

Report of the Chief Executive

APPLICATION NUMBER:	22/00721/REG3
LOCATION:	Garages at Chilton Drive, Watnall, Nottinghamshire
PROPOSAL:	Demolition of garages to south of 84 Chilton Drive and construction of 2 x two bedroom semi-detached dwellings and private amenity space. Creation of parking area with landscaping

1. Purpose of Report

This application is brought before Planning Committee as the Council is the landowner and applicant.

2. Recommendation

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

3. Detail

- 3.1 The application seeks full planning permission for the demolition of 18 garages and the creation of a pair of semi-detached dwellings, 7 parking spaces and bin storage areas for each dwelling.
- 3.2 A Design and Access Statement, pre development arboricultural report, car park study, ecology survey and day and skylight analysis taking 35 Edgwood Close into account have been submitted with the application.
- 3.3 Around the site are two storey terrace dwellings located to north, east and south of the site, and a bungalow to the west that is currently being converted to have habitable rooms within the loft. To the south of the garages is an area of open space that links Chilton Drive and Edgwood Close providing pedestrian access to Kimberley.
- 3.4 The main issue relates to whether the principal of a pair of dwellings and replacement parking with landscaping is acceptable and if the development is acceptable in terms of parking issues, design and impact on neighbour amenity and enhancement of ecology around the site.
- 3.5 The benefits of the proposal would be two additional family homes within a sustainable, urban location with access to a well-served public transport route giving access to shops, schools, public open spaces which would be in accordance with policies contained within the development plan that is given significant weight. The proposed pair of dwellings would contribute to the local economy by providing jobs during the construction process. There would be a change in the parking layout but this is considered to be outweighed by the benefits of the scheme.

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. Financial Implications

- 5.1 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.

6. Legal Implications

- 6.1 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.

7. Background papers

- 7.1 There were no background papers.

APPENDIX

8. Details of the Application

- 8.1 The application seeks to construct two dwellings (semi-detached), each having two bedrooms, bathroom, kitchen, ground floor WC, dining/living room. Each dwelling will have access to private amenity space located to either the rear elevation or side elevation, which would be enclosed by a 1.8m close board fence.
- 8.2 The pair of dwellings will be constructed out of red facing brick, roof tiles to be grey, anthracite grey upvc windows and composite door. The gardens will be secured by a 1.8m close board fencing with three trees located in one of the gardens to enhance the ecology of the site.
- 8.3 Forward of the principal elevation of each dwelling is a small area providing soft landscaping. To the roof is the option of installing roof mounted photovoltaic solar panels and to the rear elevation is the option to install an air source heat pump for each dwelling.
- 8.4 The 18 garages will be demolished, the existing grassed area will be removed to facilitate the construction of the pair of dwellings, create formal parking spaces for 7 vehicles to the front of these, of which 4 will be allocated for the new dwellings.

9.0 Site and Surroundings

- 9.1 The site is located in a residential area with a row of garages located to the east and west of the site, an area of open space/grassed area to the south of the site. It should be noted that there are no designated parking spaces for residents and through the site is access to hard standing to the southern elevation of 84 Chilton Drive.
- 9.2 The land rises south to north with a pedestrian path way running along the southern boundary and within the site giving access to the dwellings on Chilton Drive. There is a surface water sewer easement running north south direction thorough the eastern part of the site. The site is accessed between 84 and 61 Chilton Drive with close board fencing on the rear boundary and small hedges or fences on the front gardens.
- 9.3 A significant number of dwellings along Chilton Drive have their kerb stones lowered to facilitate off road parking to the principal elevation.

10.0 Relevant Planning History

- 10.1 No relevant planning history.

