

Report of the Chief Executive

APPLICATION NUMBER:	21/00133/FUL
LOCATION:	Land to the rear of Clayton Court, Queens Road, Nottinghamshire
PROPOSAL:	Construct three storey apartment block of 13 flats and dropped kerb (revised scheme)

Councillor T A Cullen has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This is a major planning application which seeks permission to construct a three storey, flat roof building comprising 13 apartments and a dropped kerb on Queens Road. The building will comprise eight, two bedroom flats and five, one bedroom flats. The proposal is for self-contained apartments and not for HMO accommodation.
- 1.2 As part of the application a Design and Access Statement, Building for Life Assessment, Drainage Strategy, Flood Risk Assessment, Sequential Test, Transport Statement and Sustainability Statement were submitted.
- 1.3 The main issues relate to whether the proposal of residential accommodation would be acceptable in this location, if there is an acceptable level of design, if there is an acceptable impact on neighbour amenity and amenity afforded to new occupants, if it is acceptable in flood risk terms and if it is acceptable in relation to highway safety.
- 1.4 The benefits of the proposal would mean 13 additional homes within a sustainable, urban location with access to regular sustainable transport links which would be in accordance with policies contained within the development plan which is given significant weight. Furthermore, the principle of development has been established as being acceptable through the approval of 9 apartments (19/0631/FUL) in July 2020. Whilst this is for a larger scheme and there would be some impact on neighbour amenity and available parking it is considered these matters are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 Each apartment will have one or two bedrooms, a kitchen/dining/living area and bathrooms/en-suites. A bin store and cycle parking (with space for five bikes) will be positioned to the front of the building next to Grove Street. 15 car parking spaces are proposed (three to the front and 12 to the rear). The proposal is for self-contained apartments and not for HMO accommodation.
- 1.2 The existing Clayton Court flats to the north west of the proposed apartments will be provided with five car parking spaces which will be accessed from Queens Road. The existing wall next to Queens Road will be removed where it encroaches on visibility and the new dropped kerb will be incorporated to allow access. Two new dropped kerbs will be created to serve the proposed scheme from Grove Street.
- 1.3 As this is a revised scheme of 19/00631/FUL, the main changes incorporated into this scheme are as follows:
- Increase in apartments from 9 to 13
 - Introduction of obscurely glazed, non-opening side facing windows
 - Increase in footprint
 - Increase in height of 0.7m (from 10.3m)
 - Steps to the front removed, level access via door
 - Central feature increased in width by 3m (from 5.6m to 8.6m)

Approved under 19/00631/FUL



Proposed Front Street Scene Elevation - Grove Street

Proposed under 21/00133/FUL



Proposed Front Street Scene Elevation - Grove Street

2 Site and surroundings

- 2.1 The application site is currently occupied by a three storey apartment block consisting of six flats (Clayton Court) located to the north west of the site fronting Queens Road. Part of the land to the south east is currently used as informal parking and vehicular access to the site is from Grove Street. The site is relatively flat and is approximately 60m in length and 20m in width. There is a 2.2m high fence along the boundary with the Co-op supermarket and its car park to the north east and a 1.8m high privet hedge extends across the remaining boundary. A 1.5m high fence extends along the boundary with the cul-de-sac with the Sovereign Court flats, then Sovereign Court flats, then a 0.3m high brick wall. The boundary to the front is open.
- 2.2 The site is enclosed from the north west, north east and south west by three apartment blocks (including the existing Clayton Court flats) which have a mixture of flat and pitched roofs. Each block has between six and 25 flats. A Co-op local supermarket is positioned to the north and its car park adjoins the site. Grove Street is a mix of traditional style houses (semi and detached) and flats. Runnymede Courts are to the north east and Sovereign Courts are to the south west of the site.
- 2.3 The site lies within a predominantly residential area. The site is within walking distance of Beeston town centre (and the tram) and is in close proximity to regular bus services along Queens Road and Beeston train station. The site is located within Flood Zones 2 and 3 which is land with a high probability (1 in 100 or greater) of river flooding.

3 Relevant Planning History

- 3.1 An outline application (all matters reserved) for residential flats (06/00567/OUT) was granted consent in November 2006. A reserved matters application was not submitted and this consent has now expired.
- 3.2 Planning permission (19/00631/FUL) was granted at Planning Committee in July 2020 to construct a three storey apartment block comprising 9 flats and a dropped kerb. This scheme has not been implemented.

