

Report of the Chief Executive

**18/00607/FUL
CHANGE OF USE OF 28 FLATS (CLASS C3) TO STUDENT
ACCOMMODATION (17 CLUSTER FLATS) AND CONSTRUCTION OF 3
CLUSTER FLATS (PROVIDING 83 BED SPACES IN TOTAL)
NEVILLE SADLER COURT, BEESTON, NOTTINGHAMSHIRE, NG9 2EW**1. Details of the application

- 1.1 The application was first brought before Planning Committee on 9 January 2019 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application to allow further consideration to be given to increasing parking provision on site.
- 1.2 The applicant has considered the issues raised by Planning Committee and has increased the number of parking spaces on site from 19 to 23. Two spaces have been shown adjoining the north western and south western boundaries of the turning head beside 82 Lower Road. Additional information has been provided in the form of a parking survey to demonstrate the levels of parking along Lower Road and Fletcher Road which adjoin the site and nearby student accommodation on Lower Court and Albion House.

2. Re-consultations

- 2.1 Amended plans were submitted and a further seven-day consultation has been undertaken with the occupants of neighbouring properties. One observation was received in relation to noise and disturbance, which has already been addressed in the substantive report.

3. Appraisal

- 3.1 It is considered the additional parking is within an acceptable location that would not cause an unacceptable impact on the neighbouring property, no. 82 Lower Road or any other surrounding neighbours. As the parking is set back from Lower Road, the parked cars using these spaces would not be visually prominent in the street scene.
- 3.2 A parking survey has been submitted. The survey establishes parking provision on Lower Road and Fletcher Road at several points throughout the day at 9:30am, 1:00pm and 4:30pm over a 6 day period (including a Saturday).
- 3.3 The report indicates that there is sufficient parking provision within the local area that can accommodate the potential demand generated by this development. Two nearby student residences (Lower Court and Albion House, both serving Nottingham University) were included in the report and documented a maximum of 50% capacity in each car park at each of the times mentioned above. However, it must be noted that the accuracy of this report cannot be verified.

4. Conclusion

- 4.1 The provision of four additional parking spaces and the parking survey, alongside the lack of objection from the Highways Authority, and the fact the site is located within a sustainable location adjoining the tram line that directly runs outside Nottingham University, means it is still considered to not be justifiable to refuse this application based on a lack of parking provision within the locality, as the application would not lead to a detrimental impact on highway safety. As such, the recommendation for approval remains the same.

Recommendation

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 the permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: 006 Rev H, 007 Rev H and 009 Rev A received by the Local Planning Authority on 13 November 2018 and drawing numbers: 008 Rev I and 005 Rev M received by the Local Planning Authority on 11 December 2018.
3. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.
4. No development hereby approved shall commence until a detailed construction plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall outline access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route.
5. No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Flood Risk Assessment (prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - (i) 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.

(ii) Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to no greater than rates for the pre-development site.

(iii) For all exceedance to be contained within the site boundary without flooding new properties in a 100 year + 40% storm.

(v) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

6. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) details of any works to existing trees;
- (b) numbers, types, sizes and positions of proposed trees and shrubs;
- (c) planting, seeding/ turfing of other soft landscape areas;
- (d) details of the site boundary treatments and curtilage boundary treatments and
- (e) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

7. Prior to the first occupation of the flats hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018 and in accordance with the mitigation and resilience measures as detailed in paragraphs 5.3 and 8.5. These mitigation measures shall be maintained and retained for the lifetime of the development.

8. The development hereby approved shall not be brought into use until the dropped vehicular footway crossings have been lowered, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed block plan (1:500) and the cycle stands are available for use.

9. The first floor bedroom windows in the north west elevation of 'duplex 2' shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.

Reasons

1. 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. For the avoidance of doubt.
- 3 & 4. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In order to mitigate the impact of the development on the tram and ensure the tram remains fully operational throughout and after the development.
5. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

Note to applicant

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. Any works that take place over vehicular crossings of the public highway shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

APPENDIX

Report to Planning Committee 9 January 2019

Report of the Chief Executive

Fiona Grocock

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NEVILLE SADLER COURT, BEESTON, NOTTINGHAMSHIRE, NG9 2EW**

Councillor P. Lally has requested this application be determined by Planning Committee.

