

Report of the Chief Executive

APPLICATION NUMBER:	23/00903/FUL
LOCATION:	Beeston Car Centre, Broadgate, Beeston, Nottinghamshire, NG9 2HD
PROPOSAL:	Proposed demolition of existing car garage and construction of residential accommodation comprising 12 studio flats and 2x6 bedroom cluster flats (HMO) (revised scheme)

The application is brought to the Committee at request of Councillor B C Carr.

1. Purpose of the Report

- 1.1 The application seeks full planning for the demolition of an existing commercial garage and car sales building and the erection of a four storey block of flats for the use of student accommodation. The building will contain 12 self-contained units and two 6-bedroom cluster flats within the building which will measure 16m by 24m with a maximum height of 11m.

2. Recommendation

The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

3. Detail

- 3.1 The site consists of an existing single storey detached vehicle car repair and sales building located on a corner plot of Broadgate and Cedar Avenue. The existing building is set to the rear of the site with a canopy and forecourt to the front of the site fronting Broadgate.
- 3.2 The site is located within the Beeston Article 4 area for HMO's.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows: There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

- 6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

None.

APPENDIX

1. Details of the application

1.1 The application seeks full planning for the demolition of an existing commercial garage and car sales building and the erection of a four storey block of flats for the use of student accommodation. The building will contain 12 self-contained units and two 6-bedroom cluster flats within the building which will measure 16m by 24m with a maximum height of 11m. Access to parking at the rear to serve the development will be from Cedar Avenue.

2. Site and surroundings

2.1 The site consists of an existing single storey detached vehicle car repair and sales building located on a corner plot of Broadgate and Cedar Avenue. The existing building is set to the rear of the site with a canopy and forecourt to the front of the site fronting Broadgate.

2.2 The site is located out with the town centre of Beeston but has a row of commercial properties located to the south west. To the north and north east of the site are residential properties all of which are two storey and traditional in appearance. To the south on the opposite side of the road is a previously three-storey building which has been converted and extended up to four storeys for student accommodation.

2.3 The site is located within the Beeston Article 4 area for HMO's.

3. Relevant Planning History

3.1

Planning

00/00417/FUL	Change use to motor vehicle repairs and car sales	Permitted
00/00466/FUL	Change use and construct extension to form office accommodation	Permitted
83/00709/FUL	FORECOURT CANOPY	Permitted
89/00187/FUL	INSTALL 12,000 GALLON SPIRIT TANK AND NEW BUILDING SHOPFRONT	Permitted
99/00772/FUL	Change use and construct extension to form office and showroom	Refused
05/00904/FUL	Renew permission (00/00466/FUL) change use and construct extension to form office accommodation	Permitted

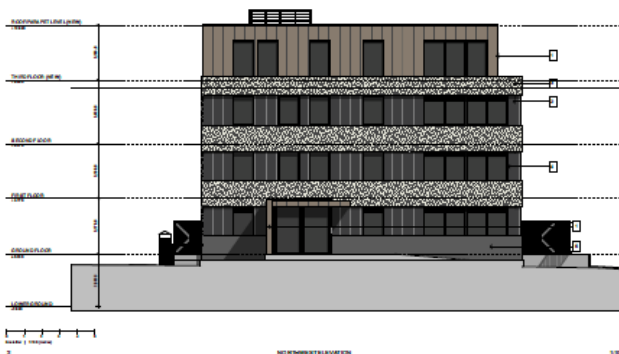
22/01004/FUL

Proposed demolition of existing petrol station and garage to construct 32 no. studio flats over 4 floors

Refused

3.2 Two applications on adjacent sites have been approved for additional student accommodation set over multiple floors. 21/00758/FUL is located to the south east on the opposite side of the public road and 21/00971/FUL is located to the south west approx. 30m on the same side of the public road:

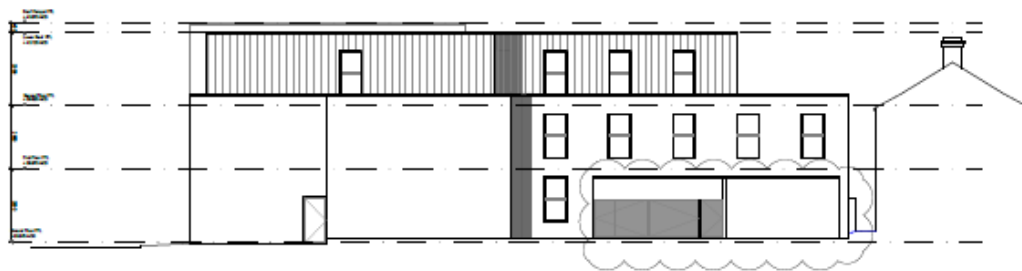
21/00758/FUL - Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)



3.3 21/00971/FUL - Construct 3 storey building comprising 7 apartments and provision of parking area (revised scheme) Approved at appeal.



1. Marlborough Road Elevation



2. Marlborough Road Courtyard Elevation

- 3.4 An application on this site for student accommodation was refused. 22/01004/FUL - Proposed demolition of existing petrol station and garage to construct 32 no. studio flats over 4 floors.



Proposed Front Elevation (Broadgate) 1:100



Proposed Side Elevation (Cedar Avenue) 1:100

4. Relevant Policies and Guidance

Broxtowe Aligned Core Strategy 2014:

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

- Policy A - Presumption in Favour of Sustainable Development
- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.
- Policy 17 - Biodiversity

4.2 **Part 2 Local Plan 2019**

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

- Policy 9 - Retention of Good Quality Existing Employment Sites
- Policy 15 - Housing Size, Mix and Choice.
- Policy 17 - Place-making, design and amenity
- Policy 31 - Biodiversity Assets
- Policy 32 – Developer Contributions

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 5 - Delivering a sufficient Supply of Homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring the Vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- Section 12 - Achieving well-designed places

5. Consultations

5.1 **Councillors:**

- Councillor S J Carr - No Comments Received
- Councillor B C Carr – Requested the application is called into Committee if an approval is to be recommended.

