

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 This application was first brought before Planning Committee on 8 June 2022 with a recommendation to grant conditional planning consent. Members deferred making a decision on the application to allow for consideration to reduce the impact on neighbours in terms of potential overbearing impact.

3.2 In response to the decision at the previous planning committee the agent has amended the plans to reduce the footprint of plot 2 to lessen the impact on neighbouring properties to the north and north-east.

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

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows:
There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

The comments from the Head of Legal Services were as follows:
The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

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

7. Background Papers

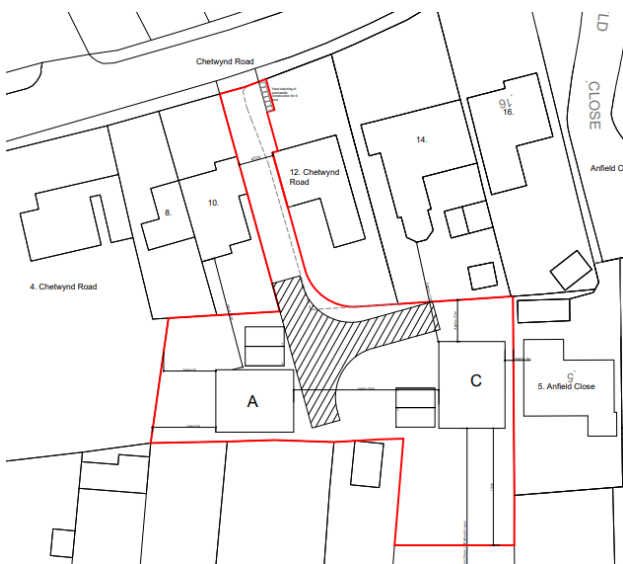
7.1 Nil

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). Plot 2 has been reduced in size (removal of side garage and 1m taken of south side elevation).

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



Revised proposed layout:



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 Assessment

3.1 **Appraisal**

3.1.2 It remains consideration that the proposed scheme does not result in an unacceptable loss of amenity for any neighbouring properties. Plot 2 has been reduced including the removal of the side garage and part of the southern side elevation has been reduced. The width of plot 2 has been reduced by approximately 4.6m. As a result, plot 2 is set further away from the northern boundary and therefore lessening any potential impact on neighbouring properties to the north and north-east. Further to this, approximately 1m has been taken off the southern side elevation to help reduce any overbearing impact. It is considered that the siting of the proposed dwelling in this location will not result in any significant overlooking, overbearing or overshadowing impact.

3.1.8 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.

4. Conclusion

4.1 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.

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

4.3 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.

4.4 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.