1 Details of the Application

- 1.1 This is a major planning application for a change of use of 28 flats (Class C3) to student accommodation which include 17 cluster flats and the construction of three cluster flats providing 83 bed spaces in total. The change of use comprises 17 cluster flats, each containing five bedrooms (excluding one flat which contains three bedrooms) with an open plan kitchen/living area and shared toilet/shower rooms. Three new build cluster flats are proposed which will extend from the existing flats to the north of the site. The first cluster flat will be single storey, have a gable roof, a height to eaves of 2.5m and height to ridge of 4.2m and will extend 8.2m. The other two clusters flats will have gable roofs, a matching eaves and ridge height to the flats they will extend from and will extend 8m. 19 off-street parking spaces are available and 64 cycle stands are located at various points around the site. The perimeter of the site to the north west and north east is enclosed by a 2.6m high trellis topped fence which will be dark stained and a 2m high metal fence extends across the front boundary. These fences will be retained. A communal bin store will be provided for all the flats and privately managed by the site owner.
- 1.2 Amended plans were received during the course of the application reducing one of the proposed cluster flats from two storey to single storey, removing a cluster flat entirely and removing the Juliet balconies, patio doors and outdoor seating areas.

2 Site and Surroundings



South east (front) elevation



South west of site



South west (side) elevation (proposed car park)



Boundary with no. 7 Kay's Meadow, Coventry Road



South west (side) elevation



View of rear garden of no. 82 Lower Road

- 2.1 The application site is located to the north west of Fletcher Road and is 0.3 hectares. The buildings were previously flats, but have stood vacant since the redevelopment of the Phase 2 of the NET tram scheme which saw part of the building on site demolished in order to allow for access through Fletcher Road and Lower Road. A 2.6m high trellis topped fence extends across the north east and north west boundaries. A 1.5m - 1.8m high fence extends across the south west boundary. A 2m high wire mesh fence extends across the south east boundary. The majority of trees surrounding the site are sycamore trees of low to moderate quality. A high quality sycamore tree is positioned within the site to the south west.
- 2.2 The site lies within a residential area between Fletcher Road and Lower Road and is within walking distance of Beeston town centre. All immediate neighbours are two storey houses except no. 7 Kay's Meadow which is a bungalow. The site slopes up 0.3m gradually from south east to north west towards the rear of the site. The site is served by regular tram and bus services. 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 application (17/00595/FUL) for external alterations to include new cladding, render, the construction of a canopy, alterations to windows (including insertion of new windows), the erection of a boundary fence and provision of additional car parking spaces received permission in October 2017.
- 3.2 An application (18/00556/FUL) for 12 dwellings on the land to the south east of the site is pending consideration.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.
- 4.1.3 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.4 Paragraph 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the

development should be made safe for its lifetime without increasing flood risk elsewhere.

- 4.1.5 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.2 Broxtowe Aligned Core Strategy

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.

4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

4.2.5 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.

4.2.6 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

4.2.7 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.

4.2.8 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.

4.2.9 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.
- 4.3.3 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.4 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.5 Policy H7 'Land Not Allocated for Housing Purposes' small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.
- 4.3.6 Policy RC6 'Open space: requirements for New Developments' provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.
- 4.3.7 Policy T1 'Developers' Contributions to Integrated Transport Measures' planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.8 Policy T11 'Guidance for Parking Provision' planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included seven representations in relation to Policy 1, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17 and 7 no. representations in relation to Policy 26. Given that there remain outstanding objections to Policies 1,

15, 17, 26 and 32, with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

- 4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.
- 4.4.3 Policy 15 'Housing Size, Mix and Choice' states that 30% or more of housing should be affordable if more than 10 dwellings are proposed. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.
- 4.4.4 Policy 17 'Place-making, Design and Amenity' states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.
- 4.4.5 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sqm or more gross floor space.
- 4.4.6 Policy 32 'Developer contributions' financial contributions may be sought from developments of 10 or more dwellings or 1000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

5 Consultations

- 5.1 The Council's Waste and Recycling Officer has no comments due to the bins being privately managed.
- 5.2 The Environmental Health Technical Officer raises no objection.
- 5.3 The Housing Services and Strategy Manager raises no objection.

