

Report of the Chief Executive

APPLICATION NUMBER:	20/00745/FUL
LOCATION:	Old Station Yard, Station Road, Beeston, NG9 2AB
PROPOSAL:	Construct 42 dwellings with improved access, provision of an internal access road, landscaping and associated works following the demolition of buildings

The application is brought to the Committee following deferral at meeting of 21 April 2021.

1 Executive Summary

- 1.1 The application was first brought before Planning Committee on 21 April 2021 with a recommendation for approval and the original Committee report is attached at appendix 2. Members resolved to defer making a decision following concerns with regard to the internal floor space of the three bed dwellings as proposed, to the inclusion of private roads within the site, and to the road layout junction with the Beeston Station.
- 1.2 The application is being returned to Committee following discussions with the applicant and agent.
- 1.3 There are no amendments proposed to either the dwelling sizes or to the proposed road layout, which is outside of the application site boundary, the reasons for which are set out in the following report.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in appendix 1, and to the prior signing of a Section 106 Agreement.

APPENDIX

1 Details of the Application

- 1.1 The site is allocated for residential development in the Part 2 Local Plan. There have been no changes to the number of dwellings proposed, which remains at 42.
- 1.2 The proposed access into the site will still be from Station Road and no further alterations to the layout have been made.

2 Relevant Policies and Guidance

- 2.1 The relevant policies have been previously set out in the original Committee report attached as appendix 2.

3 Re-consultations

- 3.1 No re-consultations have been carried out. However, as the applicant has submitted details in respect of the Construction Method Statement (CMS), County Highways have commented that the details are satisfactory and as such the pre-commencement condition (number 8 on the original report) can be omitted and a new regulatory condition, to ensure that the development is carried out in accordance with the approved CMS, is recommended.
- 3.2 Two emails have been received, from the same writer, following the April Committee meeting. The first email sets out their thoughts in regard to the turning area, and cites the area outside of Beeston Parish Church as a good example. The writer also observes that the future parking for the station to be at the north east end of the site and therefore remote from the station. Considers as that area has an excellent rail link from the Beeston Sidings, further north of the site, the site be reconfigured so as to provide parking closer to the station. The second email is directed to Network Rail, with the LPA being copied in and refers Network Rail to the proximity of Beeston Sidings and therefore need for the maintenance compound (to the north east end of the site) which would then give more flexibility of the site to locate parking closer to the station and would benefit the future occupiers. In response, the need for the retention of parts of the wider site, outside of the application site boundary, are not matters to be considered by the LPA where they do not affect the consideration of the proposal. Additionally, it is understood that Network Rail have safeguarded land adjacent to the railway line, close to the site access, for parking, and that the compound to the north east is required operationally for vehicles in connection with both the maintenance of the railway, and for access to the rail line by emergency services, in the event of an incident.

4 Assessment

- 4.1 The developer states that this scheme is not viable, however they have agreed to enter into a Section 106 Agreement and to pay the financial contributions to off-site provision and maintenance of open space, and toward primary healthcare (contributions toward education were not required). Should a market housing developer take over the site, then there would only be a requirement for 30% of

the housing to be affordable, which would have an unnecessary delay on the Borough's housing list, and would also be highly unlikely to be a viable scheme. As such, no financial contributions at all would be possible and would therefore require both the Local Authority and the NHS to divert or find funds from elsewhere, which in turn could impact on delivery of other services.