5.2 **Consultees:**

- Highways – No objection received but conditions requested on any approval with regards to the existing and proposed access, finished materials and parking provision. Conditions have also been requested with regards to tree protection.
- Environmental Health – No objection subject to a condition requiring a remediation strategy to deal with possible contamination be submitted and approved. Further conditions were also requested regarding the submission of a verification report, SUDS details, restrictions on penetrative foundation methods and an additional contamination condition, Informatives were also requested regarding contamination, drainage and waste.
- Parks and Environment – Financial contributions will be required towards the maintenance and improvements at Broadgate Park
- Nottinghamshire Police – No objection subject to a condition requiring the proposal be developed in line with the secured by design standards.
- Environment Agency – No Response Received
- Nottinghamshire County Council – No education contributions will be required and no contributions towards transport or travel are required. The proposal raises no considerations in regards to minerals or waste management.
- Flood Risk Team – No Objection subject to conditions being added to any approval regarding the submission and approval of a surface water drainage plan.

- Private Sector Housing – No Objection as the proposal is exempt from HMO licensing.
- NHS – No Objection. The proposal does not reach the threshold for the requirement for developer contributions.

5.3 Neighbours

- Eight neighbours were consulted on the application with 1 comment being received from neighbouring properties and 9 comments from third parties. The comments received are summarized below.

Visual Amenity

- The appearance of the proposal is not in keeping with the surrounding area,
- Inclusion of greenery in visualisations not shown within site plan,
- Inaccurate visualisations have been provided which fail to show the newly built student accommodation on the Kings Carpets site,
- Contrary to settlement pattern
- Lack of housing types and tenures

Residential Amenity

- Impact on the locality from temporary residents,
- Impact on neighbour amenity from additional noise and smells,
- Overlooking of neighbour's properties
- Loss of daylight/sunlight
- Impact on neighbours from excessive building work

Highway Safety

- Lack of parking impacting on neighbouring streets,
- Narrowing of the footpath,
- Increased vehicle movements and traffic generation
- Lack of onsite parking,

Biodiversity

- Loss of sunlight to the trees on Cedar Avenue,
- Integrity of the bat survey as it was commissioned by the applicant
- Impact on the trees due to proximity to the site
- Bat presence within close proximity to the site

Policy

- The site fails to comply with the HMO policies due to sandwiching,
- Increase in housing density is contrary to SHLAA,
- Not in accordance with Policy 8 of the Part 1 Local Plan,
- Inaccurate description as a HMO
- Sites location within Beeston Article 4 area
- Number of HMOs exceed the saturation policy

Other Points Raised

- Existing contamination on site and petrol storage tanks still in situ
- Inaccuracies within the application form

- Inaccurate supporting documents
- Site notice positioning
- Previous appeal decisions for neighbouring applications
- No EIA submitted with the application.
- Inaccurate visualisations
- Increased students pose a danger to local inhabitants

Non Material Considerations

- Additional maintenance cost incurred by the council due to the increase in traffic,
- Disruption and impact on the health of neighbouring residents from the additional construction works,
- Impact on the local economy from additional student accommodation,
- Expansion of the student residential area out of Nottingham City,
- Inaccuracies within the application form relating to the existing business on the site,
- Loss of a local business,
- Increase in anti-social behaviour,
- Validity of application given it is the third application on the site for the same proposal. (authority should refuse to determine)
- Students driving businesses out of the area,
- Reduced income into the area
- Objections from previously refused application (22/01004/FUL) should be taken into account for this application
- Negative impact on the economics of the area
- Applicants other businesses
- Loss of potential housing for the elderly
- Licensing requirements
- Creation of additional rental properties impacting on the housing market
- Saturation of students into the town

6. Assessment

6.1 **Principle**

The principle of a four storey flatted development within a residential area in this location, is deemed acceptable subject to a suitable design being achieved and in regard to the existing character of the surrounding area and the impact on the amenity of the neighbouring properties.

6.2 **Description**

The application was submitted with the description 'Proposed demolition of existing car garage and construction of student accommodation comprising 12 studio flats and 2, 6 bed room cluster flats (revised scheme)'. Concerns with regards to the description were raised with the agent with in respect of the use of the wording student accommodation and how it could be restrictive and cause issues in the future over any none student occupiers. It was also agreed to include HMO into the description. The description was agreed to be amended to 'Proposed demolition of existing car garage and construction of

residential accommodation comprising 12 studio flats and 2 x 6-bedroom cluster flats (HMO) (revised scheme)'.

