

Appendix 1

1 Details of the Application

- 1.1 The application seeks permission to construct a two storey building, with rooms in the roof, compromising four apartments in Class C4 use.
- 1.2 Concerns were raised by members that the future occupants of the apartments would have a substandard level of living accommodation and noted that two of the flats fell short of the Nationally Described Space Standards (NDSS). A preference for the apartments was made to convert them from Class C4 use to Class C3 Use. The agent has considered the above comments and increased the floor space that all four apartments now meet NDSS; however, has retained the apartments as Class C4 use.
- 1.3 The proposed apartments will have the appearance of a pair of semi-detached properties. They will be two storeys with rooms in the roof, have gable/flat apartments with front facing gable features. Two of the apartments will have balcony areas and all apartments will have access to a shared rear amenity space.
- 1.4 Each apartment will have two or three bedrooms and a kitchen/dining/living area. There will be space for two cars to the south west of the building and two spaces have been accommodated to the north east of the site on Lower Road. This does not reduce the eight spaces that have been provided for the eight dwellings under 21/01055/FUL. Therefore, with a total of 12 dwellings across the wider site there will be one space per apartment.

2 Consultations

- 2.1 A seven day reconsultation was carried out on the amended plans, which included a site notice. One objection was received which can be summarised as follows:
- Proposed building is wider and will not fit into space
 - Increased number of HMO's, should be a reduction
 - Increased noise disturbance
 - Site should be measured to determine if the building can fit
 - Public footpath should remain
 - Overcrowding
 - Space between buildings is not sufficient
 - Overlooking from all levels
 - Loss of light from buildings currently being built and proposal
 - Revised plans extend upwards and sideways
 - Sense of enclosure
 - Access into site is problematic due to poor signage
 - Increase risk of flooding
 - Increase on street parking which is already difficult in area, insufficient parking for development

3 Assessment

3.1 An assessment will be made on the amendments to the scheme only in relation to design, amenity and NDSS. The previous report addressed the acceptability of the principle of residential development, matters of flood risk, highway safety and parking. It was considered these matters were addressed appropriately through the scheme and remain relatively unaffected by the amendments.

3.2 The below shows the plans originally brought before committee in May on the left versus the amended plans on the right.

Original plans (deferred)