11.0 Relevant Policies and Guidance

- 11.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

11.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: Spatial Strategy
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 17: Biodiversity

11.2 Part 2 Local Plan 2019

- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous substances and ground conditions
- Policy 31: Biodiversity Assets

11.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes
- Section 9- Promoting Sustainable Transport
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places.
- Section 15 – Conserving and enhancing the natural environment

12. Consultations

- 12.1 **Nottinghamshire County Council Highways:** has commented on the application and has stated they have no concerns subject to a condition regarding the parking and turning area be surfaced in a bound material within the parking bays and laid out in accordance with the submitted plans.
- 12.2 **Environmental Health Officer Pollution:** has commented on the applicant and has no objections subject to a condition regarding details of the Air Source Heat Pump (ASHP), condition regarding construction noise and a construction demolition method statement.
- 12.3 **Parks and Environment Officer – Bins:** has commented on the application and has requested the developer to purchase the first time provision of bins. This will be included in the decision notice.
- 12.4 **Tree Officer.** The tree is outside the red line and is not a great specimen and should not stand in the way of the development. No objections to the removal.
- 12.5 **Town Council** – No comments received.

12.6 There were 6 properties which were consulted and a site notice displayed. 2 objections have been received and can be summarised as follows:

- Never received the notification of the application and so could not provide our views on the application;
- The proposal is approximately 1.3m from the joint boundary and 2.6m away from the property wall – given the land to the opposite side of the site the dwellings could be moved further away;
- Although not overlooking, the side elevation of the nearest two storey dwelling would loom large over our garden (overbearing);
- Location of the houses would impact on light to the lower rear bedroom;
- From the rear garden visual amenity would be significantly impacted;
- Potential to have negative impact on residential amenity through noise disturbance due to the comings and goings from site;
- Would appreciate feedback as to whether these concerns have been taken into consideration and if not why have they not been mitigated in any way;
- Demolition (loss) of the garages would result in problems due to mobility issues and health issues, as the user of one of the garages, as unable to keep vehicle within short distance of property

13.0 Assessment

13.1 The main issues for consideration are whether the proposed development is acceptable in design and layout, has sufficient parking, has an acceptable relationship with neighbouring properties and would provide an adequate standard of amenity for future occupants.

14.0 Principal

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

14.2 Whilst it is acknowledged there will be a loss of 18 garages, it is considered the loss is outweighed by the proposal of residential units that make an efficient use of the land. Whether there is adequate space to accommodate a pair of dwellings, replacement parking, and the impact a development of this size will have on neighbouring properties, the character of the area and parking provision will be discussed below.

14.3 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will provide two family homes within an existing settlement in a sustainable location with public transport links providing access to the wider area. It is considered the proposed dwellings and replacement parking will not have an adverse effect on neighbour amenity and the design, massing, scale and appearance are considered to be acceptable. The principal of the development is therefore considered to be acceptable.

