

Report of the Chief Executive

APPLICATION NUMBER:	22/00030/FUL
LOCATION:	Lockup Garages, Chetwynd Road, Toton, Nottinghamshire
PROPOSAL:	Construct two detached dwellings

1. Purpose of Report

The application is brought to the Committee at the request of Councillor R I Jackson.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

3.1. The application seeks full planning permission to construct two dormer bungalows on land to the rear of 12 Chetwynd Road. The existing garages and outbuildings on site will be demolished.

3.2. The main issues relate to whether the principle of two dormer bungalows would be acceptable, whether the design is acceptable; whether there would be an unacceptable impact on neighbour amenity, whether the proposal would have an unacceptable impact on highway safety and flood risk.

3.3. The benefits of the proposal would mean two additional homes within a sustainable, urban location which would be in accordance with policies contained within the development plan which is given significant weight. The proposal would contribute to the local economy by providing jobs during the construction process. The development would be in accordance with the policies contained within the development plan. This is given significant weight.

4. Data Protection Compliance Implications

4.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

5. Background Papers

5.1 There were no background papers.

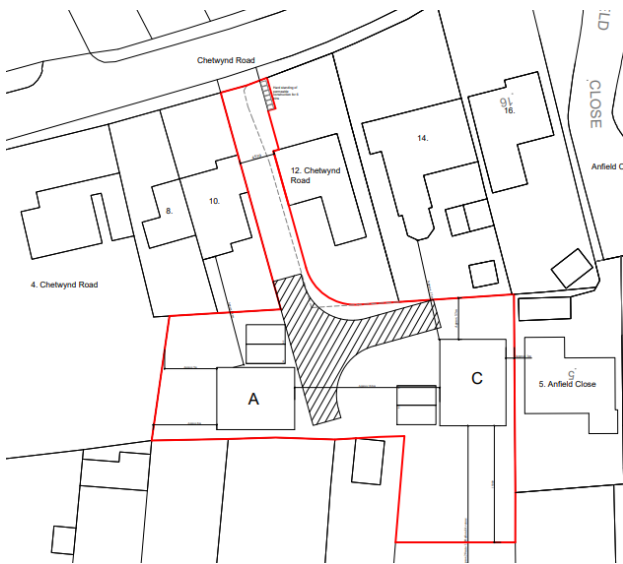
APPENDIX

1 Details of the Application

- 1.1 The application seeks full planning permission to construct two dormer bungalows on land to the rear of 12 Chetwynd Road. The existing garages and outbuildings on site will be demolished.
- 1.2 The access to the new dormer bungalows will be taken from Chetwynd Road and will be widened. A bin store with space for six bins will be positioned next to the entrance.
- 1.3 It is important to note that outline planning consent including access and layout was granted for 2 dormer bungalows at planning committee 9th September 2020 (20/00283/OUT). This application mirrors the approved access and layout. As a result, it is considered that the principle of 2 dormer bungalows has already been established.
- 1.4 During the course of the application the following amendments have been made:
 - Access widened and bin store area provided.
 - Detached single garage reduced in height.
 - Removal of 1 window at first floor level in the south side elevation of plot 1.
 - Finished floor levels including existing land levels of neighbouring plots have been provided.

Approved layout and access (20/00283/OUT):

Proposed layout:



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2 Site and surroundings

- 2.1 The site includes land off Chetwynd Road, set back from the highway at the end of a private drive. The site contains two rows of brick built garages with flat roofs. Two outbuildings are also within the site. The site is a mixture of grass, vegetation, trees and hardstanding. It is enclosed by hedges and fencing. The site is located in Flood Zone 2 which is land with a medium probability (between 1 in 100 and 1 in 1000) of river flooding.
- 2.2 The site lies within a predominantly residential area. There are a mixture of houses and bungalows that adjoin the site from Rutland Avenue and Chetwynd Road. Nos. 12 and 14 Chetwynd Road are bungalows with single storey rear extensions and nos. 8 and 10 Chetwynd Road are a pair of semi-detached houses. No. 5 Anfield Close is a bungalow positioned to the east of the site. No. 13 Rutland Avenue is a bungalow positioned to the south of the site. No. 9 Rutland Avenue is a bungalow and nos. 7 and 11 are houses and they are all positioned to the south of the site.

