Report of the Chief Executive

APPLICATION NUMBER:	20/00043/FUL
LOCATION:	3 SWINGATE, KIMBERLEY, NOTTINGHAMSHIRE,
	NG16 2PG
PROPOSAL:	CONSTRUCT 4 DWELLINGS AND GARAGES

1 <u>Executive Summary</u>

- 1.1 This application seeks permission to construct 4 new residential dwellings. The proposed development will be accessed from Swingate and consist of 1 x 3 bedroom bungalow with detached garage, and 3 x 3 bedroom detached dwellings with garages. The original scheme proposed 4 x 3 bedroom detached dwellings, but following the public consultation and a discussion with the applicant this was amended to reduce the impact on existing neighbouring properties.
- 1.2 The application site is set within an existing built up area, in a sustainable location close to local services in Kimberley town centre. It is not covered by any site specific planning policy and therefore the principle of development is considered acceptable.
- 1.3 The design of the proposal is considered to be in keeping with the character of the surrounding area and whilst it will result in a change of outlook for many neighbouring properties, it is considered that it will not have an unacceptable impact on the amenity of any of these neighbouring properties.
- 1.4 The proposed development will be served from a private road, off an existing access. The private road has been designed in accordance with the standard as set by the Highways Authority to ensure it will not have an unacceptable impact on highway safety.
- 1.5 Overall it is considered that the proposal is acceptable and that planning permission should be granted pursuant to the recommendation contained in the appendix.

APPENDIX

1 <u>Details of the Application</u>

- 1.1 This application seeks permission to construct 4 new residential dwellings. The proposed development will be accessed from Swingate and consist of 1 x 3 bedroom bungalow with detached garage, and 3 x 3 bedroom detached dwellings with garages.
- 1.2 The original scheme proposed to develop 4 x 3 bedroom detached dwellings. Due to concerns regarding the impact of a 2 storey dwelling at Plot 1 on the neighbouring dwellings to the north, this was changed to a single storey dwelling. It was also requested that the proposed dwelling at Plot 4 was brought forward within the plot to move it as far away from the rear boundary of the site as possible. Amended plans were submitted to take these changes into account, and a re-consultation on the amended scheme was carried out.

2 <u>Site and surroundings</u>

- 2.1 The application site currently forms the majority of the garden for No. 3 Swingate, which is a semi-detached residential dwelling located in a residential location. The north boundary of the site is made up of a combination of a fence circa 1.8m high, and hedging, with dwellings along Angus Close backing on to the boundary. The east boundary of the site is made up of fencing, circa 1.5m 1.8m high, with dwellings along Clive Crescent backing on to this boundary. A public footpath runs along the south boundary of the site, which is also made up of a combination of fencing and hedges. The west boundary of the site is largely made up of fencing, circa 1.8m high, with dwellings along Swingate backing on to this boundary.
- 2.2 There is an existing access to the site from Swingate, which will serve the proposed development. The land level of the application site slopes up from west to east, up towards the dwellings on Clive Crescent, which stand at a significantly higher level than those on Swingate. The land is bordered by mature hedging in many areas, and there is a row of conifers running through the middle of the site. None of these trees or hedges are protected or considered to be worthy of protection.
- 3 Relevant Planning History
- 3.1 There is no relevant planning history for the application site.
- 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 2: The Spatial Strategy
 - Policy 8: Housing Size, Mix and Choice
 - Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

- Policy 15: Housing size, mix and choice
- Policy 17: Place-making, design and amenity

4.3 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 Council's Environmental Health Officer

No objection subject to condition requiring investigative survey of the site prior to development.

5.2 Nottinghamshire County Council Highways Authority:

No objection so long as the proposal complies with the Highways Authority Standing Advice.

5.3 Council's Tree Officer:

Raises no objection to the removal of the line of conifers in the application site none of these trees are protected and the site is not within a Conservation Area.

5.4 The Coal Authority:

Part of the site falls marginally within the defined Development High Risk Area. However, the part of the site where development is proposed lies outside of the defined High Risk Area and therefore The Coal Authority does not consider that a Coal Mining Risk Assessment is necessary and they do not object to this planning application.

5.5 Rights of Way Officer:

No objection to the proposal as the public footpath appears unaffected. Requests an Informative Note to Applicant.

5.6 **Severn Trent:**

No objection. Requests an Informative Note to Applicant.