- 4.2 The applicant, in a statement submitted in support of the proposal, states that in regard to the internal space standards, the two bedroom dwellings meet the guidelines as set out in the Nationally Described Space Standards (NDDS). The three bedroom units cannot be changed in size due to them being built off site and the need for them to be capable of fitting on road transport without being classed as a 'wide load' which in turn would result in an impact on highway safety. The Space Standards are not adopted plan policy and as such it would be unreasonable to refuse planning permission purely on the basis that the three bedroom units are only slightly under the guidelines as set out in the NDSS. Furthermore, Homes England, who will be funding the development, are accepting of the internal floor space, being within the 15% tolerance of the NDSS. East Midlands Housing, the registered provider who will own and manage the development, consider that the dwellings would provide more than adequate standard of living and would provide the occupiers with a good standard of accommodation and would relieve pressure on the Borough's housing waiting lists.
- 4.3 The applicant, in a statement submitted in support of the proposal, also notes that the proposed dwellings, being affordable homes and to be managed by a Housing Association, offer better internal space standards than many market housing suppliers, notably David Wilson Homes, as can be seen on the recent planning application at Brinsley, brought to the same Planning Committee at April and approved by members. The internal space standards of some of the three bed dwellings at that development were as small as 75 square metres (the three bed units at the Old Station Yard development are proposed to be 81 square metres).
- 4.4 The three 'private' roads served from the new access are not to be adopted, and this is due to the inability of larger vehicles, such as refuse trucks, being able to enter and exit in a forward gear. Communal bin collection points will be provided that are conveniently located for both the occupiers and the refuse team. In all other respects, the private roads will be constructed to an adoptable standard, and the Registered Social Landlord would be responsible for the future management and maintenance of these unadopted areas of road. It is considered that this is acceptable, and no objections to the arrangement have been made by the Highway Authority.
- 4.5 In respect of the road layout and need to accommodate future requirements of Beeston Station, it is noted that Network Rail, who own the land, have set aside areas both adjacent to the railway, in order to accommodate any potential platform extension and for additional parking, and to the north east of the site, in order to accommodate rail maintenance vehicles and plant. These areas will be outside of the control of the applicant. The applicant has worked alongside Network Rail throughout the process, to ensure that the development would not have an impact on the safe operation of the rail network and facilities at the station. As such, it would be unreasonable to refuse planning permission on the

grounds that Friends of Beeston Station (or any other local action group) would like to safeguard the area outside of the application site for any future development not yet scheduled.

- 4.6 The access to the development, which will be to the south west corner of the site adjacent to the station access, will see a traditional T junction arrangement and the indicative layout shows Traffic Regulation in the form of double yellow lines, in order to prevent indiscriminate parking by station users. Whilst the existing parking spaces, for dropping off users of the station, will be removed from the southernmost point of Station Road, it should be noted that the taxi rank, proposed to be retained to the front of plots 1 to 7, and the internal road layout of the development itself, would offer ample opportunity for the safe drop off and pick up of users of the station without detriment to highway safety. The County Council, as Highway Authority are satisfied with the road layout as proposed, subject to conditions as set out below.

5 Conclusion

- 5.1 The proposed development would provide a scheme of 100% affordable homes of an acceptable internal space standard throughout, resulting in potentially 42 households on waiting lists in the borough to be housed, and will see the redevelopment of a long-term vacant, brownfield, highly sustainable site, allocated for residential use in the Part 2 Local Plan. The proposal is acceptable and as such it is recommended that planning permission be granted, subject to conditions and the prior signing of a Section 106 Agreement.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the Interim Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:	
<ul style="list-style-type: none"> (i) the prior completion of an agreement under section 106 of the Town & Country Planning Act 1990 to secure the provision of affordable housing on the site and to cover contributions towards: provision and maintenance of open space, and primary health care and (ii) the following conditions: 	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <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>
2.	The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered PJSL20-05-001A, 600161-HEX-0-GEN-DE-C-0110 sheets 1 and 2, 9478-PL02, 9478-PL06, 9478-PL07, 9478-PL10, and 9478-PL11

	<p>received by the Local Planning Authority on 26.10.21, 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, 9478-PL03D, received by the Local Planning Authority on 26.03.21, the indicative TRO shown on 60061-HEX-00-GEN-DR-C-0113 rev P02 and 60061-HEX-00-GEN-DR-C-0114_TRO P01 received by the Local Planning Authority on 31.03.21 and 9530-L-01 rev B and 9530-L-02 rev B received by the Local Planning Authority on 07.04.21.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>The development shall be constructed only in accordance with the details of materials as approved on drawing numbers 9478-PL20A, 9478-PL21A, 9478-PL22A, 9478-PL23A, 9478-PL24A and 9478-PL25A received by the Local Planning Authority on 01.12.20, unless alternative details have otherwise been agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<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) proposed boundary treatments including Armco safety barriers (b) proposed hard surfacing treatment (c) proposed lighting details particularly in regard to lighting near railway land and which shall be bat sensitive (d) planting, seeding/turfing of other soft landscape areas (e) a management and maintenance scheme relating to the landscaped areas not within the curtilage of a dwelling (f) ecological enhancements which shall include the number, type and location of bird and bat boxes <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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No part of the development hereby approved shall be commenced until an investigative survey of the site has been</p>