6.3 Design

- 6.3.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 6.3.2 The proposal is for a four storey building encompassing 12 self-contained units and 2 cluster flats. The proposed building is of substantial scale measuring 11m in height in comparison to the neighbouring residential two storey properties with maximum heights of around 8.5m. Given the height of the neighbouring properties the proposed building would significantly exceed the height of the neighbouring properties and would appear out of context with the surrounding area which currently maintains a domestic sense of scale and character. However, given the approval of 21/00971/FUL for student accommodation on the same side of the Broadgate with a height of just over 10m along with the reduction in height of this new proposal compared to the previous refusal 22/01004/FUL which had a height of 13m, it is considered that the height of the proposed building can be considered acceptable and could sit comfortably within the street scene.
- 6.3.3 A previous application for a student accommodation building was approved on the opposite side of Broadgate under reference 21/00758/FUL which involved the conversion of an existing building of a similar height to the proposal. Even with the similar heights of the buildings, with the overall scale and massing of the Broadgate house building and its location on the opposite side of the public road, the visual separation is apparent and it is considered that these cannot be visually read in conjunction with one another.
- 6.3.4 The site is located on a corner plot of Broadgate and Cedar Avenue and as such is a prominent location within the streetscape. The existing development within the area on this side of Broadgate and Cedar Avenue maintains a constant and obvious building line, the proposal would build forward of this line by around 3.5m on Broadgate and by 1m on Cedar Avenue which would create an anomalous appearance within the streets. This was discussed as part of the previous refusal and this distance has been reduced on Cedar Avenue but the step forward on Broadgate has subsequently been increased pulling the building closer to the road. However, given that the existing built form within the site already protrudes forward of the building lines on both Cedar Avenue and Broadgate, it is considered that although the proposed building would provide a more visually substantial feature within the street scene than the current site structures, the proposed projection forward of the development line would be less than is currently in place. Given this fact the setting of the proposal within the street scene is considered acceptable.

- 6.3.5 The mixed palette of materials proposed within the building and the darker panel to the principal elevation along with a matching material to be used on the upper floor element of the building along Cedar Avenue assists with assimilating the building into the surrounding street scene by matching colours with adjacent buildings. The darker colours to the lower sections of the building also assist with detracting from the top floor of the building with its lighter colour reducing the visual impact of this section of the building and providing for a visually lower building to what is actually proposed.
- 6.3.6 Concerns were raised with the agent regarding the design, scale and massing of the proposal during the course of the previous application (22/01004/FUL). Discussions were had with the agent regarding changes that could be made to the design to make for a more visually acceptable building. Following these discussions, the overall height of the building has been reduced and the design has been modified to create recesses into the façade of the building to add interest. Changes have been forthcoming also with regards to the upper floor by stepping the walls back from the lower section of the building and also changing the finish materials on this section of the building to reduce visual impact. These changes are considered an improvement on the original refused application and are therefore acceptable.

6.4 **Amenity**

- 6.4.1 Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.4.2 The previous application was for a full three storey building in close proximity to the neighbouring properties. This was considered to have a negative impact on the amenity of the occupants of these properties. This new proposal has reduced the height of the building immediately adjacent to the residential property on Broadgate down to single storey and has pulled the gable of the building on Cedar Avenue further away from the adjacent neighbouring property.
- 6.4.3 135 High Road directly abuts the site to the south west. This is a two storey property with a commercial unit on the ground floor and a residential property to the first and second floor. There are two windows within the gable wall of the neighbouring property which it was stated as part of the previous application serves a bedroom on the second floor and a bathroom on the first floor. The proposed building has been designed so that it is single storey at the ground floor level and the upper floors have a separation distance of 4.9m. given this separation distance is greater than other properties within the surrounding street scene and there are no windows present in the proposed building facing in the direction of this neighbour it is considered that the proposal will have no impact on 135 High Road in terms of negative impact on amenity.

- 6.4.4 1 Cedar Avenue is located to the north west of the site. This is a two storey semi-detached residential property of traditional appearance. There are several windows on the neighbouring property that face onto the application site. The main windows in this elevation are a kitchen window and a bathroom window neither of which serve primary habitable rooms. The proposed building has been redesigned from the refused application to move the building further away from this property with the ground floor having a separation distance of 3.6m and the upper floor having a separation of 4.5m. as above the proposed building has blank elevations facing onto this neighbour and the separation is such as it can be considered that the building would have no negative impact on neighbour amenity.
- 6.4.5 These changes have overcome all the concerns previously raised with the agents on the refused application (22/01004/FUL). The separation distances between the upper floors of the proposal and the neighbouring buildings are such that it is considered the proposal would create no negative impact on the occupiers of these buildings.
- 6.4.6 The existing boundary wall on the common boundary between the site and the neighbouring properties on Cedar Avenue and Broadgate is proposed to be increased in height from its current height up to 2m. Once completed this is considered to improve the proposals impact on neighbour amenity spaces and is in line with what could be achieved under permitted development rights.
- 6.4.7 The proposed building is made up of 12 self-contained studio flats and 2 six bed cluster flats. The studio flats have gross internal floor areas ranging from 18.4m² to 26.1m². The minimum space standards for a 1-person studio flat with a shower room is 37m². As such all of the studio flats within the proposal are well under the nationally described space standards. However, as the building is a purpose built student accommodation building and the use of the building for student use only will be locked in by the S106 agreement then reduced room sizes as set out in Broxtowe Borough Councils 'House in Multiple Occupation (HMO) Property Standards' can be used. This is set out in the table below. As such all of the accommodation within the building complies with these minimum standards and are commensurate with other similar proposals approved with the Borough.