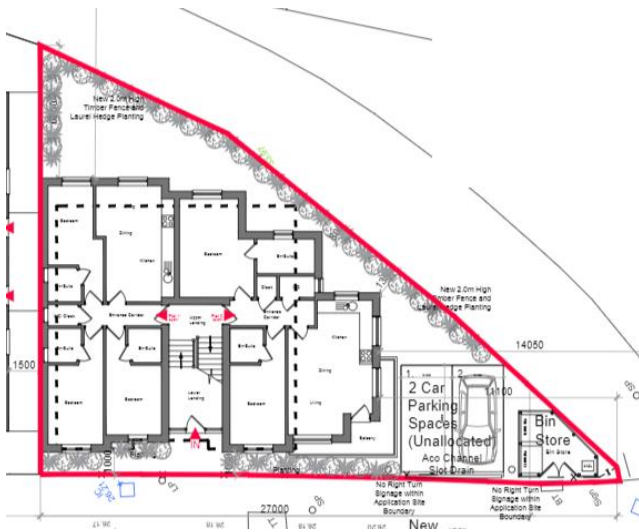
Proposed amendments



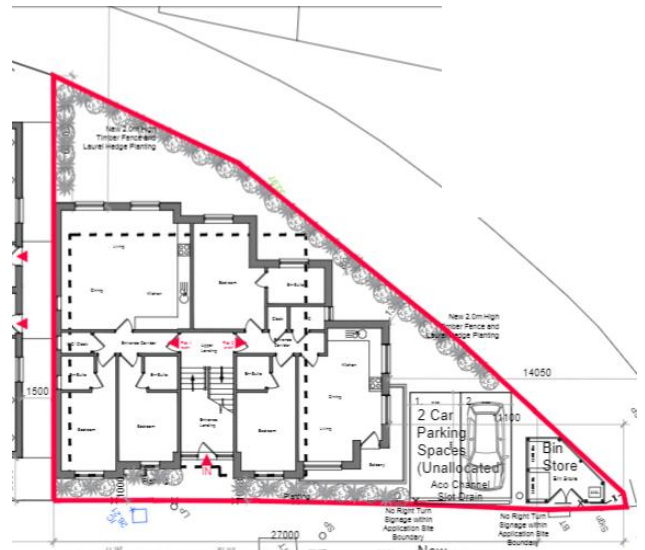
Proposed Front Street Scene Elevation



Proposed Front Street Scene Elevation



Site Plan



Site Plan



Proposed Second Floor Plan

- 3.3 The main amendments from the previous scheme brought before committee are as follows:
- Additional gable added to left hand side of roof when viewed from Fletcher Road
 - Right gable reduced by 0.5m when viewed from Fletcher Road
 - Additional roof lights
 - Additional windows at ground, first and second floor level on all elevations
 - Increase in footprint of building (maximum of 0.3m from flat 1 and 2 to rear).
- 3.4 It is considered the proposed scheme still reflects an acceptable level of design and the amendments proposed are relatively minimal. The main noticeable external changes are the additional windows and additional roof gable. The roof gable is considered to be relatively modest and ties in with the rest of the roof relatively discreetly. The lowering of the right roof gable and additional left gable create a more symmetrical, balanced appearance. The additional windows and roof lights are considered to break up more of the massing of the building which is considered to be a positive element to the scheme. The footprint of the building is marginally increasing, but it is considered this does not have any significant bearing on the massing of the building. To conclude, it is considered the amendments to the design are relatively modest and the massing, scale and height are all still acceptable.
- 3.5 The additional third floor has not resulted in any additional height being added to the building. Whilst it is acknowledged there are additional windows, it is considered they do not cause any more significant overlooking than the windows at second floor height. The building is an acceptable distance from neighbouring properties that whilst there will be some overlooking, it is considered this would not be detrimental to warrant refusal. It is considered the remaining amendments to the building are relatively minor and will not cause a significant impact on the living conditions of surrounding neighbours.
- 3.6 The Government's Technical Housing Standards set out a nationally described space standard for new dwellings. These standards are not adopted in either the Broxtowe Part 1 or Part 2 Local Plan and so cannot be given full weight but provide a useful point of reference. Flats 1 and 4 (three bedrooms each) measure at 116m²/120m² and the National Space Standards (NSS) states 74m² is advised. Flats 1 and 2 (two bedrooms each) measure at 70m² and 67m² and the NSS state this should be a minimum of 61m². Therefore, all flats exceed NDSS. It is considered the flats provide a good level of amenity for future occupants.
- 3.7 The proposed apartments are considered to provide an acceptable level of amenity to future occupants and whilst the rear amenity space is modest, it is considered to be acceptable given these are apartments and as associated with higher density living, close to Beeston town centre.