	<p>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>No building hereby approved shall be occupied until all the appropriate remedial measures have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and it has been certified to the satisfaction of the Local Planning Authority that the necessary remedial measures have been implemented in full.</p> <p><i>Reason: In the interests of public health and safety, and to ensure that the development does not result in unacceptable levels of water pollution and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>No above ground works shall be commenced until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority, and shall include details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented in accordance with the approved details.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>7.</p>	<p>No above ground works shall be commenced until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, and designed so as to be collected and diverted away from Network Rail property, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>

<p>8.</p>	<p>No part of the development shall be commenced until the results of a reptile survey has been submitted to and approved in writing by the Local Planning Authority. The survey should include details of any mitigation measures that may be required to protect, or measures proposed for the relocation of, any reptiles found on the site, and should these be required, the measures shall be implemented in accordance with the details as approved.</p> <p><i>Reason: In the interests of safeguarding a protected species, in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>No part of the development shall be commenced until an application for a Traffic Regulation Order (TRO) as shown indicatively on approved drawing number 60061-HEX-00-GEN-DR-C-0113 rev P01 and 60061-HEX-00-GEN-DR-C-0114_TRO rev P01 has been submitted to the Highway Authority. The TRO shall thereafter be implemented in accordance with the approved TRO unless otherwise agreed in writing by the Local Highway Authority.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>10.</p>	<p>All noise mitigation measures shall be designed and installed in accordance with the approved mitigation scheme as detailed in Omnia’s Noise and Vibration Impact Assessment (B10610/1.1 Draft September 2020). No building hereby approved shall be occupied until the respective mitigation measures, relevant to that dwelling, have been installed.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>11.</p>	<p>No building hereby approved shall be occupied until the access road and communal parking / turning areas have been completed and made available for use.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>12.</p>	<p>No building hereby approved shall be occupied until the boundary treatments and in curtilage parking pertinent to that dwelling have been provided.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in the interests of highway safety, in accordance with the</i></p>

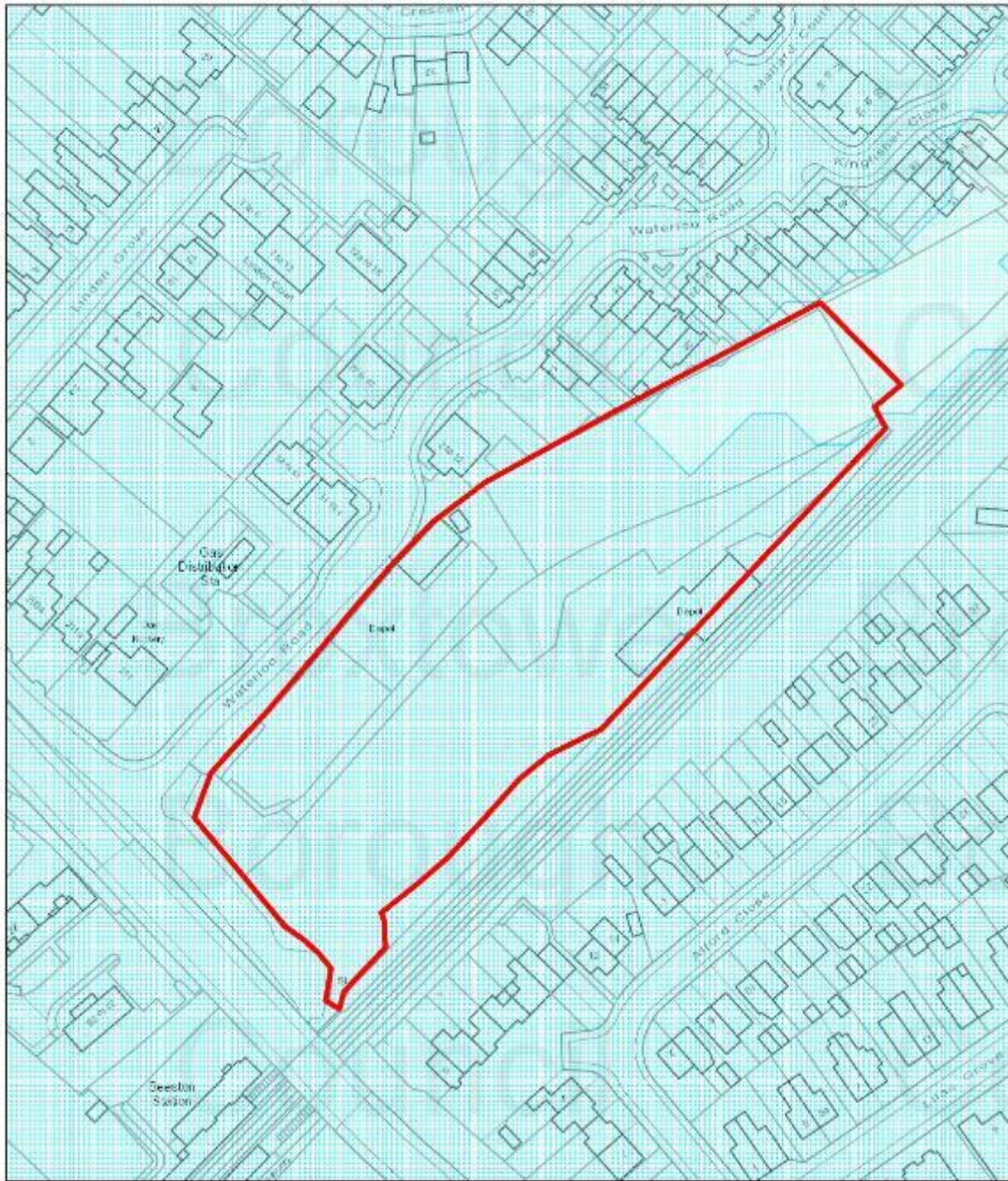
	<p><i>aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
13.	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment prepared by Rodgers Leask Limited, 15 October 2020 and finished floor levels shall be set no lower than 27.53 metres above Ordnance Datum (AOD).</p> <p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: In the interests of minimising flood risk, in accordance with Policy 1 of the Broxtowe Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
14.	<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 dwellings, 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 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
15.	<p>No construction, demolition 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, unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</i></p>
16.	<p>No construction, demolition or site preparation work in association with this permission shall be undertaken unless in accordance with the details submitted within the Construction Method Statement dated April 2021 and received by the Local Planning Authority on 28.04.21.</p> <p><i>Reason: In the interests of highway safety and the safe operation of the railway, in accordance with the aims of Policy 10 of the</i></p>