Individual rooms:	1 Person Unit	2 Person Unit
A. Bedroom	8 m ²	12 m ²
B. Combined bedroom and living/dining room	10 m ²	15 m ²
C. Combined bedroom, living room and kitchen	14 m ²	18 m ²

6.5 Access and Parking

- 6.5.1 Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

- 6.5.2 The proposal is suggesting an allocation of 6 on-site parking spaces. This accounts to 1 space per 4 flats. The two previously approved student accommodation buildings in close proximity to the site were assessed on the old parking standards of 1 space per 6 flats. Each parking bay will measure 2.4m by 5m and with a minimum 6.3m reversing space to allow for turning. Highways were consulted on the application and they have used the same approach for this proposal as the neighbouring student blocks and have raised no objections with regards to the proposed parking arrangements. A condition shall be placed on any decision with regards to the creation of these spaces prior to first occupation of the building.
- 6.5.3 There are currently two vehicular accesses into the site. One from Broadgate and one from Cedar Avenue. It is proposed to close off the existing access onto Broadgate and reinstate this into a footpath. No objections have been received from Highways Authority on this matter subject to a condition requiring the access to be closed off and the footpath reinstated prior to first occupation of the proposal.
- 6.5.4 Conditions have also been requested by Highways Authority with regards to surfacing and drainage.
- 6.5.6 The proposal includes secure cycle storage on site for 10 bicycles. This is considered to be an acceptable addition to the site and will be the subject of a condition requiring its completion prior to occupation.
- 6.6 Houses in Multiple Occupation (HMO)**
- 6.6.1 The site is located within the Beeston Article 4 Direction area. Comments have been received regarding the proposal failing the requirements of the Houses in Multiple Occupation – Supplementary Planning Document (SPD) due to saturation levels and also sandwiching.
- 6.6.2 The proposal would fail the saturation test if the total number of known HMO properties within a 100m radius of the site would exceed 20% of the total number of properties within the same area. In this instance the total number of known HMO's is 15% of the total housing and so the proposal does not fail this test.



6.6.3 In terms of sandwiching the proposal would have two residential properties between it and the adjacent student accommodation block on Marlborough Road and High Road. Therefore, as no single property will be sandwiched between two HMO properties, it is considered acceptable in this respect.

6.7 Biodiversity

6.7.1 Policy 17 of the Aligned Core Strategy states that development will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development. Policy 31 states that permissions will not be granted for development that results in any significant harm or loss to the biodiversity asset, unless the benefits of development are clearly shown to outweigh the harm.

6.7.2 The site has a row of mature trees running in close proximity to the proposed building and access point to the site from Cedar Avenue. Although not protected trees they do provide an essential part of the landscaping to the area. Of all the trees surrounding the site, the one which raises concerns is T2 lime which is situated near where the access is to be widened. Given the proximity of the tree, the extended part of the dropped kerb access will need to be hand dug and a condition imposed on any approval granted with regards to tree protection, and development within 2m of the tree.

6.7.3 A bat survey has been carried out and submitted as part of the application. The building was classified as providing negligible bat roosting potential. Whilst 'negligible bat roosting potential' does not definitively suggest a building is not suitable for use by bats, it does suggest there is little chance of it supporting a roost. In view of this, no follow-up nocturnal surveys are recommended in connection with the proposed development. A condition will be added stating that should any protected species be found on site during either the demolition or construction phase of the development works should cease and notification provided to the Planning Authority.

6.8 Contamination

6.8.1 Given the sites previous and existing use there is the potential for contamination to be located within the ground within the site. Environmental Health and the Environment Agency were both consulted on the application in regards to potential contamination. Environmental Health had no objections to raise with regards to contamination but requested conditions should be added to any subsequent approval for the application. No response was received from the Environment Agency

6.9 Developer Contributions

6.9.1 As this application is for student accommodation, no financial contributions towards affordable housing will be sought.

To secure the accommodation as student accommodation only, a restriction will be included within the subsequent S106 agreement ensuring this use. Any future change from student accommodation only would need to be requested through an additional application to amend the s106 agreement.

No contributions have been requested towards transport by the Highways Authority.

The application is under the threshold of 25 units for any contributions towards the National Health Service.

An open space contribution is required towards the maintenance and improvements of Broadgate Park as set out below.

S106 Contributions July 2023			
	Cost per dwelling	No of dwellings	
Capital:	£984.73	12	£11,816.76
Maintenance:	£754.18	12	£9,050.16
		Total	£20,866.92

7. Conclusion

7.1 It is recommended that conditional planning permission be granted subject to the S106 Agreement.

7.2 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 20 December 2023:</p> <ul style="list-style-type: none"> • Proposed Site Location and Layout Plan (Drawing Reference 22-27 03 Rev H), • Proposed Ground Floor Plan (Drawing Reference 22-27 04 Rev i), • Proposed First Floor Plan (Drawing Reference 22-27 04FL Rev F), • Proposed Second and Third Floor Plan (Drawing Reference 22-27 05 Rev H), • Proposed Front and Side Elevations Plan (Drawing Number 22-27 06 Rev H), • Proposed Rear and Side Elevations Plan (Drawing Number 22-27 07 Rev C), • Tree Protection Plan Rev A <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:</p> <ul style="list-style-type: none"> i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;

	<ul style="list-style-type: none"> ii. A plan showing existing landscaping features and vegetation to be retained; iii. The location and design, including materials, of any existing or proposed walls, fences and gates; iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works. <p>Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.</p> <p>Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.</p> <p><i>Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme 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 and NPPF Paragraph 169. ● Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area. ● Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. <p>Calculations should demonstrate the performance of the designed system for a range of return periods and storm</p>

	<p> durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.</p> <ul style="list-style-type: none"> o No surcharge shown in a 1 in 1 year. o No flooding shown in a 1 in 30 year. o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm. <ul style="list-style-type: none"> ● Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site. ● Details of STW approval for connections to existing network and any adoption of site drainage infrastructure. ● Evidence of approval for drainage infrastructure crossing third party land where applicable. ● Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site. ● 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 effectiveness. <p><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></p>
<p>6.</p>	<p>No part of the development hereby approved shall be commenced until an</p> <p>investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p><i>Reason: In the interest of public health and safety and in accordance with with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>No part of the development hereby approved shall commence until a report, prepared in accordance with the provisions of BS8233 to predict noise levels at and within the proposed noise sensitive location has been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of</p>

