

Report of the Chief Executive

APPENDIX 2

APPLICATION NUMBER:	19/00332/FUL
LOCATION:	FLEWITT HOUSE MIDDLE STREET BEESTON
PROPOSAL:	CONSTRUCT TWO STOREY AND SINGLE STOREY REAR EXTENSIONS, TO FORM ONE X FIVE BED UNIT.

The application is brought to the Committee at the request of Councillor Pat Lally.

1 Executive Summary

- 1.1 The application seeks planning permission to construct two storey and single storey rear extensions, to form one x five bed unit to the rear.
- 1.2 The site is currently occupied by a two and three storey building which contains seven 'cluster' apartments consisting of five x six bed apartments and two x four bed apartments. The building fronts Middle Street.
- 1.3 The main issues relate to the intensity of development; whether the design and appearance would have a detrimental impact on the building and the street scene; and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits are that the proposal would provide accommodation suitable for student or single persons in an established location and would, as a consequence, contribute to releasing traditional accommodation suitable for family occupation, and would be in accordance with policies contained within the development plan. This is given significant weight.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The proposal as originally submitted was for a two storey extension to the side, adjacent to the south west elevation of the front wing, and a two storey and single storey extension to the rear, running south west to north east, along the rear boundary. This would have comprised a three bedroom unit within the side extension, and a seven bed unit plus two x one bed studios to the rear extension. The extensions would be built using red brick and tile, to match the existing building, and would have gable ends and window openings to reflect the design of the existing building. Amended plans received show the side extension omitted, rear extension reduced to single storey to the south west section, retaining two storey to the centre, and omitting the two studio units to the north east. This part of the proposal would accommodate a five bedroom unit. The resulting building would contain a total of eight units.
- 1.2 The layout of the original submission would have resulted in a loss of four parking spaces, reducing to two spaces. The amended layout now shows the retention of four parking spaces.

2 Site and surroundings

- 2.1 Flewitt House is a two and three storey residential apartment building which faces Middle Street. The layout is in a loose T shape, and has a parking area with six spaces to the rear of the building, accessed via a shared access with the Middle Street Resource Centre, which is to the north east. There is an amenity space for the residents to the south west of the building. The building is at a higher ground level than all of the neighbouring properties, due to its location within Flood Zone 2. The Middle Street tram stop is directly opposite the site. There is a covered cycle store to the front.
- 2.2 Middle Street Resource Centre is a community centre located to the north east of the site. This is a single storey building set at a lower ground level than Middle Street, and the application site.
- 2.3 To the south west of the site, there is a two storey building which is occupied as four flats (two to each floor). The side elevation of this property, known as Churston Court, faces the site. There is a block of four garages, associated with Churston Court, to the rear and accessed via a drive to the south west of that building. There is a strip of land separating Churston Court and the application site, the north west section of this strip is under the ownership of the applicant and the remainder is part of the garden of 23 Princess Avenue.
- 2.4 To the south east of the site is Princess Avenue, a cul-de-sac of two storey semi-detached properties. Nos 23 and 24 directly adjoin the site.
- 2.5 23 Princess Avenue is to the south east and side on to the site. This is a two storey semi-detached property which has a kitchen window in the north west side elevation. There is a minimum distance of 3.5m between the side elevation of 23 and the application site boundary. This property owns part of the strip of land

leading from Middle Street at the side of Churston Court, and is understood to have a right of way across the remainder. No. 23 is at a lower ground level than the application site. A two metre high close boarded fence on top of a retaining wall forms the common boundary.

- 2.6 24 Princess Avenue is opposite No. 23. Again, this is a two storey semi-detached property, side on to the application site, and at a lower ground level than the site. There is a minimum distance of 8.5m between the side elevation of 24 and the common boundary to the site. A 2m high close boarded timber fence sitting on top of a retaining brick wall forms the common boundary. Outline planning permission was granted in October 2017 for the erection of a dwelling to the side garden of 24. This has not been implemented (reference 17/00708/OUT).
- 2.7 Opposite the site, beyond the tram stop, there is a mix of residential properties consisting of sheltered accommodation (flats) and terraced two storey houses.

3 Relevant Planning History

- 3.1 Planning permission was granted for the erection of Flewitt House (seven apartments) in 2011, following the demolition of a public house (Three Horseshoes) which formerly occupied the site (reference 11/00688/FUL). There has been no relevant planning history since this date.

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 A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

- 4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H7: Land Not Allocated for Housing Purposes
- Policy E26: Pollution
- Policy T11: Guidance for Parking Provision

4.3 **Part 2 Local Plan (Draft)**

- 4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be

undertaken to Policy 17 but has suggested changes to other policies, including Policy 1. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight, with Policy 1 being afforded limited weight.