3 Relevant Planning History

- 3.1 In 2020, outline planning consent including access and layout was approved for 2 dormer bungalows at planning committee (20/00283/OUT). It is important to note that this application, also for 2 dormer bungalows, mirrors the access and layout previously approved.

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 2019:**

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

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

- Part 2 – Achieving sustainable development
- Part - 4 Decision-making
- Part 5 – Delivering a sufficient supply of homes
- Part - 11 Making effective use of land
- Part 12 – Achieving well-designed places
- Part 14 – Meeting the challenge of climate change, flooding and coastal change

5 Consultations

- 5.1 **NCC Highways:** no objections (no material changes from the former submission).
- 5.2 **Council's Environmental Health Officer:** no objections subject to conditioning contamination and construction noise.
- 5.3 **Resident comments:** A site notice was posted and neighbouring properties were consulted. 8 objections were received. Comments received can be summarised as follows:

Visual Amenity

- Design of proposed dormer bungalows is unacceptable (too big/materials)

Residential Amenity

- Siting/size of garage will result in an overbearing/overshadowing impact on neighbouring properties.
- Siting/size of proposed dwellings will result in an overbearing/overshadowing/loss of privacy impact on neighbouring properties.
- Proposed access will result in noise/disturbance from comings and goings
- Difference in land levels between site and surrounding gardens will impact privacy and amenity of neighbouring properties
- Sense of enclosure
- Loss of view
- Limited details of boundary treatment

Highway Safety

- Proposal will increase traffic
- Construction vehicles will create congestion and reduce on street car parking availability
- Limited details of bin store

Other Matters

- Proposed development will disrupt existing sewer systems
- Removal of asbestos will be dangerous
- Red line plan is accurate in relation to surrounding plots
- Flooding and surface water drainage issues in this location
- Ecological impact (loss of existing wildlife)
- Potential damage to neighbouring trees

6 Assessment

- 6.1 The main issues relate to whether the principle of two dormer bungalows would be acceptable, whether the design is acceptable; whether there would be an unacceptable impact on neighbour amenity, whether the proposal would have an unacceptable impact on highway safety and flood risk.

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. There is also a significant need to boost housing supply which sites such as this can help deliver. The provision of two bungalows is considered to be a benefit in terms of contributing to the provision of homes in the borough.
- 6.2.2 It is considered that the proposal will be limited in any impact on the character and appearance of the area and will have no significant impact on neighbour amenity or highway safety. Further to this, outline planning consent including access and layout was granted for 2 dormer bungalows in this location (20/00283/OUT). This application mirrors the approved access and layout. As a result, it is considered that the principle of 2 dormer bungalows has already been established.

6.3 Flood Risk

- 6.3.1 Policy 1 of the Part 2 Local Plan (2019) states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt. Whilst the sequential test must still be applied, the minimisation of development in the Green Belt in Broxtowe will be treated as a 'sustainability benefit' and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'.
- 6.3.2 The site is located within Flood Zone 2 which is land with a medium probability (between 1 in 100 and 1 in 1000) of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency were consulted on this application and did not provide comments due to the site being located within Flood Zone 2 and being subject to standing advice.
- 6.3.3 The Sequential Test, as set out in planning practice guidance, aims to steer development to areas with lowest risk of flooding. Since the site is located within Flood Zone 2, the site is considered to be sequentially appropriate for more vulnerable development following the guidance in Table 3 of planning practice guidance (paragraph 67 Ref. 7-067-20140306).
- 6.3.4 It is important to note that outline planning consent has been granted for 2 dwellings in this location subject to conditioning the finished floor levels shall be set no lower than 29.63m AOD. The FRA submitted in support of this application also recommends that finished floor levels for the development and safe access and egress will be set 300mm above the modelled 100 year + climate change flood level, in line with the current permission (20/00283/FUL).
- 6.3.5 From reviewing the FRA, it is considered that flood risk issues have been satisfactorily addressed. The FRA has addressed the probability of flooding, climate change, emergency access and egress, proposed floor levels, flood resilient construction and surface water drainage.