	<p>noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate current criteria.</p> <p>Where current criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To protect future occupiers from excessive environmental noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> a) The means of access for construction traffic; b) parking provision for site operatives and visitors; c) the loading and unloading of plant and materials; d) the storage of plant and materials used in constructing the development; e) a scheme for the recycling/disposal of waste resulting from construction works; and f) details of dust and noise suppression to be used during the construction phase. <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect the amenities of neighbouring residents and in accordance with with the aims of Policy 17 and Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>Prior to commencement of the permission hereby approved a 2-metre construction exclusion zone (CEZ) must be in place around the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20th December 2023. This CEZ must remain in place for the duration of the demolition and construction phases of the building hereby approved.</p>

	<p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
10.	<p>No part of the development hereby approved shall commence until a report in line with current Health and Safety guidance for the identification and safe removal of asbestos containing material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: In the interest of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>No part of the development hereby approved shall be brought into use until the dropped vehicular footway crossing has been constructed and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.</p> <p><i>Reason: In the interests of Highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
12.	<p>No part of the development hereby approved shall be brought into use until the existing site access that has been made redundant as a consequence of this consent has been permanently closed, and the access crossing reinstated as footway with full height kerbs.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
13.	<p>No part of the development hereby permitted shall be brought into use until the site access is surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drive and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.</p> <p><i>Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
14.	<p>The development hereby permitted shall not be occupied until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p>Reason: To reduce the potential for crime and in accordance with the aims of Policy 10 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</p>
<p>15.</p>	<p>No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <ul style="list-style-type: none"> i. All necessary contamination remedial measures have been completed in accordance with details approved in writing by the local planning authority; and ii. It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified. <p>Reason: <i>In the interest of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>16.</p>	<p>No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p>Reason: <i>To ensure surface water from the site is not deposited on the public highway causing dangers to road users and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>17.</p>	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 22-27-03 Revision H. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.</p> <p>Reason: <i>To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>18.</p>	<p>No part of the development hereby approved shall be brought into use until the cycle parking facility as shown on the proposed site layout plan drawing number 22-27-03 rev H received by the Planning</p>

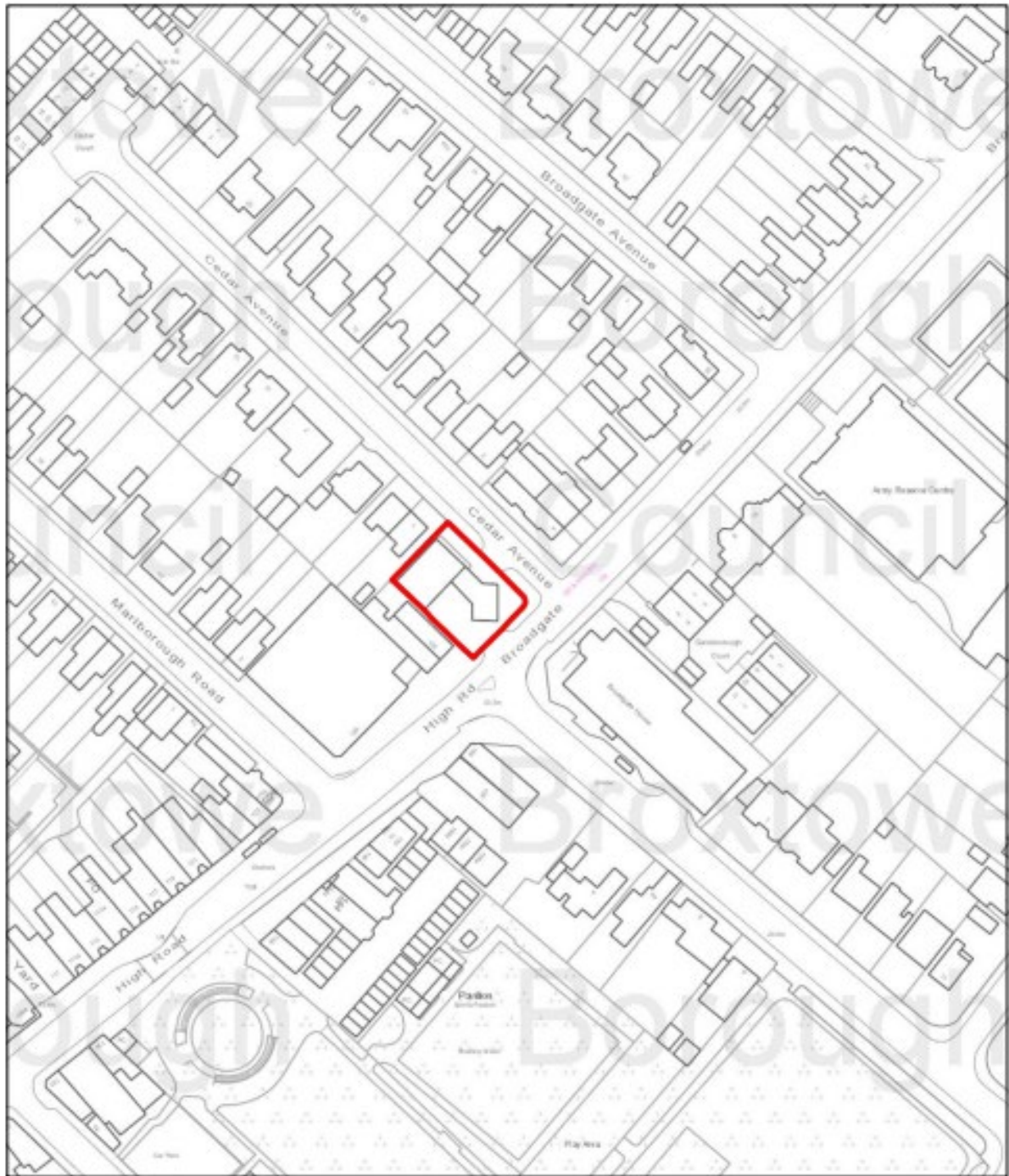
	<p>Authority on the 20th December 2023 has been completed in full and brought into use and shall not thereafter be used for any purpose other than the parking of bicycles.</p> <p><i>Reason: to ensure that cycle parking is available for use and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>19.</p>	<p>Should statutorily protected species be found within the application site at any time during the demolition stage, then all work shall cease immediately and written notification shall be sent by the developer to both the Planning Authority and Nottingham Wildlife Trust. Development shall only recommence once written approval for commencement has been issued in writing by the Planning Authority and any mitigation measures required as conditions of such approval shall be implemented in full and in accordance with the approved timescales.</p> <p><i>Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
<p>20.</p>	<p>Any excavation works outside of the CEZ but within the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20th December 2023 must be carried out carefully by hand so that any roots greater than 25mm in diameter are not damaged or severed. Thereafter, if any significant roots greater than 25mm in diameter are identified to be cut or pruned, full details of the root system in question shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
<p>21.</p>	<p>No cement washings or any other toxic substances are to be disposed of beneath the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20th December 2023.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of</i></p>