	<i>Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
	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.	This permission has been granted contemporaneously with an Agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3.	Burning of 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.
4.	<p>The Highway Authority advise:</p> <p>Reference in any condition contained in this permission to any Statute, Statutory Instrument, Order, Regulation, Design Guide or other document shall be taken to include any amendment, replacement consolidation or variation that shall from time to time be in force and any reference to any body or organisation (public or private) shall be taken to include any successor-body or organisation exercising relevant functions in place of or alongside the body named.</p> <p>The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council’s current highway design guidance and specification for roadworks for which there is a fee.</p> <p>a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.</p> <p>b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes</p>

	<p>etc. with which compliance will be required in the particular circumstance, and it is <u>essential</u> that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. Correspondence with the Highway Authority should be addressed to: hdc.south@nottsc.gov.uk</p> <p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act for which there is a fee. Please contact: hdc.south@nottsc.gov.uk</p> <p>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.]</p> <p>The proposed access/off-site highway works referred to in condition 7 requires a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Via East Midlands in partnership with Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact the Improvements Team on 0300 500 8080 for details.</p>
<p>5.</p>	<p>The developer is advised to contact Network Rail in respect of the need to submit a method statement, which should be agreed prior to commencement of works on the site.</p> <p>Asset Protection Project Manager Network Rail (London North Eastern) Floor 3B George Stephenson House Toft Green</p>

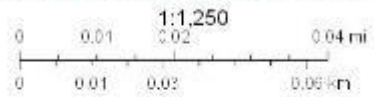
	<p>York Y01 6JT</p> <p>Email: assetprotectionlneem@networkrail.co.uk</p>
6.	<p>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised 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.</p>

Title



2/10/2021, 1:46:30 PM

-  Flood Zone 2
-  Flood Zone 3
-  Site



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Photographs



View of the site from the road bridge, looking north east



View of the site looking toward the rail line



Waterloo Road, view from Station Road



Station Road, looking north west from the parking area under the road bridge



Beeston Station, a Grade II Listed Building



View north east along Station Road, from the bridge. Access to the site can be seen at the bottom of the bridge

Plans (not to scale)



Proposed layout



Street Elevation A-A



Street Elevation B-B



Street Elevation B-B

Proposed street scene elevations



Cardinham House Type T1



Cardinham House Type T2



Holt House Type T1



Holt House Type T2



Dalby House Type T1



Dalby House Type T2