- 5.4 The Private Sector Housing Officer raises no objection but highlights that some of the shared living spaces do not meet the property standards for Houses in Multiple Occupancy (HMO) and some of the kitchens do not provide adequate facilities. Licensing would not be applicable due to the existing use being residential flats.
- 5.5 The Housing Strategy and Development Officer has requested 30% of the housing provided on site to be affordable and outlined the need within the local area.
- 5.6 Nottingham Express Transit (NET) have requested a condition requiring a detailed construction plan including details of access and egress, including the need for goal posts and measures to prevent debris build-up in the tram tracks. Further information has been advised in working in close proximity to the tram lines.
- 5.7 The Business and Projects Manager (Environment) has not requested an open space contribution.
- 5.8 The Tree Officer has made no comments in relation to the application.
- 5.9 The Coal Authority has advised the site falls within a low risk area.
- 5.10 The County Council as Highway Authority raise no objection following submission of amended plans but have requested conditions in respect of the following: vehicular footway crossing lowered, parking areas maintained in a hard, bound material and the cycle stands are available for use prior to occupation. A note to applicant has been advised to remind the developer that works in the highway should be undertaken to the satisfaction of the Highway Authority.
- 5.11 The County Council as Lead Local Flood Authority (LLFA) initially objected due to the absence of a drainage strategy. Further information has been provided and the LLFA have no objection to this subject to the inclusion of a condition requiring the submission of a surface water drainage scheme based on the submitted FRA.
- 5.12 The Environment Agency (EA) initially objected due to the absence of an acceptable Flood Risk Assessment (FRA). Following the submission of further information the EA have no objection subject to a condition requiring the development to be carried out in accordance with the FRA.
- 5.13 A site notice was posted and 17 neighbouring properties were consulted. Eleven responses were received. Comments received can be summarised as follows:
- Increase in student accommodation in Beeston
 - Students being given a priority over affordable housing
 - Beeston does not appear to be following the Government's guidelines on affordable housing
 - No age group given for students
 - Development prejudices the opportunities for housing for smaller, younger families.
 - No on-site warden

- Increase in noise and disturbance from construction and occupants
- Work has already started on site
- Overlooking, overshadowing and loss of daylight, view and sunlight, especially from newly constructed pods
- Confusion over which application is for what site, how many storeys the buildings will be and who will own and manage the student accommodation?
- Insufficient parking for the development which could overflow into surrounding area. Parking is of a concern on Fletcher Road due to loss of driveways and introduction of parking bays since the tram was constructed
- Increase in traffic with the strong possibility of losing the cul-de-sacs of Lower Road and Fletcher Road
- No provision for fire escapes or sprinklers.

5.14 A letter of support has been received from the Estates Department of the University of Nottingham. The letter states:

- The site is a ten minute walk from their campus and within close proximity to Beeston town centre
- The availability of the tram in such close proximity would discourage the use of car ownership by the students
- The cluster basis of the design with communal lounges will ensure the students do not feel isolated
- The site benefits from green spaces and mature trees which support health and well-being. This type of accommodation would be purpose built and provide a better standard of accommodation within the community as opposed to converting family homes into HMO's
- The development would meet the continually increasing demand for student accommodation for the University of Nottingham.

5.15 A letter of objection has been received from MP Anna Soubry in response to residents' concerns about the proposed development. The letter states that Lower and Fletcher Road have seen a shift from family homes towards student leasehold tenancies which has changed the character of the area. Local residents were comfortable to accept housing or flats as initially proposed but the proposal of student accommodation will only further change the character of this road, also meaning the flats will be empty for large parts of the year in-between terms. Concern is expressed there is a potential for overlooking from the new build element. It is advised that the Council should consider the effect the application will have on the balance of housing on Lower and Fletcher Road.

6 Appraisal

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 satisfactory financial contributions are proposed.