6.4 Visual Amenity

- 6.4.1 Concerns have been raised by neighbouring properties in respect of the siting, size and scale of the proposed development.
- 6.4.2 The site is located at the end of a private drive set back from Chetwynd Road. Views of the proposed dormer bungalows from Chetwynd Road will be lessened due to the siting of the proposed development set back from the highway. Plot 1 and plot 2 have been positioned to match the approved layout under outline consent 20/00283/OUT. Furthermore, the submitted layout maintains a spacious appearance which is consistent with a number of neighbouring properties.
- 6.4.3 Size and architecture of residential properties in this location vary including two storey properties and bungalows. In terms of the design, the dwellings are considered to be contemporary in appearance featuring a dual pitched roof including front and rear dormer windows. The proposed dormer windows are considered not disproportionate in size. Plot 1 is the smaller dwelling featuring a gable in the front elevation including glazing and cladding. Plot 2 is the larger dwelling including single storey aspects projecting from both side elevations and a smaller gable in the front elevation. A condition has been added requiring details of the proposed materials to be submitted to the Local Planning Authority.
- 6.4.4 The proposed design of the detached garage serving plot 1 includes a dual pitched roof. Plot 2 includes an integrated garage. In light of the above, it is considered that the siting and design of the proposed dwellings is appropriate and the proposal will not appear significantly at odds with the existing surrounding development. Landscaping and boundary treatment details have been conditioned to ensure the proposal integrates with the surrounding garden plots.
- 6.4.5 As such, it is considered that the siting, size, scale and design of the proposed dwellings in the location would not represent a significant impact on the appearance of the visual amenity of the area.

6.5 Residential Amenity

- 6.5.1 A number of concerns have been raised in respect of potential overlooking, overbearing and overshadowing impacts resulting from the proposed development.
- 6.5.2 The proposed dwellings in terms of internal floor space and outside amenity space to the rear of each property exceeds the minimum national requirements. There are no concerns regarding the proposal being an overdevelopment of the plot and the proposed dwelling will provide adequate living conditions for any future occupiers of the dwellings.
- 6.5.3 Specifically concerns relate to the overbearing impact resulting from the size and siting of the proposed detached garage serving plot 1. As a result, the ridgeline height of the proposed detached garage has been amended and reduced in height from approximately 4.48m to 4m. The detached garage would be set approximately 0.4m from the rear boundary of 8 Chetwynd Road, 0.7m from the rear boundary of 10 Chetwynd Road and 1.2m from the rear boundary of 76 High Road. As such, it

is considered that the siting and size would not result in a significant overbearing impact.

- 6.5.4 Concerns have been raised with regards to the siting, size and scale of both plot 1 and plot 2 resulting in a potential overlooking, overbearing and overshadowing impact on surrounding properties. It is important to note that the proposed layout matches the approved layout for 2 dormer bungalows approved at planning committee 9th September 2020.
- 6.5.5 Plot 1 would be set away from the southern boundary of the site by approximately 0.9m. To the south, the side elevation of plot 1 would be separated from the rear elevation of 9 Rutland Avenue by 25m. Furthermore, the side elevation window at first floor level has been removed to reduce any potential overlooking concerns. To the west, the rear elevation of plot 1 would be separated from the rear elevation 76 High Road by approximately 48m. To the north, the side elevation of plot 1 would be separated from the rear elevation of 10 Chetwynd Road by approximately 14m.
- 6.5.6 Plot 2 is set away from the north and east boundary by approximately 1m. To the north, the side elevation of the single storey aspect would be separated from the rear elevation of an existing conservatory of 14 Chetwynd Road by approximately 9m and 12m from the rear elevation of the original property. To the east, the rear elevation of plot 2 would be separated from the side elevation of 5 Anfield Close by approximately 2m. Whilst plot 2 includes a dormer window in the rear elevation this serves an ensuite (non-habitable room) which lessens any potential loss of privacy for neighbouring properties. 5 Anfield Close is a bungalow and includes 1 obscurely glazed window in its side elevation which further lessens any potential overlooking impact. Velux windows proposed in both plots are positioned at high level which would reduce any overlooking impact. An existing detached garage is sited forward of 5 Anfield Close, as a result this lessens any potential overbearing impact resulting from the single storey aspect of plot 2. To the south, the side elevation of plot 2 is separated from the rear elevation of 13 Rutland Avenue by approximately 26m. As such, it is considered that the proposed dwellings are sited an adequate separation distance from surrounding properties and therefore reducing any potential loss of privacy.
- 6.5.7 The amended site layout plan submitted demonstrates proposed finished floor levels and it is considered that the siting of the proposed dwelling in this location will not result in any significant overlooking, overbearing or overshadowing impact. Whilst concerns have been raised with regards to the noise resulting from the comings and goings in respect of two dwellings it is considered that this is not a significant impact upon the amenity of neighbouring properties.
- 6.5.8 To conclude, it is considered that due to the siting, size, scale and design of the proposal the application will not be significantly detrimental to the amenity of any neighbouring properties in terms of any potential overlooking, overbearing or overshadowing impact.