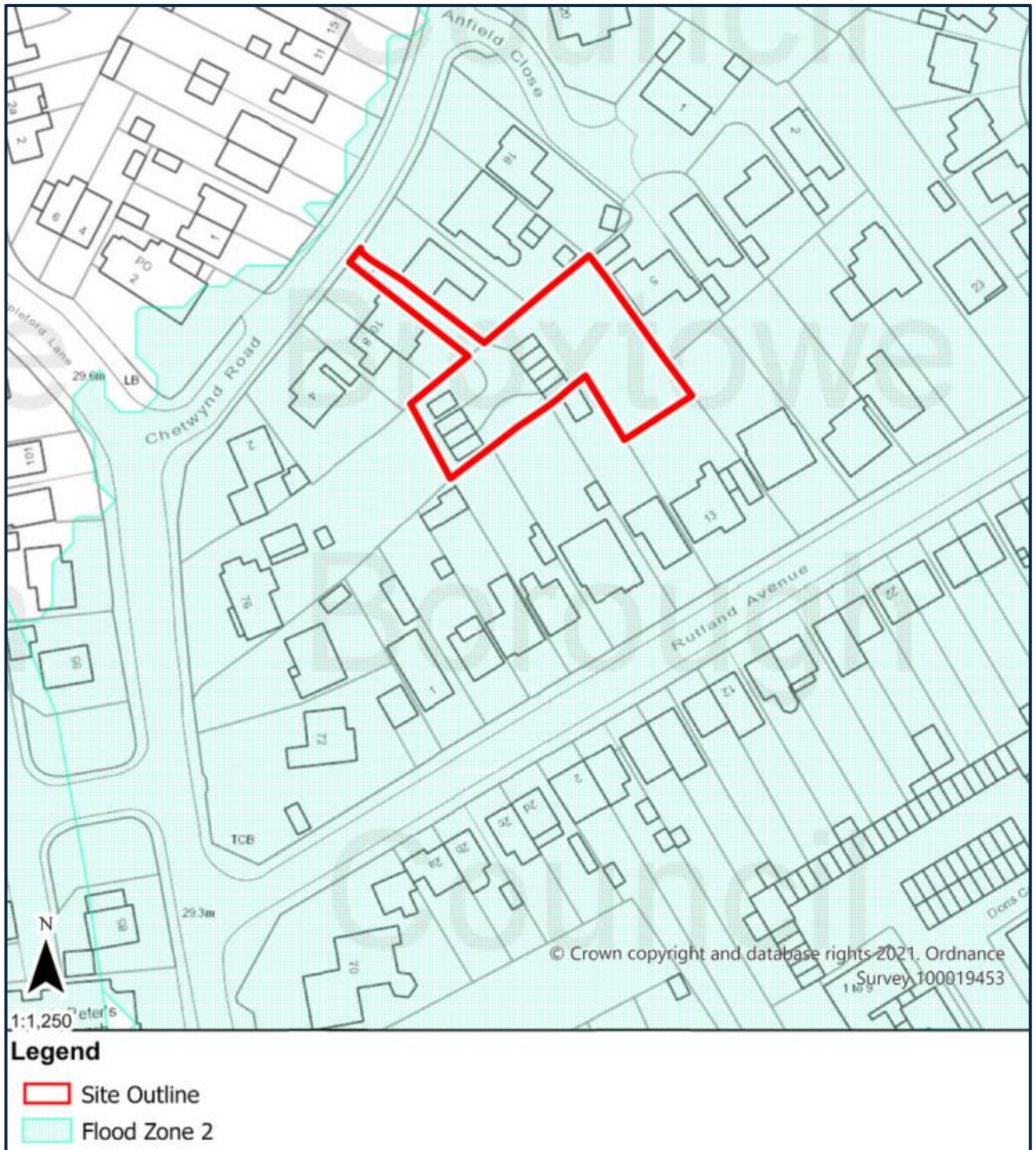
	<p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.</p>
<p>2.</p>	<p>This permission shall be read in accordance with the following plans: existing topographical survey plan (received by the local planning authority 10/01/22), amended site location plan 1:1250, proposed plot 1 No. JG/BW/2021/058/01 Rev. A (received by the local planning authority 28/04/22), proposed plot 2 No. JG/BW/2021/058/02 Rev. A, proposed layout plan No. JG/BW/2021/058/03 Rev. B (received by the local planning authority 23/06/22).</p> <p>Reason: To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.</p>
<p>3.</p>	<p>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.</p> <p>Reason: To ensure the satisfactory appearance of the development in accordance with Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 - Place-making, Design and Amenity of the Broxtowe Part 2 Local Plan 2019.</p>
<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> <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 construction / demolition the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and f) details of dust and noise suppression to be used during the construction phase. g) a report identifying any asbestos and documenting its safe removal. <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 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and 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 and Policy 19 – Pollution, Hazardous Substances and Ground Conditions of the Broxtowe Part 2 Local Plan 2019 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 Broxtowe 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</p>

	<p>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 Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and 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 proposed layout plan No. JG/BW/2021/058/03 Rev. B; • 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 and designed to prevent the unregulated discharge of surface water onto the public highway and; • the bin store as shown on proposed layout plan No. JG/BW/2021/058/03 Rev. B 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 Policy 10 – Design and Enhancing Local Identity of the Aligned Core Strategy Part 1 Local Plan 2014 and Policy 17 of the Part 2 Local Plan (2019).</p>
<p>10</p>	<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</p>

	<p>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>
6.	<p>As this permission relates to the creation of a 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.</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)

Amended proposed site layout



Amended proposed plot 2 (elevations and floor plans)