6.2 **Principle**

6.2.1 It is considered that the principle of providing student accommodation within a predominantly residential location with sustainable transport links would be

acceptable. The building has been vacant for a number of years and its redevelopment is considered to be positive for the locality. The site has already been established as being acceptable for residential development, and is located within an urban area outside of the Nottinghamshire Green Belt. Whilst self-contained individual units of accommodation are not being created, the 'clusters' of accommodation would count towards the Council's housing supply figures. As such, some planning weight can be given to this development in housing supply terms, particularly as the Council cannot demonstrate a 5 year housing land supply.

6.3 Flood Risk

- 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 has been submitted with the application. Paragraphs 155 – 158 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. A 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.
- 6.3.2 Within Beeston and Attenborough 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. Some of these sites are on previously-developed (as this site is) land and some may bring the opportunity to provide housing in areas of substantial need. 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. 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 Environment Agency (EA) initially objected to this application due to the absence of an acceptable Flood Risk Assessment. The Flood Risk Assessment was amended to include flood resilience measures such as hard floors at ground floor level, UPVC skirting boards, steel framed partition walls, internal lime plaster/render and where possible, services located at a level above 27.55m AOD. The finished floor level in flat 1 has been increased to 26.75m above AOD but the overall height of the building has remained the same. A condition has been recommended by the EA to ensure these mitigation measures are fully implemented prior to occupation and maintained and retained for the lifetime of the development. It is considered that flood risk issues have been sufficiently addressed.
- 6.3.4 The Lead Local Flood Authority has objected due to the absence of a drainage strategy. Further information has been provided to overcome this objection.
- 6.3.5 To conclude, it is considered that a sufficient assessment of alternative sites has been made given that 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 suitable conditions, it is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk.

6.4 Amenity

- 6.4.1 During the course of the application the plans were amended to remove a cluster flat entirely, reduce a cluster flat from two storey to single storey, remove Juliet balconies, patio doors and seating areas, include fencing around the perimeter of the site and changes to the fenestration.
- 6.4.2 The land is currently occupied by empty residential flats which are currently in a poor condition. The principle of redeveloping these flats into student accommodation with the addition of three cluster flats is considered to be acceptable and with the external appearance of the building being improved, it is considered a positive benefit to the area to bring these flats back into use.
- 6.4.3 No. 82 Lower Road is positioned to the north east of the site and has a garden length of approximately 32m. A new build cluster flat was reduced from two storey to single storey in order to reduce the amount of potential overlooking into no. 82's rear garden. The impact on no. 82 is now considered to be acceptable. The corner of the cluster flat will be 0.8m from the boundary with no. 82. A new two storey cluster flat will extend 8m to the north west of the central block beside the north east boundary which will be approximately 24m from the rear elevation of no. 82 and the corner of the flat will be 2.1m from the boundary with no. 82. Whilst it is acknowledged there will be a first floor window serving a bedroom and stairwell in the north east elevation of the cluster flat, the separation distance is considered to be acceptable and there will not be an adverse amount of overlooking or an overbearing impact. The new cluster flat to the rear of the site is considered to be a sufficient distance from no. 82's garden that it will not have a detrimental impact on the amenity of these occupants. To conclude, it is acknowledged this property will be most directly affected by the development but due to the reduction in the height of the closest new cluster flat and considering the flats already overlook this garden, the impact is considered to be acceptable.
- 6.4.4 The cluster flat to the rear of the site has two bedroom windows at first floor level facing the University of Nottingham student flats. The windows in the north west elevation were changed to obscurely glazed, high level windows. It is considered necessary to condition the obscurity level as these flats mutually overlook each other. A window is proposed in the north east and south west elevations respectively of the bedrooms which ensures the future occupants have an acceptable outlook from these rooms. It is considered the amount of overlooking has been reduced to an acceptable level to the student flats to the north east whilst maintaining an acceptable standard of amenity for future occupants.
- 6.4.5 No. 50 Broadgate is a dwelling positioned to the north west of the site with a garden approximately 39m in width and 33m in length. The new build cluster flat to the rear of the site will extend by 8m to the north west and there will be the addition of a first floor bedroom window in the south west elevation. It is

considered, due to the size of no. 50's garden and the window being positioned at an oblique angle, this will not cause a detrimental amount of overlooking to the occupants of no. 50 Broadgate.