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 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 Part 2 Local Plan 2019

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 20: Air Quality
- Policy 23: Proposals affecting Designated and Non-Designated Heritage Assets
- Policy 26: Travel Plans
- Policy 32: Developer Contributions.

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

5 Consultations

- 5.1 **Council's Environmental Health Officer:** no objection subject to advisories in respect of working hours and prohibiting burning of waste on site.
- 5.2 **Council's Business and Projects Manager (Environment):** request an open space contribution of £19,527.69.
- 5.3 **Council's Housing Strategy and Development Officer:** seek affordable housing on-site (four affordable, one bedroom rented units) based on 13 apartments.
- 5.4 **Council's Waste and Recycling Officer:** raise no objection and advise on bin requirements.
- 5.5 **Council's Tree Officer:** No trees on site but there is a Silver Birch tree to the front of Runnymede Court which is adjacent to the car park. There could be roots from the tree in this location; however, as it is currently made of concrete, it should have limited spread of the roof system in this direction. The proposal is for a porous tarmac surface to the front of the development, careful excavation of the current surface and installation of the proposed new surface should be advised.
- 5.6 **Nottinghamshire County Council as Highways Authority:** raise no objection. 15 car parking spaces to serve 13 apartments is acceptable. Advise conditions in relation to: ensuring dropped vehicular footways are made available on Grove Street and Queens Road; ensuring visibility splays are kept free from obstructions; driveways, turning and parking areas are surfaced in a hard, bound material for at least 5.5m behind the highway, constructed to prevent unregulated discharge of surface water onto the highway and are clearly delineated; parking and turning

areas are not to be used for anything other than parking, turning and loading/unloading of vehicles and the development shall not be brought into use until the bin and cycle stores are available for use. Advise contacting the County Council in regards to works taking place over a public highway.

- 5.7 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** no objection subject to a pre-commencement condition requesting a detailed surface water drainage scheme subject to specific criteria.
- 5.8 **Nottinghamshire County Council Planning Policy:** no request for financial contributions.
- 5.9 **Environment Agency:** no objection subject to the finished floor levels being set no lower than 28.15m AOD metres above Ordnance Datum (AOD) and the flood resilience and resistant measures are implemented.
- 5.10 **NHS Nottingham City Clinical Commissioning Group (CCG):** no request for financial contributions.
- 5.11 **NET:** no operational or safety concerns to raise.
- 5.12 50 neighbours were consulted on the application, 17 objections were received and 1 observation. A site notice and amended site notice were displayed. The comments are summarised as follows:
- Proposed flats are too small
 - Sense of enclosure
 - Excessive pressure on surrounding residents
 - Increase in noise, disturbance and pollution
 - Block daylight and sunlight
 - Overlooking
 - Excessive size, massing and scale in relation to surrounding buildings
 - No attempt to make side top elements visually recede
 - Oppressive block structure with flat roof
 - Out of character with area and Victorian houses
 - No other properties with a flat roof
 - Lacks inspiration from surrounding buildings which is a requirement of 'Building For Life'
 - All other properties have pitched roofs
 - Concerns with traffic and access
 - Inadequate parking
 - Plans suggest a removal van would be unable to access car park
 - Highway safety concerns including Grove Street junction, cyclists, visibility and poor road quality surface
 - Grove Street is a cut-through
 - Need local parking permits
 - Yellow lines should be incorporated onto Grove Street
 - Too many flats
 - Too many similar developments in area
 - Site not identified in local plan that could accommodate 10 or more dwellings

- Imposing
- Too large for plot and too close to properties on Grove Street
- No green space incorporated
- Increase in flooding
- Inadequate wheelie bin storage
- Previous application was reduced from 16 apartments to 9.

6 Assessment

6.1 The main issues are considered to be the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, parking, the relationship to neighbouring properties and if future occupants have an acceptable standard of amenity.

6.2 **Principle**

6.2.1 Policy 8 of the Broxtowe Aligned Core Strategy (2014) 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 area. Grove Street is characterised by varying styles and sizes of properties including traditional Victorian style houses and more modern apartment blocks that range from two to three storeys in height. The existing Clayton Court flats are three storeys with a flat roof. It is considered the development would add to the housing mix and it is considered that the character of the area would not be significantly harmed.