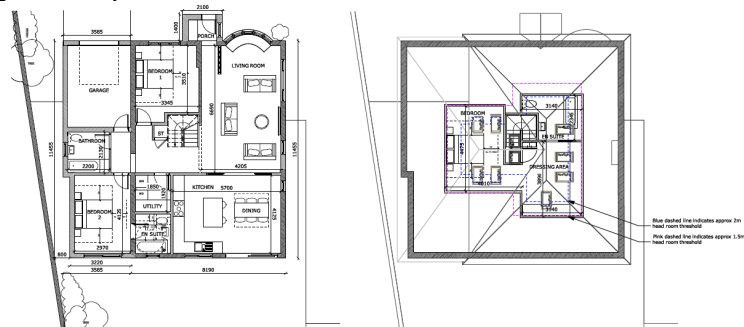
15.0 Design and visual amenity

- 15.1 Policy 10 of the ACS section 2 states that developments will be assessed in terms of d) massing, scale and proportion and e) materials and style. Policy 17 of the Part 2 Local Plan part 4 a) states that development should be of a size and design that makes a positive contribution to the appearance of the area.
- 15.2 The site currently has a block of garages that run along the east of the site and west of the site and the garages are in a poor state of repair and which have a negative impact on the appearance of the area. The rear elevation of the garages to the east form the boundary with 28 Hillcrest Close and 61 Chilton Drive. The rear elevation helps forms the boundary with 35 Edgwood Road.
- 15.3 The demolition of the garages and construction of the semi-detached dwellings, 7 replacement parking spaces and landscaping will change the appearance of the area, but the proposal would not have any detrimental impact on the visual amenity of the area. Areas of soft landscaping have been factored into the scheme, specifically an area forward of the principal elevation and three trees are to be positioned within the garden areas of one of the dwellings. It is considered that the demolition of the garages and replacement with semi-detached dwellings will be a visual improvement to the area and residents.
- 15.4 Consideration has been given to the visual appearance of the dwellings and the amended scheme has broken up the bulk and mass of the principal elevation by the introduction of bay windows. The palette of materials has been designed to complement that found in the properties within close proximity to the site. The scheme has been designed to assimilate the pair of dwellings into the area, respecting the height of neighbouring dwellings, demonstrated in the submitted street scene plan.
- 15.5 Concerns have been raised about the development creating a sense of enclosure, due to the position of the proposed dwellings and the dwellings to the west of the site. Given the position of the semi-detached dwellings and the proposed boundary treatments it is considered that the position of the dwellings would not have a significant impact on the sense of enclosure to the dwellings to the west. The position of the dwellings could not be relocated further to the east of the site due to the existence of infrastructure within the ground, running north – south across the site.
- 15.6 To conclude, it is considered the dwellings and the replacement parking reflects an acceptable level of design that will tie in with the appearance of the surrounding properties. Consideration has been given to the position of the development and enabling the development to make a positive contribution to the area through the choice of materials and landscaping.

16.0 Amenity

- 16.1 Policy 10 (f) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

- 16.2 To the north and east of the site are rows of terrace two storey dwellings. The distance between the principal elevation and the closest dwelling to the north, 84 Chilton Drive, is approximately 13.4m and the windows on the principal elevation of the proposed dwelling face the side elevation of this dwelling. The closest dwelling to the east is 28 Hillcrest Close and the distance between the side elevation of the proposed dwelling and this dwelling is 11.1m. Both dwellings to the north and east are adequate distance away not to result in any significant impact in terms of loss of light, overlooking or overbearing. To the south lies 2 and 4 Woodbine Cottages with a public footpath running east / west between the site and these dwellings. The distance between the rear elevation of the proposal and the side elevation of this dwelling is approximately 15.7m, and as such it is considered there is adequate distance between the proposal and this dwelling not to have any impact on loss of light, overlooking or overbearing.
- 16.3 Concerns have been raised regarding loss of light, overbearing and over dominance on the dwelling to the west, 35 Edgwood Road. This detached bungalow is currently being extended and altered to the side and into the loft, 22/00214/FUL refers. Consideration has been given when designing the proposed scheme to ensure no loss of light, overbearing or overlooking to the approved scheme under construction at no. 35. Given the position of the semi-detached dwellings it is considered that there will not be any significant impact on the residential amenity of this dwelling. There is a surface water sewer easement to the east of the site and as such it would not be possible to re-position the proposed dwellings any further east. The applicant has confirmed that Severn Trent Water would not give approval to divert the sewer without providing the required 3.5m easement.



Approved plans 22/00214/FUL

- 16.3 Concerns have been raised regarding the location of the replacement parking on residential amenity. There is adequate boundary treatment and so no impact on residential amenity of the occupiers of neighbouring dwellings.
- 16.4 The replacement parking and landscaping will enhance the area has been designed to blend the scheme into the area.
- 16.5 To conclude, the position of the semi-detached dwellings and replacement parking would have adequate separation distances, the windows located on the side elevations are either below the height of the boundary treatment or conditioned to be obscure glazed, this ensures a neighbourly relationship can

be achieved and to secure an acceptable level of amenity can be retained for the dwellings around the site. It is also acknowledged the future occupants will have an acceptable level of amenity, with a satisfactory level of internal space and access to natural light and an outlook.