PROPOSED ELEVATIONS
SCALE 1:100



FRONT 1:50



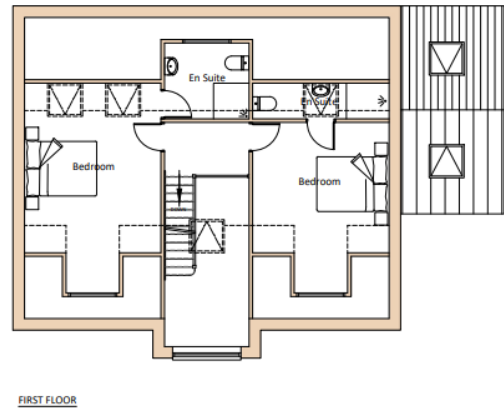
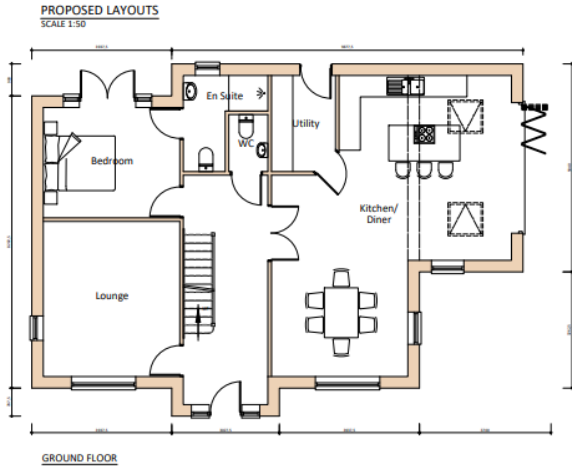
SIDE



REAR

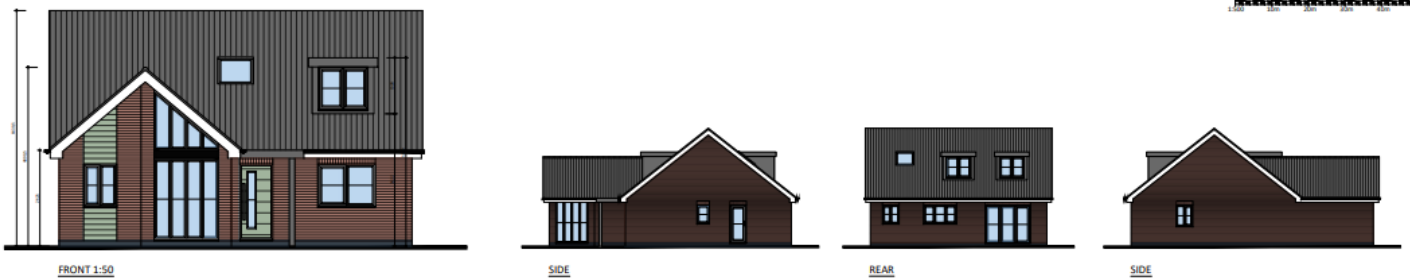


SIDE

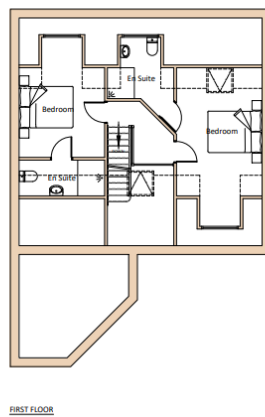
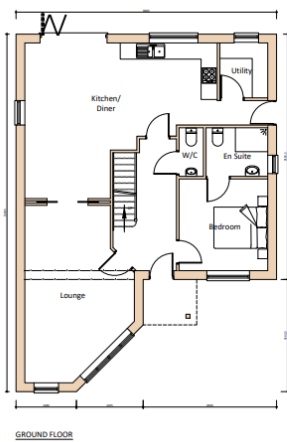


Proposed plot 1 including detached garage (elevations and floor plans)

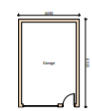
PROPOSED ELEVATIONS
SCALE 1:100



PROPOSED LAYOUTS
SCALE 1:50



PROPOSED GARAGE LAYOUT
SCALE 1:50



PROPOSED GARAGE ELEVATIONS
SCALE 1:50