- 3.8 This development comprises a cluster of HMOs located adjacent to two existing HMOs, the proportion of which within 100 metres is already higher than 20%, but would not sandwich a dwelling not in multiple occupancy. Consequently, it could be argued that this development is not in compliance with the Houses in Multiple Occupation SPD. However, this development is purpose built and not considered out of keeping with the character of the area, and would not result in the loss of a dwelling house. Furthermore, the proposal on plan appears to constitute dwellings likely to be used within Class C3, but we are obliged to deal with the application before us. Hence the position is somewhat more finely balanced, and therefore one must decide how much planning weight to give to the SPD in determining this application.
- 3.9 The proposed building is not wider in width but projects marginally further towards the rear of the site. The overall development will fit into the site.
- 3.10 Given there was an application approved for 12 dwellings on the overall wider site and the previous use before this being residential flats, the addition of four dwellings on this site is not considered to increase noise disturbance to a level that would warrant refusal. Furthermore, it is considered these additional dwellings will not result in overcrowding.
- 3.11 The public footpath is outside of the red line and will not be compromised by the development.
- 3.12 The separation distance between the partially build development under 21/01055/FUL and this application is considered sufficient.
- 3.13 It is considered the building is a sufficient distance from neighbouring properties to not cause a significant loss of light or sense of enclosure.
- 3.14 Access arrangements into the site are approved by the Highway Authority.
- 3.15 The Environment Agency has raised no objection to the application and therefore refusal on flooding grounds would be unwarranted.
- 3.16 The four flats will have one car parking space each which is considered sufficient in this location.

4 Planning Balance

- 4.1 The benefits of the proposal are that it would provide four additional homes in the borough. The proposal reflects an acceptable level of design and would not appear out of character with the surrounding area. Whilst it is acknowledged the proposal may have some impact on the amenity of the surrounding neighbours, it is considered this will not be at their detriment. On balance, the scheme is acceptable and should be approved.

5 Conclusion

- 5.1 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 and comments raised in representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<p><u>Recommendation</u></p> <p>The Committee is asked to RESOLVE that the Head of Planning and Economic Development be given delegated authority to grant planning permission subject to:</p> <p>(i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure the provision of open space contributions</p> <p>(ii) 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 drawings:</p> <p>Received by the Local Planning Authority on 9 May 2024:</p> <ul style="list-style-type: none"> • Site Location Plan, Proposed Site Plan and Block Plan ref: 02 Rev N • Proposed Floor Plans and Elevations ref: 06 Rev G • Proposed Elevations ref: 07 Ref H <p>Received by the Local Planning Authority on 13 May 2024:</p> <ul style="list-style-type: none"> • Proposed Elevations, Floor Plans and Roof Plan ref: 06 Rev H <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until samples and details of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: Insufficient details were submitted and the development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>No above ground works shall be carried out until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:</p> <p>(a) numbers, types, sizes and positions of proposed trees and</p>