6.6 Highway Safety and Parking

- 6.6.1 A number of concerns have been raised in respect of the potential increase in traffic and on street parking on Chetwynd Road. The Highways Authority have not

objected to the application; the access is identical to the previously approved application 20/00283/FUL. It is considered the amount of parking proposed (two spaces) per dormer bungalows is acceptable. Sufficient space is available within the site to absorb the additional demand for parking, and to enable drivers to enter and exit in a forward gear. The access arrangement includes the provision of a bin store to ensure they are not stored on the highway on collection days. A condition in relation to the bin storage, dropped kerb, driveway/parking/turning areas, appropriate drainage and hard surfacing has been included in the interests of highway safety.

- 6.6.2 It is considered the traffic generated from two dormer bungalows in relation to that of the existing garages on the site would not be dissimilar. Whilst there may be construction vehicles parked close to the site and on the street for a period of time, this is to be expected and it is considered it would not warrant a refusal.
- 6.6.3 In relation to assessing the highway impacts of a proposal, paragraph 111 of the NPPF states that development should only be refused highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.6.4 The site lies within an existing urban location within a reasonable proximity to Toton Lane park and ride. Whilst it is acknowledged there could be some increase in on-street parking as a result of this development, it is considered this would not pose a highway safety risk. Two car parking spaces have been provided per dormer bungalow and the Highways Authority have not raised any objection in relation to the development. Therefore, it is considered that the parking arrangement is acceptable for this site and would not warrant refusal.

6.7 Other matters

- 6.7.1 A number of concerns have been raised by residents which will be addressed within this section.
- 6.7.2 Although the trees on site may support wildlife, the site is outside of the conservation area and there are no TPO's (Tree Preservation Orders) attached to them, therefore they could be removed at any time. Any works carried out during the course of the development is the responsibility of the relevant land owner and any damages to neighbouring boundaries or existing trees would be a civil matter. However, landscaping and boundary treatments have been conditioned. There is no requirement for this application to provide details on the impact of local wildlife.
- 6.7.3 A pre-commencement condition will be included in respect of submitting a contamination survey before works begin. An advisory in respect of asbestos and prohibiting bonfires will be included.
- 6.7.4 A degree of noise and disturbance is expected from the construction process.
- 6.7.5 The applicant has confirmed that the red line plan is accurate and all land within the application site is within the ownership of the applicant.

6.7.6 It is considered two additional dwellings can be accommodated in this location in terms of access to foul drainage and utilities and this would be dealt with after the planning process.

7 Conclusion

7.1 To conclude, it is considered that the proposal would provide a good standard of accommodation for two dormer bungalows in a sustainable location. The proposed development would help to enhance the character and appearance of the locality by redeveloping the existing untidy garage site.

7.2 Finally, the proposed scheme has been designed to ensure there is no significant impact in terms of any potential overlooking, overbearing or overshadowing impact.

7.3 On balance, it is considered that any potential concerns would be outweighed by the benefits of the scheme, which is considered to be in accordance with the policies contained within the development plan. This is given significant weight.