	<i>Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i>
22.	<p>No materials or equipment is to be stored within the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20th December 2023.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the 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.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal</p>

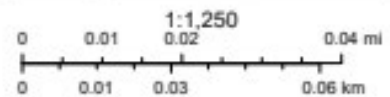
	<p>Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).</p>
<p>4</p>	<p>The Lead Local Flood Authority ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to the LLFA objecting to the discharge of conditions. The LLFA will provide the LPA with bespoke comments within 21 days of receiving a formal consultation.</p>
<p>5.</p>	<p>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</p>
<p>6.</p>	<p>The development makes it necessary to construct/improve/reinstate vehicular crossing over a footway of the public highway. These works 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</p>

Map

23/00903/FUL



2/1/2024, 9:11:58 AM



Photos



Photograph of the site looking towards the properties on Cedar Avenue.



Photograph of the site looking towards the Neighbouring property on Cedar Avenue.



Photograph of the site looking towards the Neighbouring property on Cedar Avenue.



Photograph of the site looking towards the properties on Cedar Avenue.



Photograph of the site looking towards Broadgate House from Cedar Avenue.



Photograph of the site looking towards Broadgate House from Cedar Avenue.



Photograph of the site looking down Broadgate.



Photograph of the site.



Photograph of the site looking down Broadgate.



Photograph from the site looking down Broadgate showing the Kings Carpets site.



Photograph of the site looking towards the Neighbouring property on Broadgate.



Photograph of the site looking down Broadgate.



Photograph of the site looking towards the Neighbouring property on Broadgate.



Photograph of the first site notice in place.