5.7 23 properties either adjoining or opposite the site were consulted and a site notice was displayed. 12 responses were received to the initial consultation, 10 of which raised objections, 1 of which supported the proposal, and 1 which raised general observations. The main reasons for objections can be summarised as follows:

- Increased traffic generation.
- Loss of privacy.
- Noise generation.
- Poor layout and design.
- Overbearing impact on neighbouring properties.
- Unsafe access.
- Loss of daylight/sunlight
- Impact on environment due to loss of trees and wildlife.
- Sense of enclosure.
- Drainage issues.
- 5.8 A 7 day re-consultation was carried out for the amended plans, and a further 3 objections have been received. The reasons highlighted can be summarised as follows:
 - The site is still too small for 4 houses.
 - Access issues and traffic generation.
 - Noise generation due to cars and building work.
 - Whilst one house has been changed to a bungalow there will still be a loss of privacy caused by the other proposed dwellings.
 - The proposed bungalow is too close to the boundary.

6 <u>Assessment</u>

6.1 The main issues for consideration are the principle of the residential development in this location, the design and appearance of the proposal, the impact on neighbouring amenity, and any highway safety impacts of the proposal.

6.2 **Principle**

- 6.2.1 The application site is not covered by any site specific planning policy. The site is within an existing built up location and in reasonably close proximity to Kimberley town centre which provides a range of local services. It is therefore considered that the proposed scheme would be in a sustainable location where residential development can be supported.
- 6.2.2 Policy 17 of the Broxtowe Part 2 Local Plan (2019). Policy 17 sets out an array of criteria which all new development should meet in order for it to be considered acceptable. For a development of the size proposed, the key considerations will be with regard to the impact of the development on neighbouring amenity, the provision of adequate amenity for the future occupiers of the development, the design and appearance of the proposed development, and the impact of the proposed development on highway safety.

6.3 **Design and Appearance**

6.3.1 The application site currently forms a large rear garden to No. 3 Swingate. It is considered that the development proposed is proportionate to the size of the site, with the scale and type of dwellings proposed designed to respect the character of the surrounding area. It is considered that there is sufficient separation between the

- dwellings within the development, and the existing dwellings around it to ensure that the development will not result in a cramped appearance that would be out of keeping with the character of the area.
- 6.3.2 There are 3 house types proposed to make up the development, including 1 x 3 bedroom bungalow, 2 x 3 bedroom dwellings which are attached by their garages, and 1 x 3 bedroom detached dwelling. The proposed dwelling types all demonstrate reasonably traditional designs, without unnecessarily complicated features. The dwellings with larger footprints, being House Type A and House Type C, use features such as front porches and drops in the roof line, to break up the front elevations, avoiding overly bulky appearances that would be out keeping with the character of the area.
- 6.3.3 The area surrounding the application site has a mix of dwelling types, sizes and styles. The dwellings along Swingate include a mix of traditional semi-detached dwellings, with larger dwellings to the rear of the site along Clive Crescent. The dwellings along Angus Close to the north demonstrate a larger, detached style of property, developed in the late 1980s. Taking into account this broad mix of dwellings it is considered that the dwellings styles proposed would not be out of keeping with the character of the surrounding area. The dwellings will be accessed from a private road, off Swingate, and set back from the existing highway. It is therefore considered that whilst the dwellings will be visible in the street scene, they will not be overly prominent and will not have a harmful impact on the street scene.
- 6.3.4 To ensure a satisfactory standard of appearance is achieved it will be important to use high quality materials that take into account the appearance of the dwellings in the surrounding area. As no details of materials to be used have been provided it is considered appropriate to condition that samples are to be submitted for approval prior to any above ground works being carried out.
- 6.3.5 The site plan provided indicates that tree planting, landscaping and boundary treatments will be implemented around the site to ensure an acceptable standard of appearance is achieved. However, as few specific details have been provided it is considered appropriate to condition that further details are submitted for approval prior to any above ground works being carried out.
- 6.3.6 Whilst the development will significantly reduce the size of the rear garden at No. 3, the size of the garden retained will not be significantly different to those at No. 1 and 5 Swingate. The change to the size of plot 3 is therefore not considered to be harmful to the character of the surrounding area.
- 6.3.7 Subject to the proposed conditions set out above, it is considered that a satisfactory standard of design has been achieved.