7.4 It is recommended that planning permission is granted, subject to the conditions set out below.

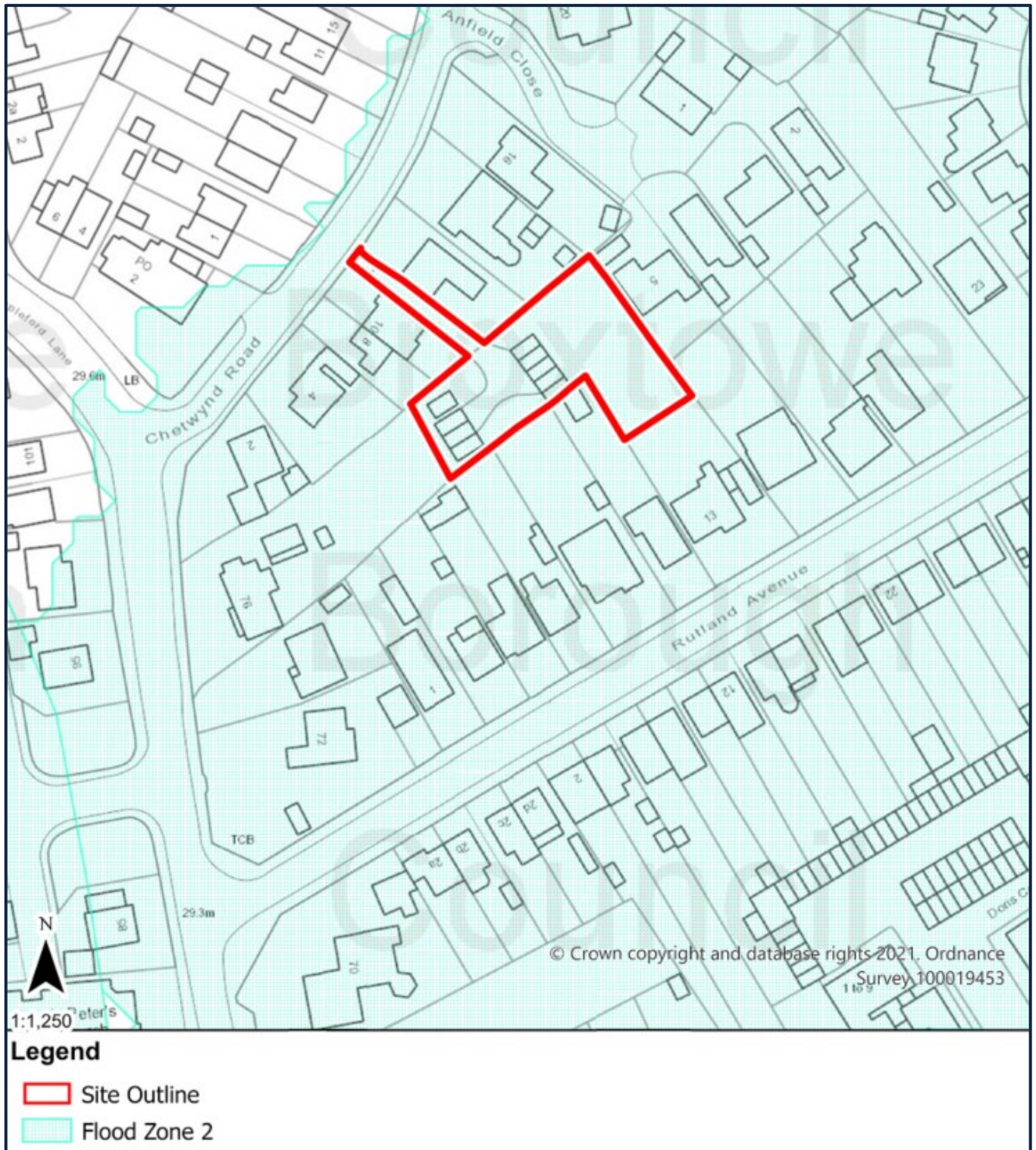
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby approved shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
2.	This permission shall be read in accordance with the following plans: existing topographical survey plan, proposed plot 2 No. JG/BW/2021/058/02 (all received by the local planning authority 10/01/22), amended site location plan 1:1250, proposed layout plan No. JG/BW/2021/058/03 Rev. A, proposed plot 1 No. JG/BW/2021/058/01 Rev. A (all received by the local planning authority 28/04/22). Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3.	No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out with those materials, unless the Local Planning Authority gives written approval to any variation. Reason: To ensure the satisfactory appearance of the development in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.