- 6.4.6 Orchard End, no. 42A Broadgate is a dwelling positioned to the west of the site. There is a 25m separation distance between the existing flats and this property and the proposed new build cluster flats will not be in direct view of this property. It is considered there will not be a detrimental impact on the amenity of these occupants.
- 6.4.7 No. 7 Kay's Meadow, Coventry Road is a bungalow positioned to the south west of the site. A two storey cluster flat was originally proposed to extend 3m to the south east and would have been adjacent to the rear garden of no. 7. This was removed as it was considered the extension would be overbearing due to its height and the small garden of no. 7.
- 6.4.8 The removal of the Juliet balconies throughout the development is considered to be a positive part of the application as it will reduce the perception of feeling overlooked. The removal of the outdoor seating areas is considered to potentially reduce the impact of noise from the future occupants and consequently improve the amenity for surrounding neighbours.
- 6.4.9 It is considered the proposed cluster flats and existing building are a sufficient distance from the remaining neighbours consulted that there will not be a detrimental impact on their amenity.
- 6.4.10 The bedroom sizes proposed all meet the requirements set out in the Broxtowe Houses in Multiple Occupancy (HMO) Property Standards. Some of the kitchen/living areas have been highlighted as being too small. Whilst this is acknowledged, the Local Plan does not have a policy which sets out a minimum requirement for space standards and as this application is in relation to student accommodation, it is considered the proposed kitchen/living areas provide an acceptable standard of amenity for future occupants.

6.5 Design and Layout

- 6.5.1 Policy 10 of the Aligned Core Strategy sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. Local Plan Policy H7 states that residential development on sites within the existing built-up area will be permitted provided the development would not result in an undesirable change in the character or appearance of the area and the development of a larger area is not prejudiced.
- 6.5.2 It is considered the proposed development already addresses the street scene from the frontage. The flats will be visually improved with a more contemporary style including white uPVC windows and white cedar cladding in-between the windows. The existing flat roof elements linking the main buildings will be finished with an off-white render which will create a contrast with the existing red brick. The extended elements will be constructed with matching bricks and tiles. The overall changes to the flats will be relatively simplistic and not entirely significant when viewed from the street scene. The small changes are considered to add

visual interest to the flats and are considered to be a positive addition to the proposed development. The proposed size of the new build two storey cluster flats are considered to be in proportion to the main building with matching eaves and ridge heights. The new build single storey cluster flat is considered to be subservient and does not appear out of character with the main building.

6.6 Parking

6.6.1 Nottinghamshire County Council as Highways Authority raise no objection subject to conditions requiring the vehicular footway crossing to be lowered, parking areas to be surfaced in a bound material and that the cycle stands are available for use before the occupation of the flats.

6.6.2 Nineteen car parking spaces have been proposed which is considered sufficient for this size and type of accommodation. As the site is located directly beside a regular tram route, within walking distance to bus stops and Beeston Town Centre, it is considered the proposed amount of parking is acceptable. It is considered there will not be a detrimental impact on the amount of parking on Lower Road and Fletcher Road nor will there be a significant increase in traffic associated with this development.

6.7 Financial Contributions

6.7.1 As this application is for student accommodation, no financial contributions towards affordable housing will be sought. Within Broxtowe, it is accepted practice that affordable housing provision is not sought when residential schemes are for student only accommodation which is a practice adopted by Nottingham City Council. It is worth noting that both Broxtowe Council and Nottingham City Council are proposing to address this issue during the examination process of the Part 2 Local Plan. However, prior to this examination taking place, it is considered unreasonable to ask for any affordable housing provision.

6.7.2 An education contribution has not been requested due to the proposed development being specifically for students.

6.7.3 An open space contribution has not been requested as the site falls below the site size threshold of 0.5ha. In any case, the site has adequate soft landscaping provision and is within walking distance of Broadgate Park.