6.4 **Amenity**

6.4.1 Plot 1 will accommodate House Type A, which will be a 3 bedroom bungalow. The dwelling will have a maximum height of circa 4.6m, with a height to eaves of 2.25m. At its closest point it will be approximately 0.8m from the boundary with No. 2 and 3 Angus Close, although to the west side of the dwelling it will be approximately 3m from the

boundary with No. 2. The rear elevation of No. 2 is approximately 5.7m from the boundary with the application site at its closest point, and approximately 11.8m from the rear boundary to the west of the site. The separation distance between the proposed dwelling, and No. 2 Angus Close is therefore approximately 9.8m at its closest point, and 13m at its furthest point. Taking into account the single storey design of the proposed dwelling, with the roof pitching away from the neighbouring property, it is considered that this will not result in an unacceptable loss of light or sense of enclosure for the residents of the neighbouring properties at No. 2 and No. 3 Angus Close.

- 6.4.2 A garage is proposed in the north west corner of Plot 1. Whilst this will be positioned on the boundary with No. 2 Angus Close, it is not directly in line with the rear elevation of the main dwelling, and taking into account its limited height is not considered to result in an unacceptable loss of light or sense of enclosure for the residents at No. 2. It will also be set away from the main dwelling at Plot 1, providing a break in the built form, ensuring the cumulative impact of the garage and dwelling will not be overbearing on the neighbouring property.
- 6.4.3 The dwelling at Plot 1 will be single storey, and the existing boundary treatment along the north of the site is relatively high. There is also just one window proposed on the rear elevation of the proposed dwelling, serving a bathroom. Taking this into account it is therefore considered that the proposal will not result in an unacceptable loss of privacy for the residents at No. 2 and 3 Angus Close. Whilst the size of the proposed dwelling and the pitch of the roof makes it unlikely that any dormer windows or roof lights will be inserted into the dwelling in the future, due to the potential loss of privacy this could result in for the residents of the neighbouring property, it is considered appropriate to remove permitted development rights for this dwelling, by way of a condition.
- 6.4.4 The proposed dwelling at Plot 2 will be approximately 1m from the boundary with No. 4 and 5 Angus Close. There will be a separation distance of approximately 12m between the conservatory at No. 5, and the side elevation of the proposed dwelling, which is considered sufficient to ensure the proposal will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring property.
- 6.4.5 There are 2 first floor windows on the side elevation of the dwelling at Plot 2, although these are relatively small openings and serve a staircase and en suite. It is considered appropriate to condition that these windows are obscurely glazed and non-opening up to 1.7m above floor level. Subject to this it is considered that these openings will not result in an unacceptable loss of privacy for the residents of the neighbouring properties to the north.
- 6.4.6 The dwellings at Plots 2 and 3 will have rear gardens that are approximately 11m in length. The rear boundary of these properties will adjoin the rear boundary of No. 31 and 33 Clive Crescent, both of which have reasonably large rear gardens. As such, the separation distance for Plot 2 will be approximately 27.8m, and for Plot 3 will be approximately 32.7m. 31 and 33 Clive Crescent are both at a higher level than the application site, and taking into account the separation distances it is considered that these dwellings will not result in an unacceptable loss of amenity for the neighbouring dwellings to the rear.

- 6.4.7 The dwelling at Plot 4 will be approximately 1m from the west boundary of the site, adjoining No. 11a Swingate. No. 11a has a long rear garden, approximately 19m in length, and it is therefore considered that the proposed dwelling will not result in an unacceptable loss of light or sense of enclosure for the residents of this dwelling. There is one first floor window proposed on the side elevation facing towards No. 11a. However, as this serves a staircase it is considered it will not result in an unacceptable loss of privacy for the residents of the neighbouring property. Notwithstanding this it is considered appropriate to condition that this window is obscurely glazed and non-opening up to 1.7m above the floor level.
- 6.4.8 Plot 4 will have a relatively short rear garden, although due to the intervening footpath it will be approximately 11m from the boundary of No. 15 Swingate to the south. The dwelling at No. 15 is set away from the proposed development by its long rear garden. Whilst position of the dwelling may result in some overlooking, this would be to the very end part of the garden at No. 15, and away from the most commonly used area of outdoor amenity space. It is therefore considered that this will not result in an unacceptable loss of amenity for the residents at No. 15.
- 6.4.9 The proposed dwellings all have considered layouts, providing adequate living space and bedroom sizes, with sufficient provision for natural light. The dwellings are sited to ensure they do not suffer from unacceptable overlooking from existing dwellings around the site, and other dwellings within the development. Plots 2 and 3 have good size rear gardens, approximately 11m and 12m in length respectively, providing adequate outdoor amenity space for the future occupiers of these properties. Plot 1 has a somewhat smaller rear garden, although taking into account the style of dwelling and the likely demographic of the future occupier, this is considered acceptable in this instance. The garden to Plot 4 is reasonably limited in terms of its length, at approximately 5m. However, the plot is wide at approximately 15m, with the garden wrapping around the rear and side of the dwelling. It is therefore considered that the plot provides sufficient outdoor amenity space for the future occupiers of this dwelling.
- 6.4.9 No. 3 Swingate currently has a very large garden, the majority of which will be replaced with the proposed residential development. However, taking into account the size and style of the dwelling at No. 3 it is considered that sufficient outdoor amenity space will be retained to ensure a satisfactory degree of amenity for the residents of this property.
- 6.4.10 Overall, it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring dwellings, and that it will provide a sufficient standard of amenity for the future occupiers of the site.