<p>4.</p>	<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>Reason: In the interest of public health and safety in accordance with Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019.</p>
<p>5.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Construction / Demolition Method Statement has been submitted to and approved in writing by the Borough Council. The statement shall include:</p> <p>a) The means of access for construction traffic;</p> <p>b) parking provision for site operatives and visitors;</p> <p>c) the loading and unloading of plant and materials;</p> <p>d) the storage of plant and materials used in construction / demolition the development;</p> <p>e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and</p> <p>f) details of dust and noise suppression to be used during the construction phase.</p> <p>g) a report identifying any asbestos and documenting its safe removal.</p> <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect the amenity of neighbouring residents in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>

<p>6.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration in accordance with Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<p>7.</p>	<p>Prior to the first occupation of the dwellings hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Michael Evans & Associates Ltd dated 16th March 2022. The finished floor levels shall be set no lower than 29.63m AOD. This mitigation measure shall be maintained and retained for the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019).</p>
<p>8.</p>	<p>No development above slab level shall take place before a scheme of landscaping has been submitted to and approved by the Local Planning Authority. The approved landscaping scheme shall include the following details:</p> <ul style="list-style-type: none"> a. numbers, types, sizes and positions of proposed trees and shrubs b. details of boundary treatments (including the bin store); c. proposed hard surfacing treatment; d. planting, seeding/turfing of other soft landscape areas; and e. a timetable for implementation of the scheme. <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial completion of the development 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>Reason: Limited details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p>
<p>9.</p>	<p>The dwellings hereby approved shall not be first occupied until:</p> <ul style="list-style-type: none"> • the private shared driveway is constructed in accordance with the Block Plan JG/BW/2021/058/03 Rev. A; • the dropped vehicular footway crossing on Chetwynd Road has been widened and available for use; • the access drive is surfaced in a hard, bound material (not loose aggregate) for a minimum of 5.5m behind the highway boundary

	<p>and designed to prevent the unregulated discharge of surface water onto the public highway and;</p> <ul style="list-style-type: none"> the bin store as shown on Block Plan JG/BW/2021/058/03 Rev. A is constructed and made available for use. The dropped vehicular footway crossing and bin store shall then be maintained in such form for the lifetime of the development. <p>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</p>
10	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions, enlargements, or roof alterations shall be carried out to the dwellings hereby approved which come within Class A, B and C of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p>Reason: In the interests of protecting the privacy of neighbouring properties and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).</p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by seeking positive amendments and working to determine it within the agreed determination timescale.</p>
2.	<p>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</p>
3.	<p>The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.</p>
4.	<p>The development makes it necessary to construct a dropped kerb crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: http://www.nottinghamshire.gov.uk/transport/licencespermits/temporary-activities</p>
5.	<p>In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the building has asbestos containing materials (ACMs). This must be carried out before any structural work on the building occurs. For properties or parts of properties needing upgrading, refurbishment or demolition, then a 'Refurbishment/ Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to the Environmental Health team.</p>

Site location plan (not to scale)



Photographs

View of existing access to the site



View of access towards Chetwynd Road



View of No. 5 Anfield Close



Rear of No. 5 Anfield Close



Rear of No. 11 Rutland Avenue



Rear of No. 9 Rutland Avenue



Plans (not to scale)