17.0 Parking and Access

- 17.1 In regard to assessing the highway impacts of the proposal, paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 17.2 The proposal seeks to demolish a total of 18 garages and create 7 car parking spaces, of which 4 will be allocated for the new dwellings.
- 17.3 A car parking survey was carried out over a 24-hour period from 07:00 Monday 3 February 2020 until 07:00 Tuesday 4 February 2020. It was determined that there is sufficient capacity within the area to accommodate the additional parked cars, excluding the garages and parking areas to be replaced by the proposal. The number of parked cars, excluding garages, was 57 and given the maximum parking capacity of 114 cars this equates to a parking stress of 50% and so therefore there is capacity for a further 57 vehicles to be parked within the area. During the 24 hour period no garages were visited, but it is therefore not possible to determine from the survey finding how many cars are parked in the garages. It is considered there is sufficient evidence demonstrate that the parking can accommodate the development and compensate for the loss of garages.
- 17.4 The existing pathway leading through the site is not a public right of way and there are other paths that link the dwellings with the pathways leading into Kimberley.
- 17.5 It is considered that there will not be a significant impact on highway safety or on street parking and there would be no changes to the pedestrian footpaths around the site.
- 17.6 It is acknowledged there will be construction vehicles associated with the site, however it is considered that there is adequate space on and around the site not to cause a nuisance. Notwithstanding this, a condition requiring the submission of details of a Construction Method Statement would further ensure that the development would keep disruption to a minimum. The details to be agreed prior to commencement of the works.
- 17.7 To conclude, it is considered that sufficient parking would be provided to accommodate the semi-detached dwellings and replacement parking. It is considered the parking survey has provided sufficient evidence to demonstrate that the area within the site can support the additional parking following the demolition of the garages and construction of semi-detached dwellings, subject to conditions.

18.0 Environmental Health

- 18.1 Policy 19 of the Part 2 Local Plan states development of land potentially affected by contamination will not be permitted unless and until a site investigation has been carried out to assess the nature and degree of contamination, using a method of investigation agreed in writing with the Council. Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rest with the developer and/or landowner.
- 18.2 The Councils Environmental Health Officer has not raised any objection to the application but has requested details of the Air Source Heat Pump to be approved before installation.
- 18.3 As the proposed development site is close to existing residential developments and therefore occupiers may be adversely impacted by excessive construction notice a condition should be added to any decision notice regarding hours of works. There shall not be any construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday and 08:00-13:00 Saturdays and no time on Sunday or Bank Holidays.
- 18.4 As the garages are proposed to be demolished to facilitate the pair of dwellings and parking, a construction/demolition method statement shall be submitted to and agreed in writing and adhered to throughout the construction period.
- 18.5 The conditions regarding hours of work and relating to the Construction Method Statement would secure the residential amenity and safety of residents and the general public.
- 18.6 The Councils Parks and Environment Officer for bins has assessed the application and has not raised any objections subject to the developer purchasing the first time provision of bins. As each property has a secure rear garden, the bins can be safely stored off the public highway, and the bins can easily be collected by the refuse team.

19.0 Other Issues

- 19.1 The comment raised regarding the notification of the application has been noted. However, the delivery and receipt of notification letters cannot be guaranteed and it is considered that the Local Planning Authority have carried out their statutory duty to consult satisfactorily.

20.0 Planning Balance

- 20.1 The benefits of the proposal are that it would provide two family homes within an existing urban area and would support short term benefits such as jobs during the demolition and construction of the proposed dwellings and creation of the off road parking spaces and would be in accordance with policies

contained within the development plan. There would not be any significant impact on the amenity of neighbours.

21.0 Conclusion

- 21.1 To conclude, it is considered the proposed dwellings are of an acceptable size, scale and layout such that there will not be an adverse effect on neighbour amenity and it will provide an acceptable standard of amenity for future occupants of the dwellings. The level of replacement parking is acceptable to meet the requirements of the existing and proposed dwellings and the scheme is considered to be acceptable and should be approved.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following reasons.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. 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.
2.	The development hereby permitted shall be carried out in accordance with drawings daylight and skylight analysis 2766 (03) E01, geo environmental assessment, design and access statement, car park study, arboricultural report received by the Local Planning Authority 7 September 2022 and proposed block plan 2766 (08) E01 Rev A, proposed site plan 2766 (08) E02 Rev C, proposed plans, elevation and floor plans 2766 (08) E03 Rev C and proposed elevation 2766 (08) E04 Rev A received 25 November 2022. Reason: For the avoidance of doubt.
3.	No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details. Reason: 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).
4.	No above ground works shall take place until a landscaping scheme showing a minimum 10% biodiversity net gain has been