6.2.2 The site is within an existing residential area and provides an opportunity to provide additional housing outside of the Green Belt. There is also a need to boost housing supply which sites such as this can help deliver. The provision of 13 apartments on this brownfield site is considered to be a benefit in terms of contributing to the provision of homes in the borough, especially given its proximity to Beeston town centre where a tram stop is located, the train station and regular bus routes.

6.2.3 In addition to the above, the site received outline planning permission to construct residential flats (06/00567/OUT) and whilst it is acknowledged this consent has expired and is some time ago, it still establishes that the principle of flats on this land is considered to be acceptable. Furthermore, the application has received permission to construct 9 apartments in a similar scheme (19/00631/FUL) in July 2020 which is given significant weight.

6.2.4 It is considered the principle of dropped kerbs on Queens Road to provide access to parking would be acceptable in order to retain separate parking for the existing Clayton Court flats.

6.2.5 Whilst it is acknowledged this is an increase in four apartments and there will be some impact on amenity and parking, it is considered this is outweighed by the proposal of residential units which make an efficient use of the land. Whether there is sufficient space for 13 apartments and the impact a development of this size will have on neighbouring properties will be discussed below.

6.2.6 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will also provide an additional 13 residential units within an existing settlement in a highly sustainable location, close to Beeston town centre and public transport links. It is considered the proposed apartments will not have an adverse effect on neighbour amenity and the design, massing, scale and appearance are considered to be acceptable. The principle of the development is therefore considered to be acceptable.

6.3 Flood Risk and Drainage

6.3.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment, Sequential Test and Exception Test have been submitted with the application. Section 14 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding.

6.3.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Furthermore, it is the conversion of a vacant building which makes good use of an existing site. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.

6.3.3 The application site is located predominantly within Flood Zone's 2 and 3 where there is a high risk of flooding. In line with the National Planning Policy Framework (NPPF), any application for residential development within Flood Zone 2 or 3 is subject to a sequential test. This test aims to steer new development to Flood Zone 1 where there is a lower probability of river or sea flooding. The Sequential Test has also been submitted with the application which concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.

6.3.4 A Flood Risk Assessment has been submitted which confirms that the proposed ground floor level of the building will remain be 28.15m AOD (Above Ordnance Datum).

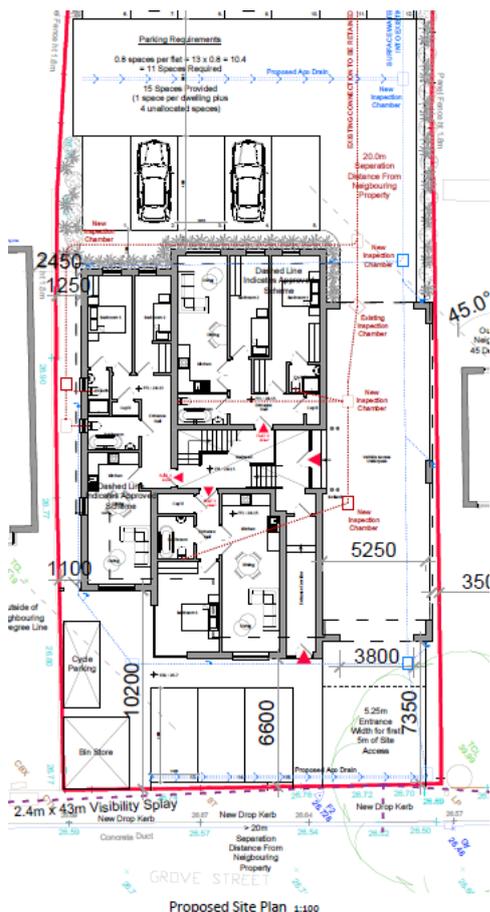
6.3.5 The Environment Agency (EA) has raised no objection to the proposal and has requested conditions are included to ensure that's floor levels are set no lower than 28.15m AOD and that flood resistance and resilience measures are incorporated. Some of these measures include, avoiding structural timber at ground floor level, avoiding cavities, using low water absorption materials for bricks and blocks and electrical metering, switches, socket outlets, junction boxes are kept 300mm above the ground floor level.

6.3.6 The Lead Local Flood Authority did not raise any objection but have requested a precommencement condition in respect of providing a drainage strategy.