6.5 Access and Highway Safety

6.5.1 The Highways Authority states that as the development is for less than 5 dwellings, and will be served off an unclassified road which is subject to a 30mph speed limit that it is classed as a minor development which is subject to the Highways Authority Standing Advice, which consists of a range of measures to determine whether or not the proposal is acceptable.

- 6.5.2 The proposed development will be served off an existing access, that will lead to a private road, serving not more than 5 dwellings. The access will be at least 4.8m wide for a minimum of 8m from the edge of the boundary, and it will be conditioned that the road will be surfaced in a hard bound material and it will be drained to prevent the discharge of surface water onto the public highway. Swingate is a long, relatively straight road, with a speed limit of 30mph, and it is therefore considered that the visibility splays are acceptable to ensure safe access and egress to the proposed development. The development has been designed to allow for sufficient manoeuvring space within it, and the private drive will have a gradient that does not exceed 1 in 20. The proposal therefore complies with the Highways Authority Standing Advice.
- 6.5.3 Whilst the proposed development will inevitably result in an increase in journeys to and from the location, the addition of 4 dwellings is considered to be relatively minor in terms of its overall impact on traffic generation in the surrounding area. The dwellings will all have sufficient off street parking and therefore it is considered that it will not result in an unacceptable addition to on street parking.
- 6.5.4 Overall it is considered that the proposal will not result in an unacceptable impact on highway safety in the surrounding area.

6.6 Other Considerations

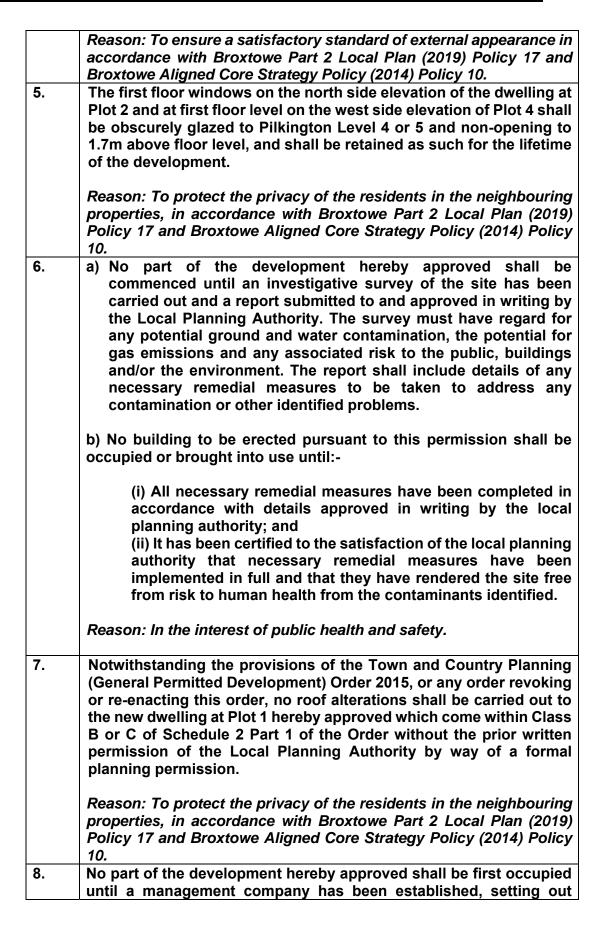
- 6.6.1 The proposed development will be served from a private road, which as per Council policy will not be accessed by a Broxtowe Borough Council refuse vehicle. In this instance it is usual for a bin collection point to be provided within 15m of the edge of the highway for the residents of the dwellings to bring their bins to on collection day. However, the dwellings at Plots 2, 3 and 4, will be in excess of 60m from the edge of the highway, and as such further than it is considered reasonable to require residents to drag their bins to the collection point. As such it has been agreed with the applicant that a private service for the collection of householder waste and recycling will be arranged. To ensure this is carried out the establishment of a management company, which will detail this arrangement will be conditioned as part of any permission granted.
- 6.6.2 There is a row of conifers running through the middle of the site which will need to be removed as part of the development. The Tree Officer has been consulted and he raises no objection to the removal of the trees.