	<p>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. numbers, types, sizes and positions of proposed trees and shrubs; b. details of boundary treatments; c. planting, seeding/turfing of other soft landscape areas and d. timetable for implementation. <p>The approved scheme shall be carried out strictly in accordance with the approved details and 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: No such details were submitted with the application, to ensure the development presents a satisfactory standard of external appearance to the area, to ensure a sufficient standard of neighbour amenity and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).</p>
5.	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
6.	<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 of the development;

	<p>e) A scheme for the recycling/disposal of waste resulting from construction/demolition works;</p> <p>f) Details of dust and noise suppression to be used during the construction phase and;</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: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
7.	<p>No part of the development hereby permitted shall be brought into use until the parking bays/ areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 2766(08) E02 Rev C. The parking bays/ areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.</p> <p>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
8.	<p>Occupation of the hereby approved dwellings shall not take place until the site access has been surfaced in a bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary, and which shall be drained to prevent the discharge of surface water from the access to the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall be retained for the lifetime of the development.</p> <p>Reason: In the interest of highway safety in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
9.	<p>No air source heat pump shall be installed unless a noise assessment for the air source heat pumps has been submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 19 of the Part 2 Local</p>

	Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The deposit of mud or other items on the public highway, and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant, any contractors, and the owner / occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the Highway Authority to take both practical and legal action (which may include prosecution) against the applicant / contractors / the owner or occupier of the land. [Where the development site may be accessed by a significant number of vehicles or may be particularly susceptible to material 'tracking' off site onto the highway, details of wheel-washing facilities must be provided to and approved by the Highway Authority
3.	As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.
4.	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.
5.	<p>Developer to purchase the first time provision of bins. Notice served in due course.</p> <p>Developer to purchase the first time provision of bins. Notice served in due course.</p> <p>1. Developer to purchase the first time provision of bins. Notice served in due course.</p> <p>2. Each property would be allocated the following:</p> <p>1 x 240 litre bin for residual waste</p> <p>1 x 240 litre bin for recycling waste</p>

	<p>1 x 37 litre bag for glass</p> <p>3. Bins need to be presented at the edge of adopted highway for emptying. The operatives or vehicle will not enter the private road to collect and return the bins from the properties</p> <p>4. The size of a 240 litre bins is 1074mm (h) x 580mm (w) x 734mm (d)</p>
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Site Location Plan

22/00721/REG - Garages at Chilton Drive



12/15/2022, 12:02:26 PM



1:1,250
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km

Photographs



Looking north towards 84 Chilton Drive



Looking north east towards 61 Chilton Drive



Looking south towards 4 Woodbine Cottages and pathway



84 Chilton Drive and parking



Principal elevation of 84 Chilton Drive



Looking south west towards 35 Edgwood Road and the works undertaken at this dwelling