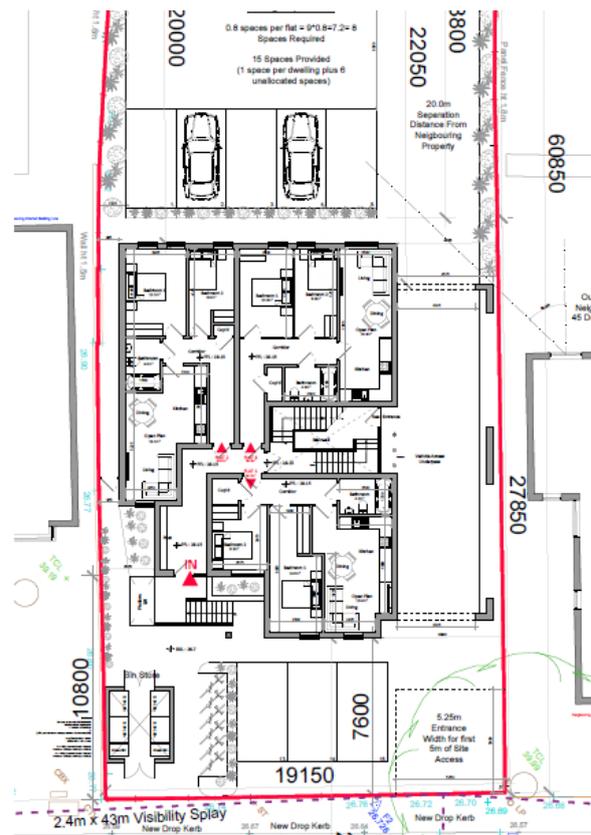
6.3.7 To conclude, within Beeston there are substantial areas which are within Flood Zone 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. A failure to permit residential development on sites such as this which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations, including the Green Belt. Subject to a suitable condition as detailed above, it is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk.

6.4 Design

6.4.1 Whilst it is acknowledged the scheme has increased in footprint and height, it is still considered it represents an acceptable level of design and massing that it will not be out of keeping with the surrounding area. The below site plans show the comparison of the two plots and whilst it is noted that the front projects further towards the pavement in the proposed scheme, this will still be 6.6m back from the pavement and not project beyond Runnymede Court flats. The building will largely stay the same width and will be marginally extended to the rear. The height will increase from 10.3m to 11m.



Proposed Scheme (21/00133/FUL)
(Grey dashed line denotes 19/00631/FUL footprint)



Approved Scheme (19/00631/FUL)

6.4.2 The site itself is relatively empty when viewed from Grove Street and creates a visual break between Runnymede and nos. 26 – 32 Sovereign Court flats that a building of this size and layout is considered to be acceptable. The side elements will match the same height as Runnymede Court flats but the central feature will be slightly taller in height as shown below.

Approved scheme 19/00631/FUL



Proposed Front Street Scene Elevation - Grove Street

Proposed scheme 21/00133/FUL



Proposed Front Street Scene Elevation - Grove Street

6.4.3 The central feature will be increased by 3m and remain the focal point of the building which is considered to be acceptable given the overall width of the building. The building will still retain a stepped feature the front and as Runnymede Court will still project the furthest forward, followed by the proposed building and then nos. 26 – 32 Sovereign Court, it will still retain the character that was accepted under the 19/00631/FUL application.

6.4.4 Whilst it is acknowledged the building will be wider than the two neighbouring buildings, the stepped back elements to the front will break up the appearance of its massing. The third storey will have two elements that are slightly lower in height with grey aluminium cladding which will give an element of subservience to the third storey. Further, whilst these are taller than the previous side elements, they are set back from the front and set slightly down that they still appear in contrast and subservient to the rest of the building. The fenestration is uniformed and

symmetrical in appearance which contributes to the overall acceptable design of the building. The materials of the building will be conditioned to ensure details are provided in advance of above ground works beginning.