- Policy 1: Flood Risk
- Policy 17: Place-making, design and amenity

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

- 5.1 **NET:** Require details of site access, deliveries and other vehicles in connection with the construction of the development.
- 5.2 **Council's Parks and Environment Officer:** No objections
- 5.3 **Council's Environmental Health Officer:** No objections subject to note to applicant in regard to hours of construction works and no bonfires on site.
- 5.4 **Council's Private Sector Housing Officer:** No objection subject to the rooms having appropriate access to means of escape from bedrooms.
- 5.5 **Council's Waste and Recycling Officer:** The development would need to provide adequate numbers and sizes of bins for the building as a whole, in a suitably located bin store which is accessible for collection.
- 5.6 **Council's Tree Officer:** No objections but there is a tree in the adjacent site (within the garden of 24 Princess Avenue) and as such there is a possibility of root damage in relation to the foundations of any new build.
- 5.7 **Nottinghamshire County Council as Highways Authority:** No objection on the grounds of road safety, however it is noted that whilst the site is in a sustainable location close to the tram stop and to the town centre, the loss of parking spaces may result in residents and visitors increasing the demand for on-street parking in the surrounding area, to the inconvenience of the existing residents.
- 5.8 **Environment Agency:** The site falls within Flood Zone 2 and standing advice may be applied.
- 5.9 Twelve properties either adjoining or opposite the site were consulted. Eight responses were received, objecting to the proposed development on the following grounds:
- Impact on access to community building during construction
 - Impact on car parking generally, due to loss of parking spaces
 - Loss of light

- Neighbouring property prone to damp; loss of sunlight and daylight will add to this
- Sense of enclosure
- Increase in noise and disturbance due to increase in numbers of residents
- Loss of privacy
- Noise and disturbance during construction
- A single storey element instead of two storey would be preferred
- Existing building already dominates the surrounding area, the proposal would exacerbate the situation and be an over development of the site
- Several discrepancies in the submitted application including; omission of proposed dwelling on land adjacent to 24 Princess Avenue on both the floor plans and site plan; sectional drawing shows a fence on top of a sloping earth bank where it is actually on top of a retaining wall (to both 23 and 24 Princess Avenue); proposed elevation / section south east should be labelled north west
- The retaining wall to Princess Avenue is in poor repair and without being rebuilt the construction may result in the collapse of the wall.

6 Assessment

6.1 The main issues for consideration are the intensity of the development, the design and appearance, and impact on neighbouring amenity.

6.2 **Principle**

6.2.1 Policy 8 'Housing Size, Mix and Choice' of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. The policy also states that all residential developments should contain adequate internal living space. The policy then refers to the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation.

6.2.2 Policy H7 of the Local Plan states that planning permission for residential development within existing built up areas will be permitted subject to the future and neighbouring occupiers having a satisfactory degree of privacy and amenity; the development not having an unacceptable impact on the character or appearance of the area; and to satisfactory arrangements for access and parking.

6.2.3 Policy 8 of the Aligned Core Strategy 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. Middle Street is characterised by varying styles of properties including commercial and community uses, family homes and HMO's, and is on the edge of the town centre. The development would add to the housing mix and it is considered that the character of the street would not be harmed to an extent which would justify refusing planning permission, particularly as Flewitt House is purpose built residential accommodation. It is also noted that the property is within walking distance to Beeston town centre and located on a tram route, with a stop directly outside the site.

6.3 Amenity

- 6.3.1 The proposed scheme as originally submitted would have had an unacceptable impact on the amenities of the occupiers of Churston Court and the occupiers of 23 and 24 Princess Avenue. The amended scheme now sees the extension to the side (closest to Churston Court) omitted, a reduction in the height of the rear extension to the southernmost corner, adjacent to 23, from two storeys to a single storey, and the omission of the two studio units from the north east section, adjacent to the boundary with 24 Princess Avenue. It is considered that the amendments have reduced any impact in terms of loss of light, loss of privacy, and loss of outlook to an acceptable level. A condition requiring obscure glazing to the south east elevation of the rear extension will be imposed, further safeguarding the privacy of the occupiers of 23 and 24 Princess Avenue.
- 6.3.2 The internal layout allows for an acceptable standard of living with each bedroom and living area having access to an outlook and to natural light. The windows in the north west facing elevation of the rear unit have been angled and positioned so as to reduce any direct overlooking of windows in the rear elevation of the existing building.