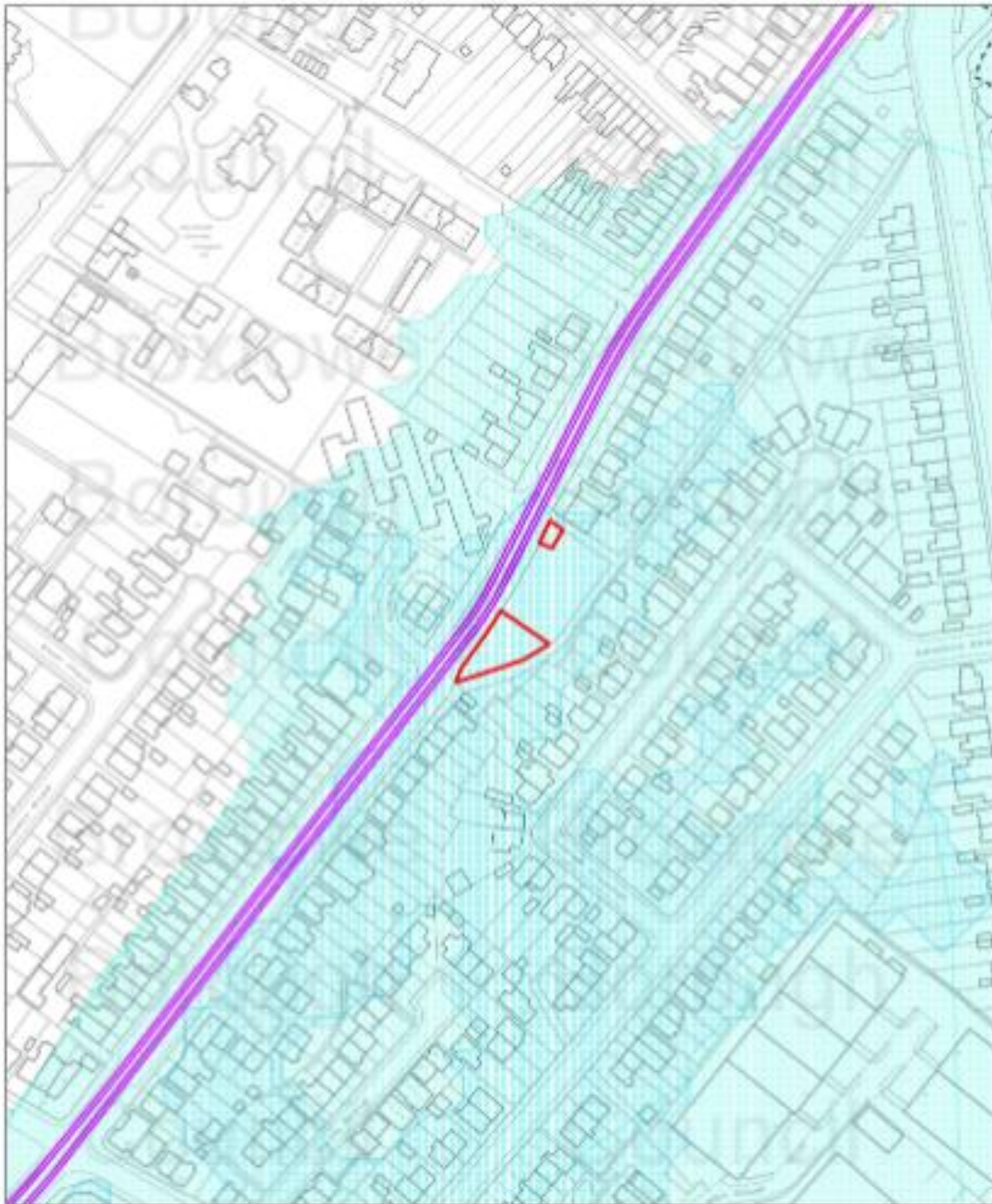
	<p>shrubs;</p> <p>(b) details of planting, seeding/ turfing of other soft landscape areas and hardscape areas;</p> <p>(c) details of the site boundary treatments and curtilage boundary treatments; and</p> <p>(d) a timetable for implementation of the scheme.</p> <p>The landscaping scheme shall be carried 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.</p> <p><i>Reason: Insufficient information was submitted and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
<p>5.</p>	<p>No dwelling shall not be first occupied until:</p> <p>(i) a dropped vehicular footway crossing serving the parking spaces is available for use and constructed in accordance with the Highway Authority specification;</p> <p>(ii) the parking area is surfaced in a bound material and each space has been clearly delineated as shown on the drawing: 02 Rev M and constructed to prevent the unregulated discharge of surface water onto the highway. This area shall be maintained for the life of the development.</p> <p><i>Reason: 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 14 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>The development hereby approved shall be carried out in accordance with the Construction Phase Plan by Swish Architecture & Planning Rev A dated August 2023 received by the Local Planning Authority on 24 August 2023. The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: In order to mitigate the impact of the development on the tram and ensure the tram remains fully operational throughout and after the development and to protect the amenity of neighbouring residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policies 10 and 14 of the Aligned Core strategy (2014).</i></p>
<p>7.</p>	<p>The development hereby approved shall be carried out in accordance with the Noise Assessment by NoiseAssess ref: 12851.02v1 dated September 2022 received by the Local Planning Authority on 24 August 2023.</p> <p><i>Reason: To protect future occupiers from excessive environmental</i></p>