- 6.4.5 It is considered the proposal of a flat roof of a building this size is acceptable and if a pitched roof was proposed, this would increase the dominance of the building unless a floor was removed. It is considered a three storey flat roof building is acceptable in this location and would not appear out of character with the street scene. The proposed building would be directly in keeping with the adjacent Clayton Court flats which is a three storey, flat roof building
- 6.4.6 It is considered that the layout of the building is appropriate to the size of the site. One acknowledges the building has a larger footprint than the neighbouring buildings, this will not be completely visible from Grove Street, Queens Road or nos. 26 – 32 Sovereign Court as the two neighbouring buildings will reduce some of its visibility. The building sits back from Runnymede Court but forward of Sovereign Court which is considered to be acceptable, given that there is a 6.6m distance from the building to Grove Street. It is considered the building will not represent overdevelopment of the site as this will still mainly be occupied by a car park to the rear which breaks up the site between the new and existing building.
- 6.4.7 Whilst the building is relatively wide in the plot, it is still set off the boundaries with the neighbouring buildings and relatively the same width as the previous scheme. The cantilevered roof is considered to be an acceptable feature to the property and provides a visual break in the building itself which breaks up the massing of this part of the building.
- 6.4.8 It is appreciated that some of the properties along Grove Street are of a Victorian style and the building reflects a contemporary style, it is still considered to be an acceptable design for its positioning. The buildings neighbouring the site do not have particular architectural interest and therefore a contemporary design which responds to the character of the development on this side of the road, is considered to be acceptable.
- 6.4.9 It is considered the proposed dropped kerb reflects an acceptable level of design. Works would be subject to approval by the Highway Authority. Details of the proposed bin store would be provided via a landscaping condition.
- 6.4.10 To conclude, it is considered the design and layout of the building is acceptable and responds to the plot size and will not appear out of character with the area. Whilst it is acknowledged it does not strictly follow the traditional design of some of the houses on Grove Street, it is considered this is acceptable given that the neighbouring buildings (Runnymede Court, nos. 26 – 32 Sovereign Court and Clayton Court) do not hold any particular architectural interest and all enclose the site. Furthermore, although it is acknowledged the building is larger in footprint and height, it is still considered the size of the site can support this and it will not appear as an overdevelopment of the plot.

6.5 Parking

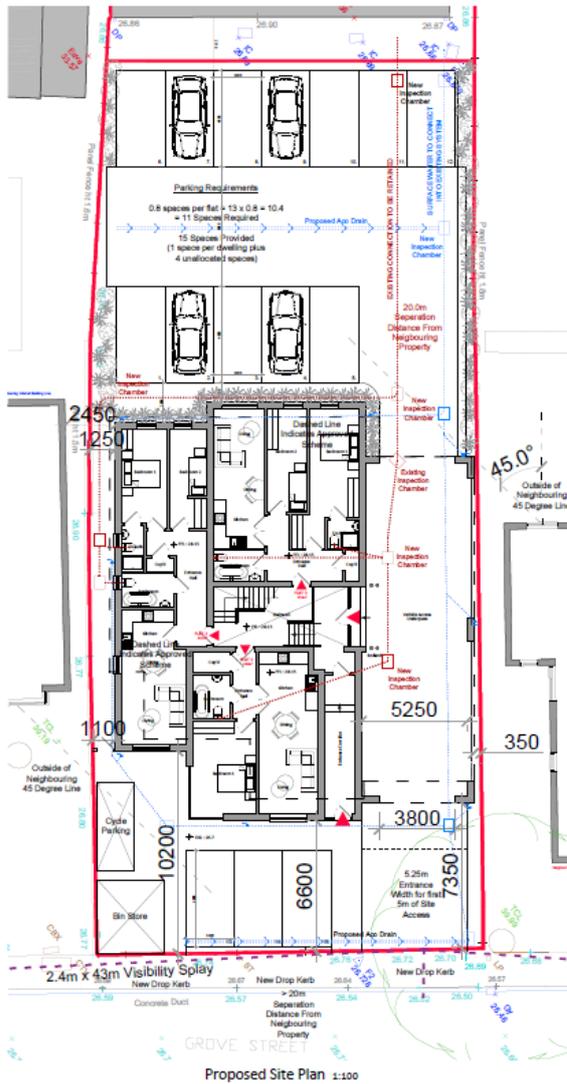
- 6.5.1 It is evident within the consultation responses that there is concern that the development has insufficient parking provision including any parking provision which will lead to increased demand for on-street parking which would be detrimental to the area.
- 6.5.2 In relation to assessing the highway impacts of a proposal, paragraph 111 of the National Planning Policy Framework states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Whilst paragraph 107 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development.
- 6.5.3 15 car parking spaces are proposed for 13 flats which is considered to be sufficient amount of parking for this size of development, especially given its close proximity to Beeston town centre, bus and tram services and the train station. The Highway Authority have not objected to the application.
- 6.5.4 An application for a similar type of development (10, one-bedroom apartment block) on Queens Road (18/00516/FUL) was refused at Planning Committee in March 2019. Part of the reason for refusal was based on insufficient parking. An appeal was submitted and was dismissed; however, this was dismissed on different reasons and the Inspector was content with the level of parking. Following the appeal, an application was submitted for an apartment block consisting of nine, one bedroom apartments (19/00808/FUL) which was granted permission at Planning Committee in February 2020. This scheme proposed one car parking space and is in a similar location to this development (although this development is within walking distance of the train station). Although the Inspector dismissed the appeal for the refused application (18/00516/FUL), the following was summarised on the 19/00808/FUL application in relation to the appeal which included the Inspector's comments: 'In respect of parking, the Inspector concluded on the appeal decision for 18/00516/FUL that the site is in an accessible location which would discourage the use of the private car ... The Inspector concluded that the development would not lead to a rise in nuisance or dangerous parking in the area and a sufficient amount of parking had been provided. The Inspector stated the following, "I conclude that the development would not significantly contribute to on street parking stress. It would therefore accord with the relevant sections of Policy 17 of the Broxtowe Part 2 Local Plan (2019), which requires that new development provides sufficient parking."'
- 6.5.5 Notwithstanding that this scheme was for one-bedroom apartments (which means car ownership would likely be low) and this scheme is for one/two bedrooled apartments, it is considered the proposal of 15 car parking spaces and proximity to the train station outweighs this matter.
- 6.5.6 Whilst it is acknowledged there will be an increase in traffic on Grove Street as a result of this development, it is considered there is sufficient parking to ensure this will not be to the detriment of highway safety. Furthermore, it is considered the