7 Planning Balance

- 7.1 The proposed development will contribute towards the Council's housing supply, in a sustainable, built up area. The proposed development will not be harmful to the character of the area, and is not considered to have an unacceptable impact on the amenity of any neighbouring properties or highway safety.
- 7.2 Whilst the proposed development will alter the outlook for some existing residents in the surrounding area, it is located in an existing built up area, close to services and not in a greenfield location which extends out into the countryside. Measures have also been taken in the design of the scheme to minimise any potential impact on existing properties in the surrounding area. There will be an increase in the number of

- journeys to and from the site, although this is considered to be a relatively small increase in the context of the surrounding area.
- 7.3 On balance it is therefore considered that the overall benefits of the proposal outweigh the relatively small level of potential harm arising from it.
- 8 Conclusion
- 8.1 It is considered that the proposal has been designed to be in keeping with the character of the surrounding area, and that it will not have an unacceptable impact on the amenity of any neighbouring properties or highway safety. It is therefore considered that the proposal is acceptable and that planning permission should be granted.

Recor	<u>mmendation</u>	
	The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
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 the Site Location Plan (1:1250), and drawings numbered JK-SL-1a (1:200), JK-HT-4a (1:50, 1:100), JK-HT-5a (1:50, 1:100), JK-HT-6a (1:50, 1:100), JRD-G-7a (1:50); received by the Local Planning Authority on 23 January 2020, 9 April 2020 and 1 May 2020.	
	Reason: For the avoidance of doubt.	
3.	No above ground works shall commence until full details of the colour, finish and texture of external facing materials has 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: To ensure a satisfactory standard of external appearance in accordance with Broxtowe Part 2 Local Plan (2019) Policy 17 and Broxtowe Aligned Core Strategy Policy (2014) Policy 10.	
4.	No above ground works shall be carried out until details of a landscaping scheme, including boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme for each plot shall be implemented prior to the occupation of that plot.	



	details for the private collection of household waste and recycling for the site. These details shall be submitted to the Local Planning Authority for approval.
	Reasons: The dwellings will be accessed from a private road which cannot be accessed by the Council's waste vehicles, and the dwellings within the development are too far from the edge of the highway for future occupiers to drag their bins to.
9.	No part of the development hereby permitted shall be brought into use until the drive and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5m behind the highways boundary and constructed with provision to prevent the unregulated discharge of surface water onto the public highway. The surfaced drive and any parking or turning areas shall then be maintained as such of the life of the development.
	Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users.
	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/coalauthority
3.	Contractors should 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. Bonfires are not permitted on site at any time.
4.	Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

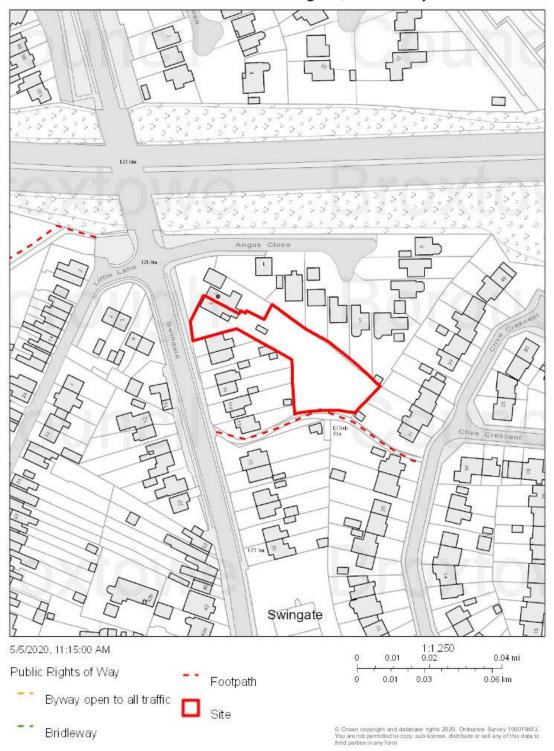
- Footpath 39 running along the south of the site should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
 - There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
 - The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
 - If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.
 - If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon.
 - Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.
 - The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.
 - Should scaffold be required on or over the RoW then the applicant should apply for a license and ensure that the scaffold is constructed so as to allow the public use without interruption.