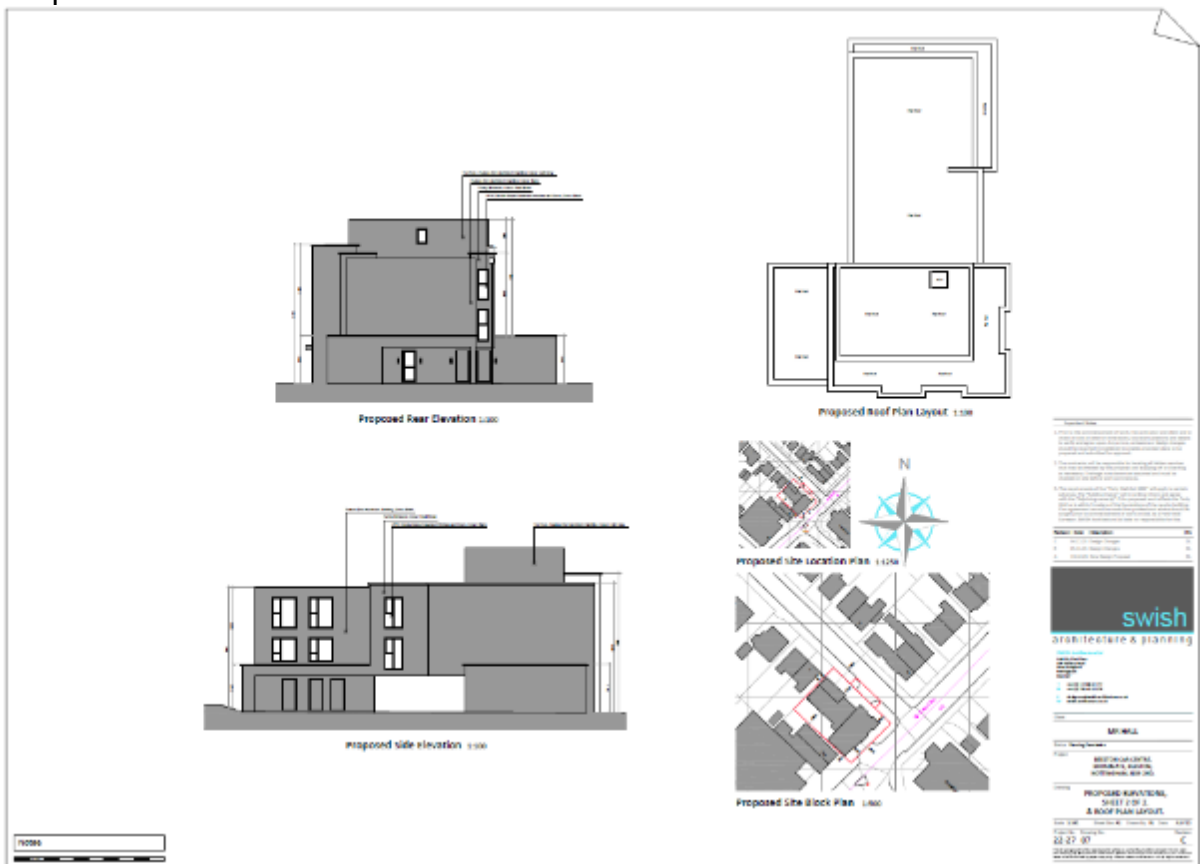
Plans



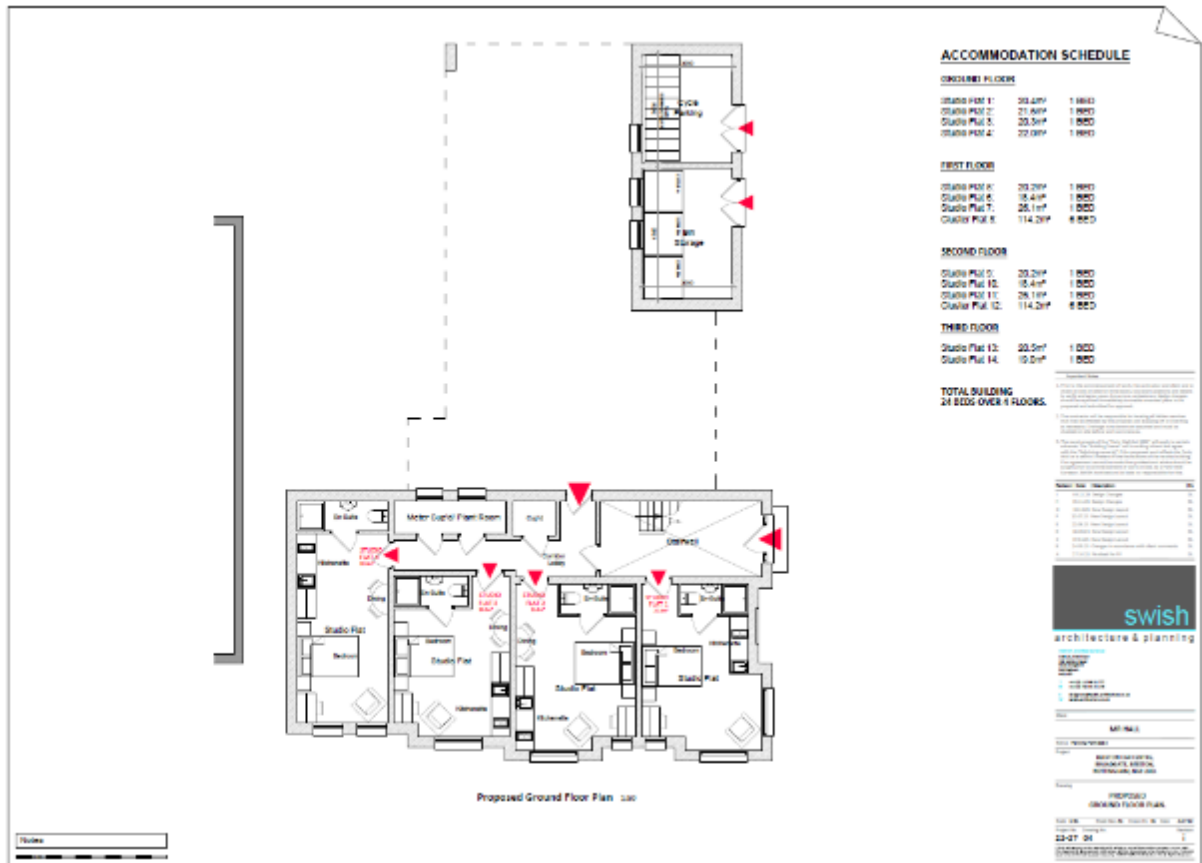
Proposed Site Layout Plan



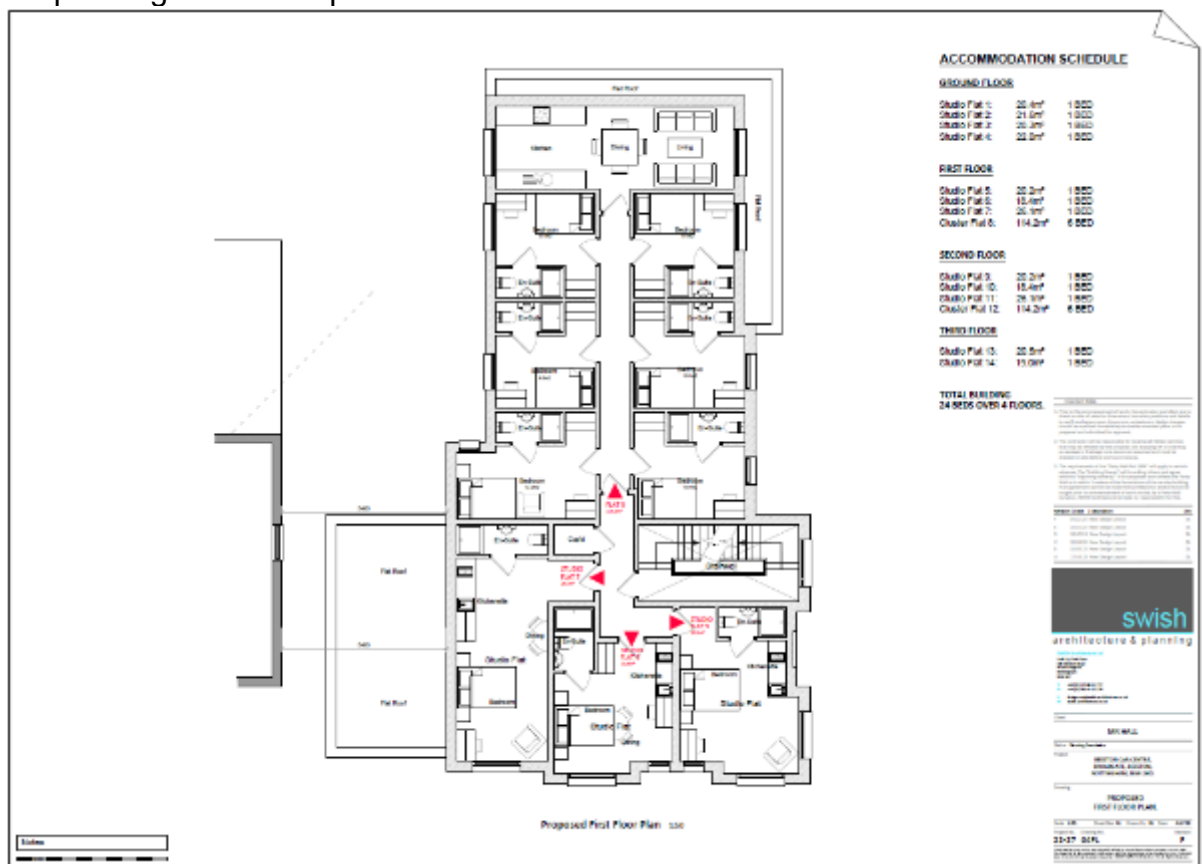
Proposed front and side elevations