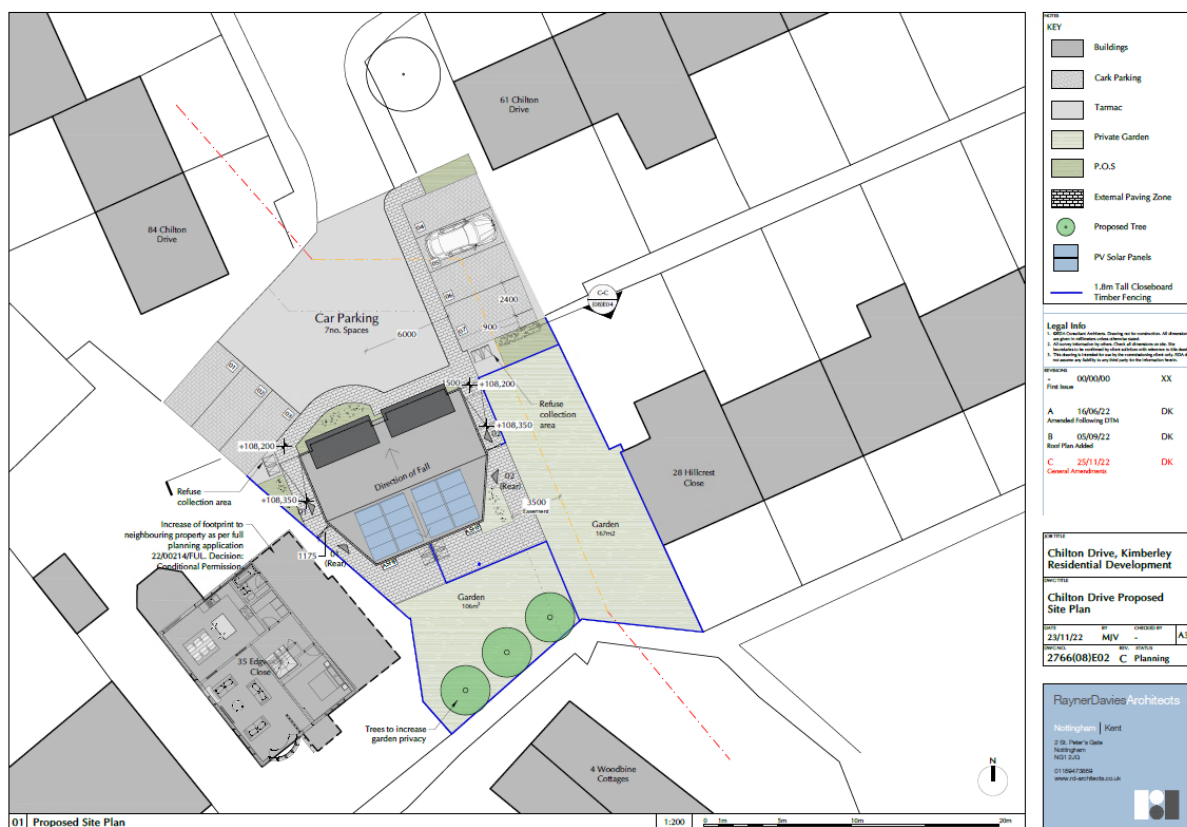


Looking east from within 35 Edgwood Road towards the site

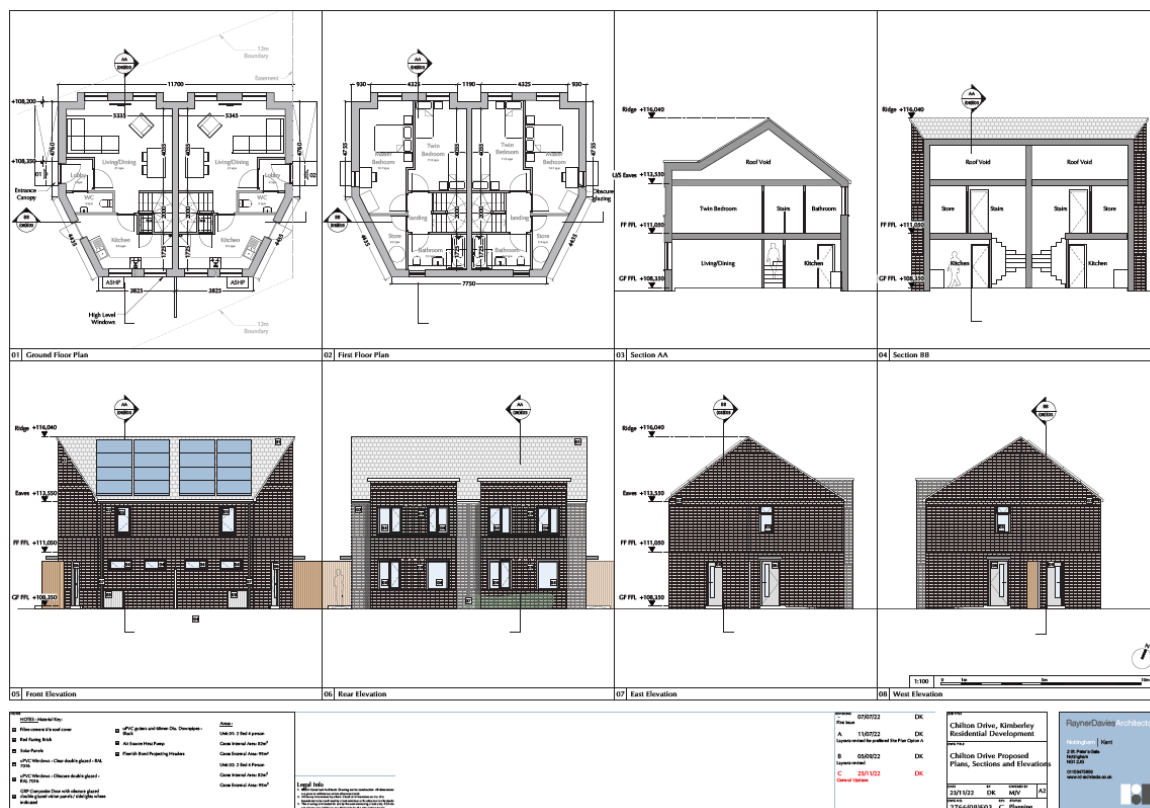
Plans (not to scale)