http://www.nottinghamshire.gov.uk/transport/licences-and-permits/scaffolding-hoarding-and-advertising-boards

If this is not possible then an application to temporarily close the path for the duration should also be applied for (6 weeks' notice is required), email

countryside.access@nottscc.gov.uk

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Photographs



Site access.



North boundary with properties on Angus Close.



Application site looking west towards properties on Swingate.



Conifers through the middle of the site, to be removed.



South east end of site looking towards Clive Crescent.

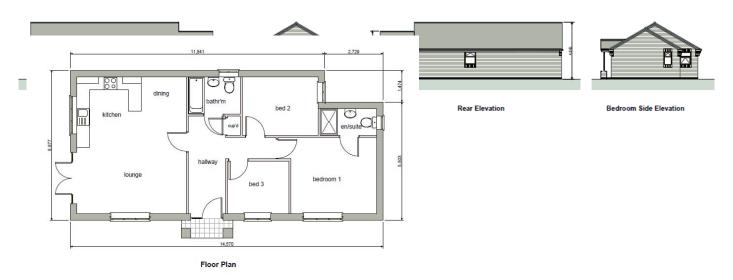


West boundary with properties on Swingate.

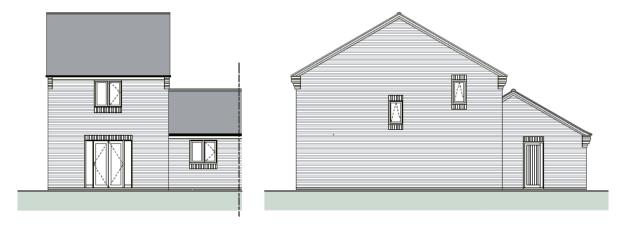
Plans (not to scale)



House Type A

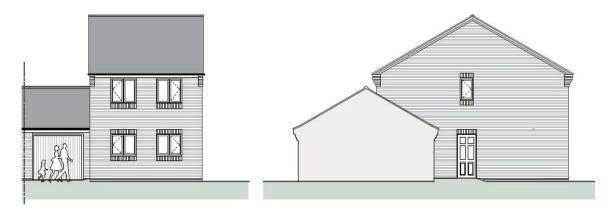


House Type B



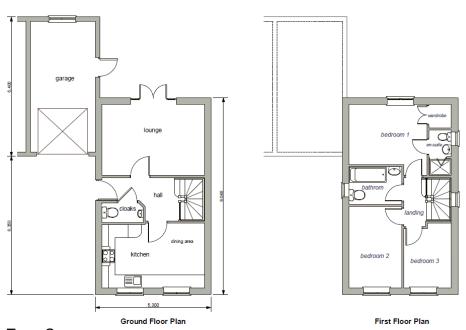
Rear Elevation

Staircase Side Elevation



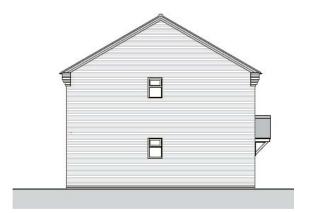
Front Elevation

Attached Side Elevation



House Type C

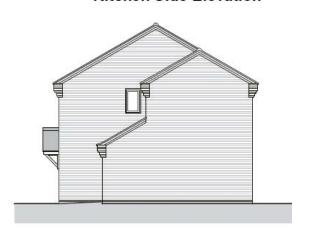




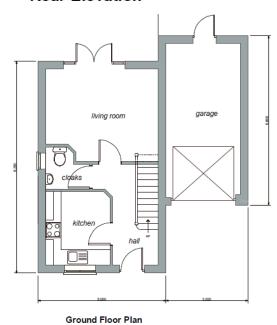
Front Side Elevation



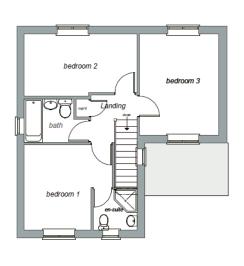
Kitchen Side Elevation



Rear Elevation



Garage Side Elevation



First Floor Plan