.
4.	Due to the proximity of the site to residential properties it is recommended 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.
5.	Burning commercial waste on site is prohibited.

Map



Legend

 Site Outline

Photographs



North east (side) elevation



South east (front) elevation



Rear gardens of properties on Wollaton Road



Rear/side elevation

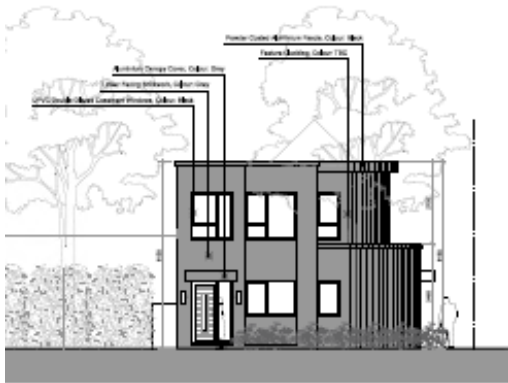


North east (side) elevation



North east (side) elevation and
garages/dance school to the north west

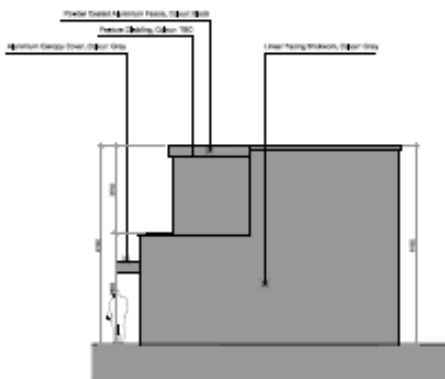
Plans (not to scale)



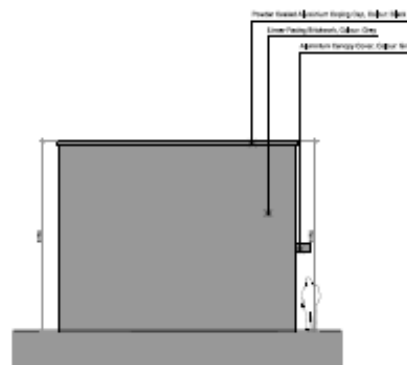
Proposed Front Elevation Street Scene



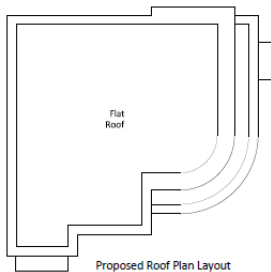
Proposed Side Elevation Street Scene



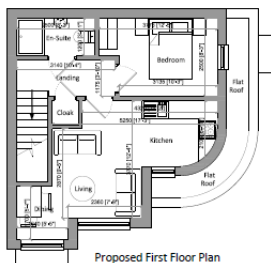
Proposed Rear Elevation



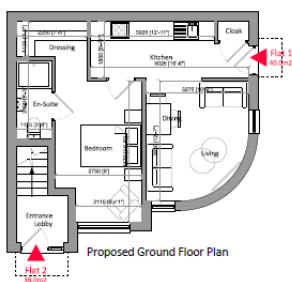
Proposed Side Elevation



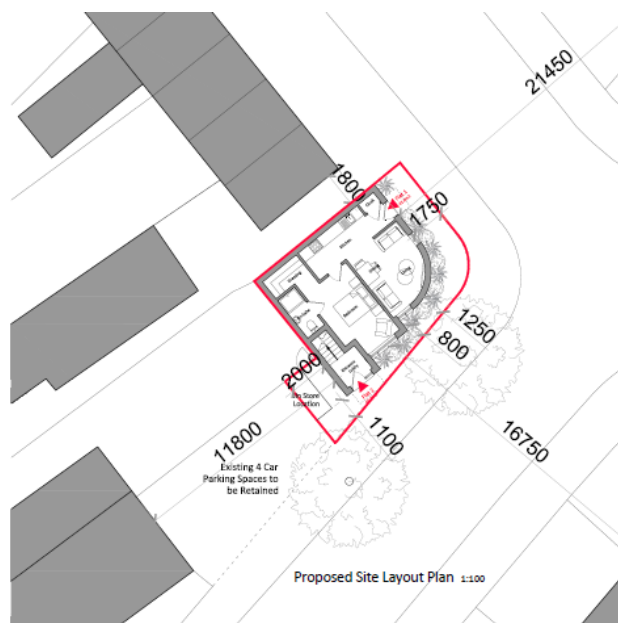
Proposed Roof Plan Layout



Proposed First Floor Plan



Proposed Ground Floor Plan



Proposed Site Layout Plan 1:100