	<i>noise and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Aligned Core strategy (2014).</i>
8.	<p>The development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Swish Architecture & Planning received by the Local Planning Authority on 11 July 2023. The finished floor levels shall be set no lower than 27.55 metres Above Ordnance Datum (AOD). These mitigation measures shall be completed prior to occupation and maintained thereafter throughout the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014) and Policy 1 of the Part 2 Local Plan (2019).</i></p>
9.	<p>No construction work in association with this permission shall be undertaken outside of the hours of 08:00-18.00 Monday to Friday, 08:00-13:00 Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core strategy (2014).</i></p>
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the dwellings hereby permitted must not be used within Class C3.</p> <p><i>Reason: To ensure compliance with Policy 15 of the Broxtowe Part 2 Local Plan (2019) and Policy 8 of the Aligned Core Strategy (2014).</i></p>
	<u>NOTE TO APPLICANT</u>
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>As this permission relates to the creation of new units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure addresses are created. This can take several weeks and it is advised to make contact as soon as possible after the development commences. A copy of the decision notice, elevations, internal plans and a block plan are required. For larger sites, a detailed site plan of the whole development will also be required.</p>
3.	Burning waste on site is strictly prohibited.
4.	The removal of the conifer trees should be avoided between nesting season (March until August). If any nesting birds are found within the trees, works to the trees should cease immediately and a licensed ecologist be consulted.
5.	The proposal makes it necessary to construct a vehicular crossing





	<p>over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council’s Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.</p>
<p>6.</p>	<p>A NET Permit to Work may be required. Please visit: https://www.thetram.net/building-work-near-the-tram before development commences and apply for a permit should the development breach any of these requirements.</p>
<p>7.</p>	<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 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>

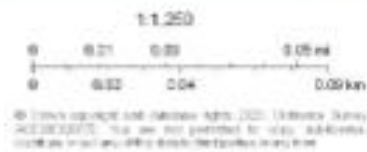
Map

23/00349/FUL



8/14/2023, 1:33:53 PM

-  Tram Route
-  Flood Zone 2
-  Flood Zone 3
-  Site



Photographs



Site facing north east



Site facing north east



Site facing south east



Site facing north east



Wider site, permission being constructed under 21/01055/FUL – facing north west from rear footpath



Conifer trees to the rear of site along footpath

Plans (not to scale)

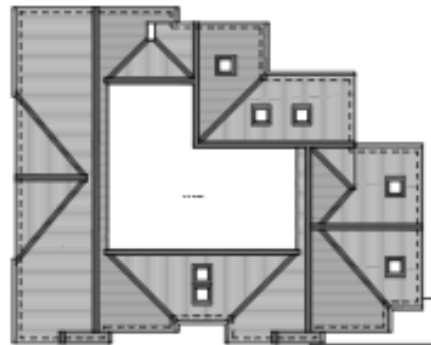
Approved under 21/01055/FUL



Proposed Front Street Scene Elevation



Proposed First Floor Plan



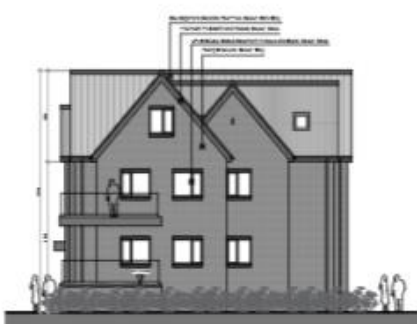
Proposed Roof Plan Layout



Proposed Ground Floor Plan



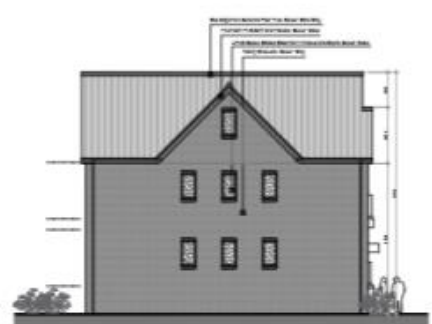
Proposed Second Floor Plan



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

Plans (not to scale)