6.7.4 A transport contribution has not been requested as the development is within close proximity to the tram.

6.8 Other issues

6.8.1 Concerns have been raised from neighbours that this development would result in an increase in student accommodation within Beeston, that student accommodation has been given priority over affordable housing, government guidelines are not being followed and this development prejudices housing for smaller younger families. The Council follows government guidelines on affordable housing with all developments, this is in line with adopted policies both nationally and within the Broxtowe Aligned Core Strategy and Broxtowe Local

Plan. This development does not justify a requirement for affordable housing provision (see Financial Contributions section) and none is being sought. This development would result in an increase in student accommodation within Beeston but there is an identified need for this type of accommodation within this area and as the site is in close proximity to Nottingham University. It could be considered that providing more purpose built student accommodation within Beeston means this scheme could reduce the demand on more traditional housing being converted into rental properties for students. Therefore, it is considered the development may result in more properties within the wider area being available for first time buyers or families. This development should therefore be viewed favourably in terms of wider housing provision.

- 6.8.2 Issues associated with fire safety are a matter for Building Regulations to address.
- 6.8.3 The developer has advised that the site will be privately maintained, including the maintenance of the bins and the land surrounding the flats. A warden would not be present on site. Neighbours will be given contact details should matters arise in which they need to contact the site manager.
- 6.8.4 There is no evidence to suggest that this development would lead to the removal of the current cul-de-sacs or the existing traffic 'plug' that prevent traffic from travelling between Lower Road and Fletcher Road. Furthermore, NET have not suggested any changes to the current arrangements.
- 6.8.5 The building is currently being internally renovated and works have not started on construction of the cluster flats. It is acknowledged that if the application is granted permission, there would be some degree of noise, smell and disturbance and anything that is considered overly excessive should be reported to Environmental Health. It also cannot be anticipated or controlled that there will be an increase in noise created from the type of tenant living within the property once completed.
- 6.8.6 The age group of the students is not a relevant planning consideration.
- 6.8.7 Further to the comments outlined by NET, it is considered prudent to include a pre-commencement condition for a construction plan to be submitted which sets out access and egress arrangements with specific regard to preventing any damage or disruption to the usual operating procedures of the adjacent Nottingham Express Transit route.
- 6.8.8 For a development of this size, it is considered necessary to include a pre-commencement condition for wheel washing facilities to be installed and maintained on site throughout the development. This is to reduce the possibility of debris spreading onto the highway.

7 Conclusion

It is considered that the principle of the proposed development would be acceptable. This is an unused building previously occupied by residential flats and therefore the principle of residential accommodation is already established.

The visual appearance of the building will be improved and the new build cluster flats will not be readily visible from Fletcher Road and Lower Road meaning the overall impact on the street scene is considered to be minimal. It is considered there will not be an unacceptable loss of amenity to any neighbours. With the inclusion of conditions recommended by the Environment Agency and Lead Local Flood Authority, it is considered that the development would be acceptable in respect of flood risk and drainage.

Recommendation

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 the permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers: 007 Rev H and 009 Rev A received by the Local Planning Authority on 13 November 2018, drawing number: 008 Rev I received by the Local Planning Authority on 11 December 2018 and drawing numbers: 005 Rev P and 006 Rev K received by the Local Planning Authority on 24 January 2019.**
- 3. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.**
- 4. No development hereby approved shall commence until a detailed construction plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall outline access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route.**
- 5. No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Flood Risk Assessment (prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - (i) 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.****

(ii) Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to no greater than rates for the pre-development site.

(iii) For all exceedance to be contained within the site boundary without flooding new properties in a 100 year + 40% storm.

(v) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

6. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- (a) details of any works to existing trees;
- (b) numbers, types, sizes and positions of proposed trees and shrubs;
- (c) planting, seeding/ turfing of other soft landscape areas;
- (d) details of the site boundary treatments and curtilage boundary treatments and
- (e) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

7. Prior to the first occupation of the flats hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018 and in accordance with the mitigation and resilience measures as detailed in paragraphs 5.3 and 8.5. These mitigation measures shall be maintained and retained for the lifetime of the development.

8. The development hereby approved shall not be brought into use until the dropped vehicular footway crossings have been lowered, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed block plan (1:500) and the cycle stands are available for use.

9. The first floor bedroom windows in the north west elevation of 'duplex 2' shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.

Reasons

1. 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. For the avoidance of doubt.
- 3 & 4. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In order to mitigate the impact of the development on the tram and ensure the tram remains fully operational throughout and after the development.
5. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

Note to applicant

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. Any works that take place over vehicular crossings of the public highway shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Background papers
Application case file



Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2