6.4 Design and Appearance

- 6.4.1 The proposal as originally submitted was considered to have had an unacceptable impact on the character and appearance of the building and the street scene, as the side extension, due to its height and width, would unbalance the front elevation, and the rear extension, due to its scale, would have been dominant when viewed from Princess Avenue, and from the north of the site, on Middle Street. Overall, the original proposal would have appeared prominent and disproportionate for the size of the site and the existing building.
- 6.4.2 The reduction in scale and massing to the rear extension, and the omission of the side extension, demonstrates that the proposal is now proportionate to the scale of the main building and also allows for an improved layout to the car parking and bin store area. A condition to secure a landscaping scheme will be imposed.

6.5 Parking

- 6.5.1 The improvements to the car parking layout are welcomed and allow for four parking spaces, and a bin store. Given the sustainable location of the site, with the tram stop directly adjacent and the town centre with access to all facilities within close proximity, it is considered that the development would be acceptable. The Highways Authority have not raised any concern in relation to the application. Although it is accepted the residents associated with this development may have cars, it is likely that car ownership will be low and therefore it is considered the impact on highway safety would not be detrimental.

6.6 Flood Risk

- 6.6.1 The site is within Flood Zone 2. A Flood Risk Assessment has been submitted which concludes that, as the ground levels are already 600mm above the

predicted flood level then the proposal, subject to floor levels being in excess of the flood level, would not result in an increase to flood risk.

6.7 Other Matters

6.7.1 Concerns have been raised in regard to noise and disturbance during construction. A note to applicant would be attached to the decision notice setting out the acceptable hours of construction and demolition.

6.7.2 Concerns have been raised in regard to noise and disturbance due to the increase in number of residents. The increase would be five occupants and given the site's location, on a busy street close to the town centre, it is considered that the increase in noise and disturbance would not be significant.

6.7.3 Access to the community centre building is shared with the site. The developer would need to ensure that access is maintained to all who have a right of way over the adjacent access and this would be a private matter as this is not adopted highway.

6.7.4 Discrepancies in the plan drawings, relating to the retaining wall and annotation of the elevations have been noted and it is considered that these have not had an impact on the understanding of or assessment of the proposal. The annotations to the elevations have now been corrected in the amended plans.

6.7.5 The omission of the layout for the dwelling allowed under outline planning permission reference 17/00708/OUT, on land adjacent to 24 Princess Avenue, is acceptable since the dwelling has not yet been built, nor has the scale, layout or appearance of the dwelling been agreed. As such, the outline planning permission granted would carry only limited weight as a material planning consideration when assessing the proposal at Flewitt House.

6.7.6 The stability of the retaining wall would need to be investigated by the developer and any remedial measures required would need to meet any relevant building regulations. This would not be a material planning consideration.

6.7.7 In order to safeguard the continued operation of the tram line during construction, a condition requiring details to be agreed of how the development would be carried out will be imposed.

7 Planning Balance

7.1 The benefits of the proposal are the provision of additional bed spaces within an established rental property, close to amenities and thereby reducing reliance on motor vehicles, and the proposal would be in accordance with policies contained within the development plan. This is given significant weight. The only negative impact is the reduction of parking spaces from the current six to four.

7.2 On balance, given the sustainable location of the application site, and as the proposal would be in accordance with policies contained within the development plan, the benefits of the proposal would outweigh the negative loss of parking spaces.