amount of traffic caused by 13 additional apartments would not be refusable based on the possibility of more traffic accidents, especially given the level of parking provided.

- 6.5.7 The proposal of five car parking spaces accessed from Queens Road for the existing Clayton Court flats is considered to be acceptable. Whilst this is just short of one space per flat, the location of the site is within close proximity to sustainable transport links.
- 6.5.8 The introduction of parking permits or speed calming measures are a matter that is dealt with by Nottinghamshire County Council as Highways Authority.

6.6 Amenity

- 6.6.1 A number of concerns have been received in relation to the building causing a sense of enclosure, overlooking and excessive noise and disturbance.
- 6.6.2 The buildings that will be mostly impacted by the development will be Runnymede Court flats to the north east, nos. 26 – 32 Sovereign Court to the south west and Clayton Court flats to the north west.
- 6.6.3 Whilst the building will be 0.7m taller than the previously approved building, it is considered this will have marginal impact on the adjoining buildings. The building is still three storeys high and is largely the same separation distance from both adjoining buildings that this relationship has been established as being acceptable.
- 6.6.4 Nos. 26 – 32 Sovereign Court flats are positioned to the south west of the building. This existing building has two ground floor doors and a first floor window which serves a hallway in the north east elevation. The proposed building will project forward of nos. 26 – 32 Sovereign Court flats but will be stepped in towards the front and project slightly (see site plan below). Whilst it is accepted the flats will now project beyond the front elevation of nos. 26 – 32 Sovereign Court flats, it is considered this would not be detrimental to the amenity of these neighbouring occupants, especially considering the separation distance from primary windows. The building will be approximately 2.5m from nos. 26 – 32 Sovereign Court flats which is considered to be an acceptable separation distance, especially given that there is only one window and two doors in its north east elevation of nos. 26 – 32 Sovereign Court flats. To conclude, it is considered there will not be a detrimental impact on the amenity of the occupants of Sovereign Court flats.



Proposed Site Block Plan 1:500

- 6.6.5 The proposed building will be a minimum of 18.3m from Clayton Court flats which is considered to be a sizeable distance. The separation distance between nos. 1 – 25 and nos. 26 – 32 Sovereign Court is 15m and therefore this relationship between apartment buildings has been established as being acceptable. It is considered the relationship between these two buildings would be acceptable as they will mutually overlook one another. It is considered there will not be a detrimental impact on the amenity of the occupants of Clayton Court flats.
- 6.6.6 The building will be set back a minimum of 6.6m from Grove Street and will be approximately 21m from the front elevation of no. 7 Grove Street which is directly opposite the building. Whilst it is acknowledged there will be windows in the south east (front) elevation, it is considered the separation distance and intervening road will mean the level of overlooking is not detrimental. In addition to this, this relationship is already established with buildings with forward facing windows fronting Grove Street from Sovereign Court and Runnymede Court. Buildings along Grove Street will mutually overlook one another. It is considered there will be a minimal loss of light and overshadowing to properties to the south east along Grove Street due to the separation distance and orientation of the building being positioned to the north west. To conclude, it is considered there will not be a detrimental impact on the amenity of the occupants along Grove Street.