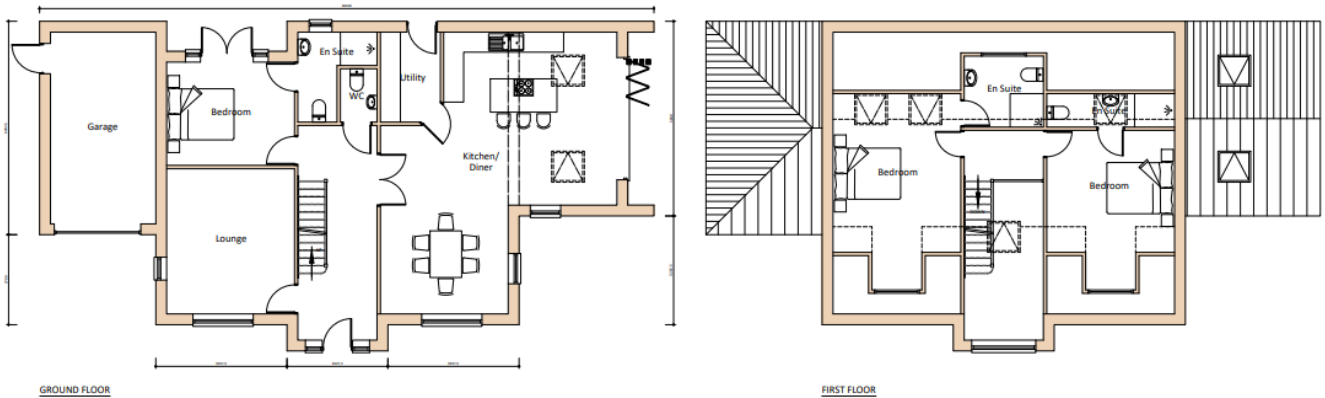
Proposed site layout



Proposed plot 2 (elevations and floor plans)

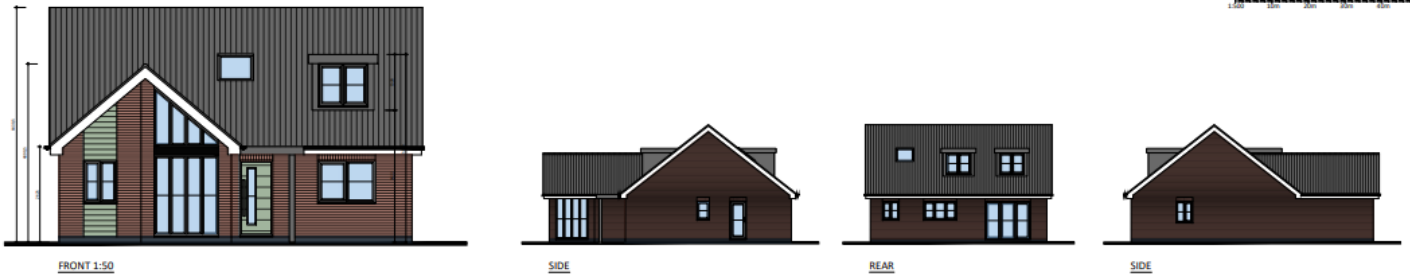
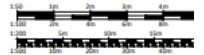


PROPOSED LAYOUTS
SCALE 1:50

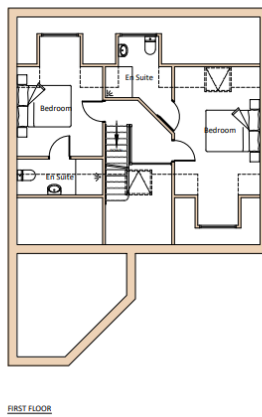
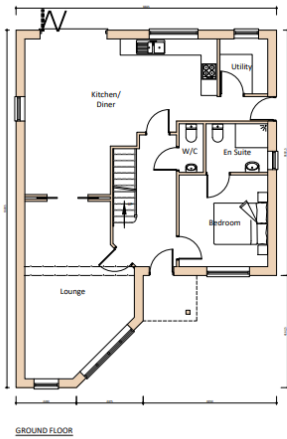


Proposed plot 1 including detached garage (elevations and floor plans)

PROPOSED ELEVATIONS
SCALE 1:100



PROPOSED LAYOUTS
SCALE 1:50



PROPOSED GARAGE LAYOUT
SCALE 1:100



PROPOSED GARAGE ELEVATIONS
SCALE 1:100