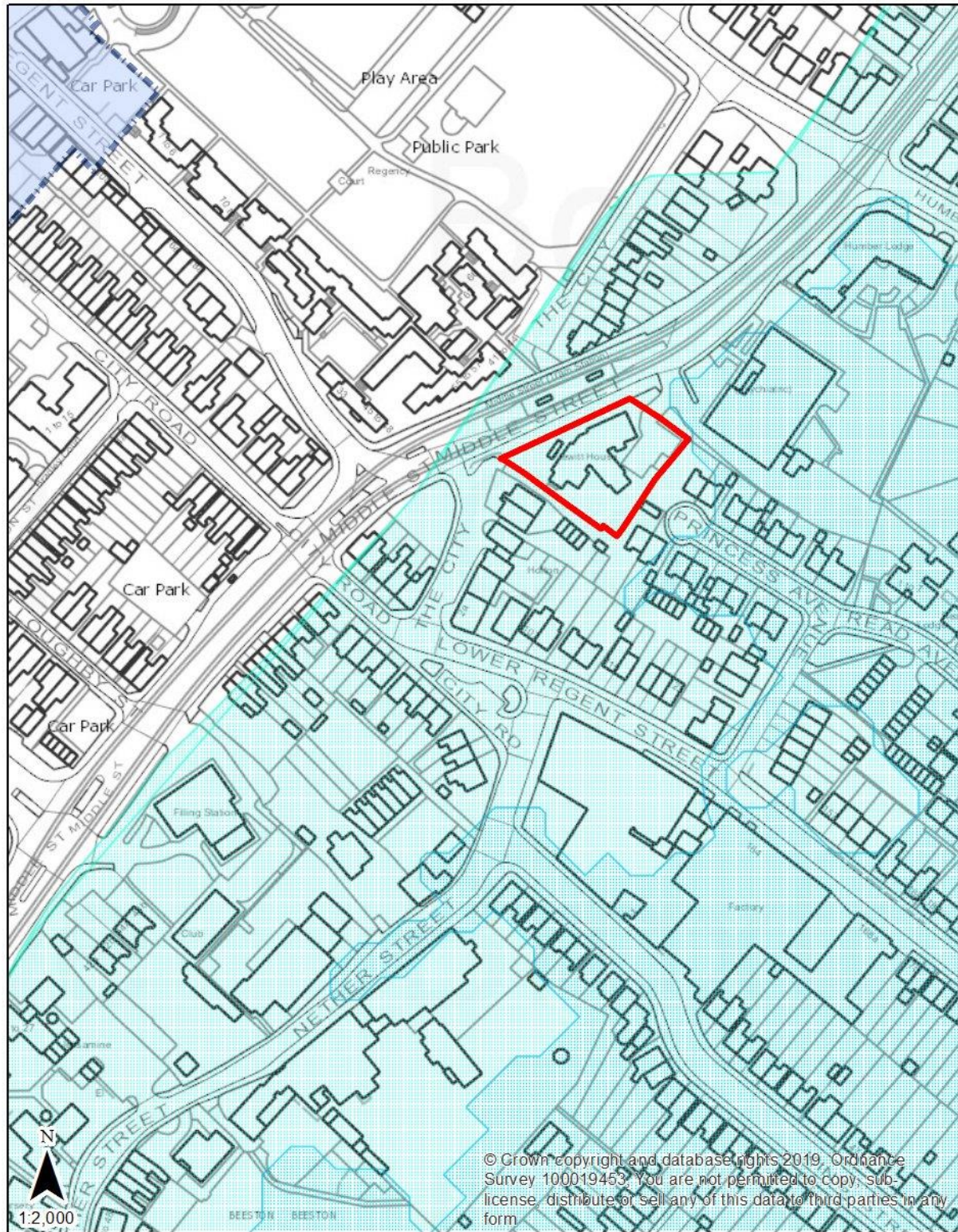
8 Conclusion

- 8.1 The proposed extensions to Flewitt House would be of an acceptable design, would have no significant impact on the amenities of neighbouring occupiers, and would contribute to the provision of a mix of housing in the area.

<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 the Site Location Plan received by the Local Planning Authority on 29 May 2019, drawing numbered 2599(08)S01 rev B received by the Local Planning Authority on 7 August 2019 and drawings numbered 2599(08)003 rev E, 2599(08)G01 rev E, 2599(08)101 rev E, 2599(08)E02 rev C, 2599(08)E01 rev D, and 2599(08)201 rev E received by the Local Planning Authority on 19 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The extensions shall be constructed using bricks, tiles, window and door frames of a type, texture and colour so as to match those of the existing building.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall be commenced until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) Trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) numbers, types, sizes and positions of proposed trees and shrubs (c) proposed boundary treatments (d) planting, seeding/turfing of other soft landscape areas

	<p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>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 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>Prior to the commencement of the development, details of a construction management scheme setting out measures to ensure that the operation of the NET route is safeguarded, shall first have been submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in accordance with the agreed details.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner 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><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No part of the extensions hereby permitted shall be occupied until the parking area and bin store as approved have been provided. The parking area shall be retained for the life of the development.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>The windows on the south east rear elevation annotated as being obscurely glazed on drawing nos. 2599(08)G01 rev E and 2599(08)101 rev E shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core</i></p>

	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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3.	Given the proximity of residential properties, it is advised 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. There should also be no bonfires on site at any time.



Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2
-  Town centre

Photographs



Flewitt House, to the left, with Churston Court to the right



Gap between Flewitt House and Churston Court



Shared access serving Beeston Resource Centre and Flewitt House



Rear car park of Flewitt House



View along Princess Avenue with rear elevation of Flewitt House at the end



Side elevation of 23 Princess Avenue



Retaining wall to car park of Flewitt House, taken from the grounds of the resource centre

Plans (not to scale)



Proposed ground floor plan



Proposed first floor plan



Proposed elevations