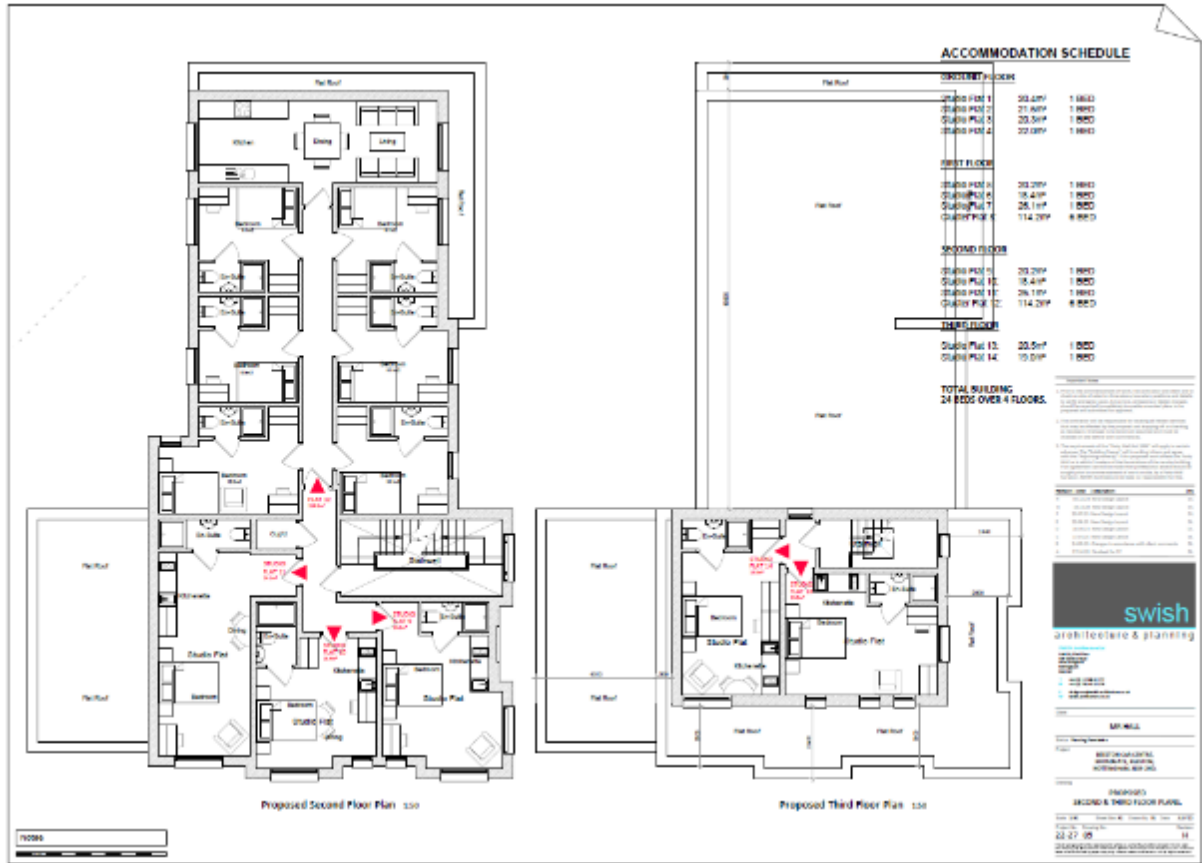
Proposed rear and side elevations



Proposed ground floor plan



Proposed first floor plan



Proposed second and third floor plan



Proposed tree protection plan