- 6.6.7 It is considered the proposed apartments provide an acceptable level of amenity for future occupants with primary rooms having outward facing windows and each apartment being an acceptable size. Although no outdoor amenity space is provided, this is a commonly accepted approach for flats and a development of this nature. It is noted that Dovecote Lane Recreation Park is within a short walking distance of the development. Although space standards are not in the Councils adopted policy, all of the one bedroom flats will be at least 40m² and all of the two bedroom flats will be at least 62.2m². Both of these measurements exceed the minimum internal floor space required for a one bedroomed flat for one person or two bedroomed flat for three people as stated in the National Technical Housing Standards. Whilst it cannot be confirmed how many people will be living in the flats, it is considered this will provide a sufficient level of living accommodation.
- 6.6.8 Whilst this revised scheme does have side facing windows, these will all be obscurely glazed and non-opening and therefore it is considered there will be minimal overlooking to the adjoining buildings.
- 6.6.9 It is considered the proposed dropped kerb and bin/cycle store are relatively minor aspects of the development and will have minimal impact on the amenity of surrounding neighbours.
- 6.6.10 To conclude, it is considered the proposed apartment building is a sufficient size and distance from neighbouring buildings that it will not cause a detrimental impact on amenity or cause a significant loss of light or overshadowing. Furthermore, it is considered future occupants will have an acceptable level of amenity.

6.7 Financial Contributions

- 6.7.1 In accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 6.7.2 The Council's Business and Projects Manager has requested an open space contribution of £19,527.69.
- 6.7.3 The Council's Housing Strategy and Development Officer has requested affordable housing on-site (four affordable, one bedroom rented units).
- 6.7.4 The agent has agreed on behalf of the applicant that the landscape contribution will be paid in full. A viability assessment was submitted and independently verified which demonstrated that the open space contribution could be paid in full but up to only two units could be allocated as being affordable. The developer has intimated that Registered Housing Providers may not wish to manage such a small number of units, and as such is enquiring with local providers to support this stance. If, as expected, local providers do not wish to take on such a small provision, then the housing department would accept an offsite contribution.

6.7.5 In conclusion on S106 matters, the proposed obligation is considered to meet the tests set out in the NPPF in terms of being necessary, directly related and fairly and reasonably related in scale and kind to the development.

6.7.6 The S106 heads of terms have been agreed and the S106 document is currently being drawn up and finalised with the Council's legal department.

6.8 Other Matters

6.8.1 It is considered the design, scale, massing and height are not dissimilar to what was agreed under the previous scheme and therefore it is considered there would not be a sense of enclosure, excessive overlooking or loss of daylight/sunlight caused by the proposed apartments.

6.8.2 Whilst it is accepted there will be an increase in noise, disturbance and pollution caused by the construction of the development, it is acknowledged this would be on a short term basis. Anything considered to be excessive should be reported to the Council's Environmental Health department. It is considered 13 additional residents on this road would not cause an excessive amount of noise and disturbance and Environmental Health has not raised any concerns in respect of this matter.

6.8.3 Parking permits, traffic calming measures and restrictions are allocated and managed by the Highway Authority and not the Council.

6.8.4 Whilst the site is not allocated for development in the local plan, the council is still required to assess its acceptability following the submission of an application and therefore in this case it is considered to be acceptable, especially given that it was accepted for a similar scheme under 19/00631/FUL.

6.8.5 The Environment Agency and Lead Local Flooding Authority have not objected to the application on flood risk or drainage grounds.

6.8.6 It is considered there is sufficient space for refuse waste as the apartments will not be allocated individual bins but larger shared bins.

6.8.7 A landscaping scheme will be requested via a condition to mitigate the impact of the development.

7 Planning Balance

7.1 The benefits of the proposal are that it would provide 13 additional homes within an existing urban area that would be in accordance with policies contained within the development plan. Whilst it is acknowledged there will be some impact on the amenity of neighbours and on-street parking, this is outweighed by the benefits of the scheme and due to its location within a highly sustainable area. Furthermore, a previous scheme for a similar sized building has been approved which is given significant weight.

8 Conclusion

- 8.1 To conclude, whilst this is for a larger scheme than that already approved, it is considered the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants and will not compromise that significant of surrounding neighbours. It is considered there is an acceptable amount of parking provided for the proposed apartments and existing Clayton Court flats. Therefore, it is considered the proposal is acceptable for the reasons set out above.