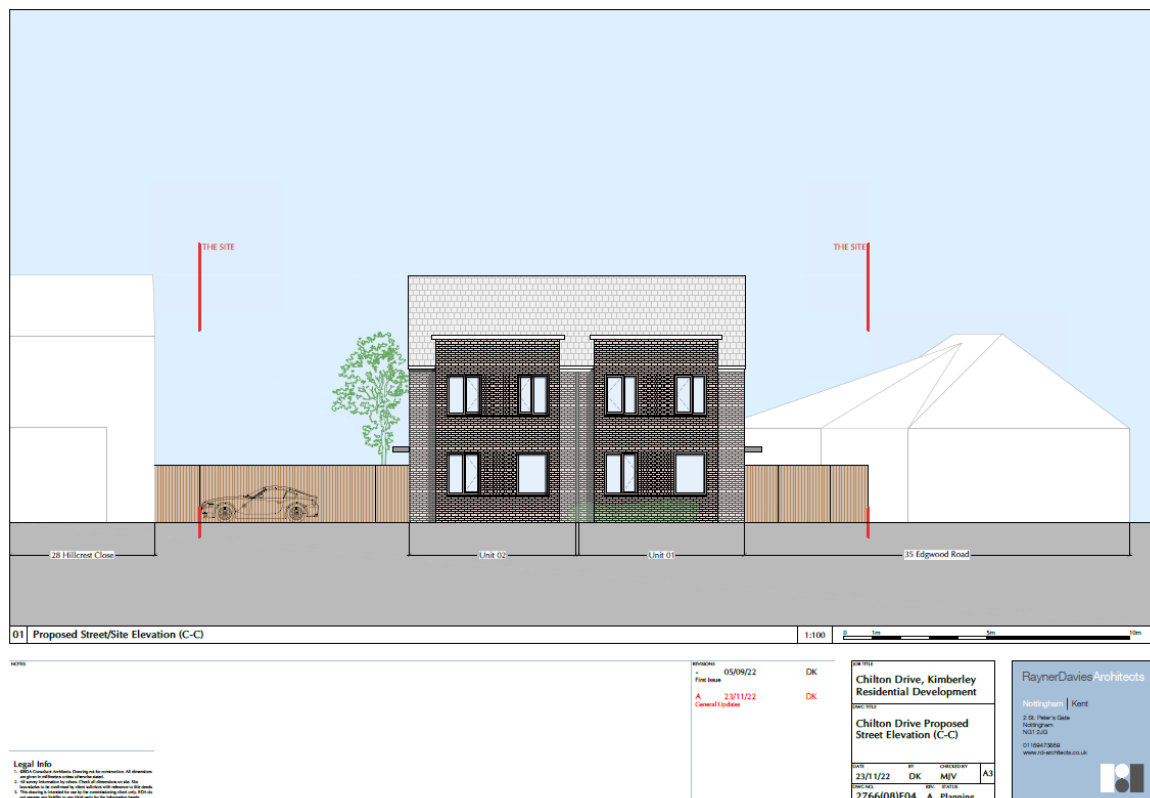
Site plan



Proposed block plan



Proposed elevations and floor plans



Proposed street scene elevations