<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of landscape contributions and affordable units</p> <p>(ii) the following conditions:</p>	
<p>1.</p>	<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>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 22 February 2021:</p> <ul style="list-style-type: none"> • 005 Rev H • 009 Rev C <p>Received by the Local Planning Authority on 8 November 2021:</p> <ul style="list-style-type: none"> • 003 Rev J • 002 Rev K • 004 Rev J • 007 Rev K <p>Received by the Local Planning Authority on 12 November 2021:</p> <ul style="list-style-type: none"> • 006 Rev N • 008 Rev M <p><i>Reason: For the avoidance of doubt.</i></p>

<p>3.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (prepared by Swish Architecture) and Drainage Strategy 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:</p> <ul style="list-style-type: none"> • Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 • Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area • Demonstrate the provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA • Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. • For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>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.</p> <p><i>Reason: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p>

	<p>a) numbers, types, sizes and positions of proposed trees and shrubs b) details of boundary treatments; c) proposed hard surfacing treatment; d) planting, seeding/turfing of other soft landscape areas; and e) timetable for implementation of the scheme.</p> <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><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area 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).</i></p>
<p>6.</p>	<p>Prior to the first occupation of the apartments hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment titled ‘Proposed new build apartment block to the land rear of Clayton Court...’ prepared by Swish Architecture dated February 2021. Flood resilient measures and resilience measures shall be used as detailed on page 10 and the finished floor levels shall be set no lower than 28.15m AOD. These mitigation measures shall be maintained and retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>The apartments hereby approved, shall not be first occupied until:</p> <ul style="list-style-type: none"> • all driveways and parking areas have been surfaced in a hard, bound material (not loose aggregate) and designed to prevent the unregulated discharge of surface water onto the public highway; • each car parking space has been clearly delineated as shown on drawing 008 Rev M; • visibility splays are provided in accordance with drawing 008 Rev L and retained for the lifetime of the development; • dropped vehicular footway crossings on Grove Street and Queens Road are constructed and available for use; • the existing dropped vehicular footway crossing on Grove Street is extended and made available for use and the cycle

	<p>store and bin/cycle store as shown on drawing 008 Rev M are constructed and available for use.</p> <p>The surfaced drives, parking areas, delineated spaces and dropped vehicular crossings shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network, to ensure the bin and cycle store are available for use 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).</i></p>
8.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: To minimise disturbance to neighbours and in accordance with the aims of aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	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 waste on site is prohibited.
4.	The future owners/occupiers of the proposed dwelling should sign up to the Environment Agency's Flood Warning Direct Service.
5.	As this permission relates to the creation of a new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an 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.
6.	It is an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway and appropriate

	<p>measures should be in place to avoid this. You are advised to contact the Nottinghamshire County Council as Highways Authority on telephone number: 0300 500 80 80.</p>
<p>7.</p>	<p>The proposal makes it necessary to construct vehicular crossings on Queens Road and Grove Street over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.</p>

Map



Legend

-  Site Outline
-  Flood Zone 3
-  Flood Zone 2

Photos



View of site from Grove Street



View of site from Grove Street



View of site facing Grove Street



Sovereign Court flats to the side



North east view of Grove Street



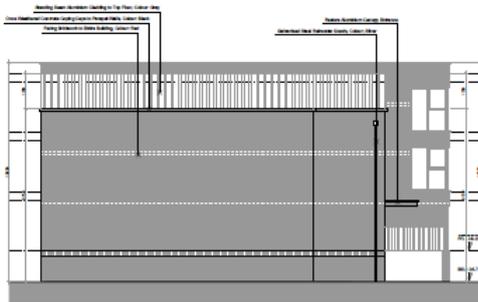
South west view of Grove Street

Plans

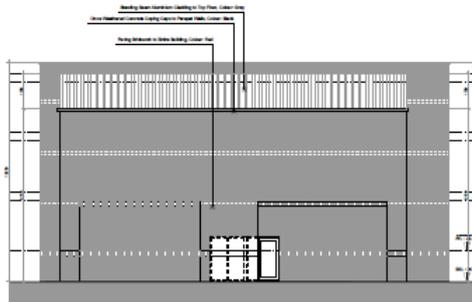
Approved under 19/00631/FUL



Proposed Front Street Scene Elevation - Grove Street



Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Site Plan 1:100