

## Report of the Chief Executive

**18/00763/FUL  
CONSTRUCT APARTMENT BLOCK CONSISTING OF 4 FLATS  
FOLLOWING DEMOLITION OF EXISTING BUNGALOW (REVISED  
SCHEME)  
2A LILY GROVE BEESTON NOTTINGHAMSHIRE NG9 1QL**

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

1 Details of the Application

- 1.1 The application proposes a two storey building accommodating four apartments, following the demolition of the existing bungalow, with five off street parking spaces to the front. Each apartment would have two bedrooms. The building would have a staggered flat roof, with a minimum height of 6.8m to a maximum of 7.3m, and proposes a mix of render and brick to the elevations, with dark grey uPVC window and door frames.
- 1.2 A three storey detached building, accommodating seven apartments, was initially proposed but the scheme was amended following concerns raised in regard to the impact on the amenities of the occupiers of neighbouring property.

2 Site and Surroundings

- 2.1 The application site is currently occupied by a detached bungalow, known as 2A Lily Grove. The bungalow is set back from the road with a paved area to the front, enclosed by a feature stone wall of approximately 1.3m high. There is a drive to the north east which leads through a gated access to a detached garage in the rear garden.
- 2.2 The site is located to the south east side of Lily Grove. To the north east there is a detached bungalow, 2 Lily Grove, which has a covered area to the side adjacent to the common boundary. To the south east and directly behind the site there is a two storey detached dwelling, 1 Lavender Grove. To the north east of this is 3 Lavender Grove, a detached bungalow. To the south east of the site, and located to the junction with Meadow Road, is 19 Meadow Road, which is a three storey semi-detached building currently in use as a hotel (Fairhaven). The attached semi, 21 Meadow Road, and 23 Meadow Road, which is linked to 21, also share a common boundary with the site. These two properties are in use as a residential care home known as Meadow Lodge.
- 2.3 19 and 21 Meadow Road both have windows in their rear elevations which face onto the site. These windows are within 3m of the boundary and are at ground, first and second floor levels. 19 also has an external escape stair to the rear elevation.
- 2.4 On the opposite side of the road, to the north west, and facing the site, there is a residential care home known as Beeston Lodge Nursing Home. This building is two storey in height and occupies a corner plot. It has been extended at two

storey to the rear. To the north east of this there is a two storey building, occupied by Turner Violins.

2.5 Aside from the hotel, care homes and the commercial use, Lily Grove and Lavender Grove, which run parallel to each other, are residential in character with a mix of semi-detached and detached single and two storey dwellings.

2.6 The site is within Flood Zones 2 and 3.



Front elevation



Rear of hotel (19 Meadow Road) in context with 2A



Rear looking towards 2 Lily Grove



Rear of hotel and 21 Meadow Road



2 Lily Grove towards the left



Boundary between site and 2 Lily Grove (looking towards 2A Lily Grove)

### 3 Relevant Planning History

- 3.1 In 2007, planning permission was sought for the erection of two semi-detached two storey dwellings. This application was refused as the proposal failed the sequential test for site selection as the applicant failed to demonstrate that there were no other preferred sites with less flood risk in the area. Notwithstanding this, the scale, massing and design of the dwellings were considered acceptable (reference 07/00918/FUL).
- 3.2 The most relevant application was submitted in 2017 (reference 17/00154/FUL). This application sought to construct a three storey detached apartment block of 8 units following the demolition of the bungalow. The application was refused planning permission at Planning Committee on 8.11.17 for the following reason: *The eight flats proposed are considered to be over intensive development, resulting in an adverse impact on neighbouring amenity through overlooking and overbearing impacts on residential properties to the side and rear of the site. In addition, the significantly substandard parking provision will lead to on-street parking and harm to highway safety. Accordingly, the proposal is contrary to Policy 10 of the Broxtowe Core Strategy (2014), Policies H7 and T11 of the Broxtowe Local Plan (2004), Policy 17 of the Draft Part 2 Local Plan (2017) and the National Planning Policy Framework (2012).*
- 3.3 A subsequent appeal was dismissed as the Inspector considered that the proposal would have an unacceptable impact on the occupiers of nearby residential properties (including the hotel) in terms of outlook, privacy and an overbearing form of development. The Inspector agreed that the principle of residential development would be acceptable, and also concluded that the proposal, which included provision of four parking spaces within the site, would not create a significant increase in demand for on street parking, or harm highway safety.
- 3.4 Planning permission has recently been granted (January 2019) for the conversion of 21 Meadow Road, which is currently part of the Meadow Lodge Care Home, to eight residential apartments (reference 18/00714/FUL). This development has not yet been carried out.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) February 2019, 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 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.

- 4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.
- 4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a sufficient number and range of homes within safe and well-designed environments. It advises that the needs of groups with specific housing requirements should be addressed.
- 4.1.5 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.
- 4.1.6 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 109).
- 4.1.7 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.8 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably.
- 4.1.9 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.
- 4.1.10 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 (6150 in the Broxtowe Borough part of GN, of which 3800 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 11: The Historic Environment'. Development will be supported where the historic environment and heritage assets and their settings are conserved and / or enhanced in line with their interest and significance.
- 4.2.8 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.

### **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 H6: Housing Density. Seeks to ensure an appropriate density of housing for sites, which should be higher where close to frequent public transport services.
- 4.3.3 Policy H7: Land not allocated for Housing Purposes. Residential development will be permitted subject to a satisfactory degree of privacy for the future occupiers being achieved; the development not resulting in an undesirable change in the character or appearance of the area or being piecemeal in character; satisfactory access and parking being provided; privacy and amenity of the occupiers of

nearby property being safeguarded; and the site not being of significant value to nature conservation or required to be retained for another purpose in the Local Plan.

4.3.4 Policy T11 'Guidance for Parking Provision' and Appendix 4 of the Local Plan require satisfactory provision of vehicle parking and servicing in accordance with the latest standards.

#### 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 7 representations in relation to Policy 1, 11 representations in relation to Policies 17 and 23, and 12 representations in relation to Policy 15. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 1, 17 and 23, however suggested amendments have been made in regard to Policy 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 1, 17 and 23 can now be afforded moderate weight, whilst Policy 15 being afforded minimum weight.

4.4.2 Policy 1 'Flood Risk'. 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' seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.

4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

4.4.5 Policy 23 'Proposals affecting Designated and Non-designated Heritage Assets'. Proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

#### 5 Consultations

5.1 The County Council as Highway Authority have no objections to the development subject to conditions requiring the parking spaces to be provided prior to occupation of the building.

5.2 The Waste and Recycling Officer makes recommendations in regard to the size of refuse containers and the location of the storage area in relation to the collection

point. Subject to the bins being made accessible on collection day, and to the provision of an adequate amount of bin storage, there are no objections to the proposal.

- 5.3 The Private Sector Housing Officer has no objections.
- 5.4 The Environment Agency has no objection subject to the development being carried out in accordance with the submitted Flood Risk Assessment.
- 5.5 The Environmental Health Technical Officer raises no objections.
- 5.6 7 neighbouring properties were consulted. 40 letters of objection have been received in regard to the proposal.
- 5.7 The objections to the scheme (for seven apartments, as originally proposed) raised concerns in regard to:
- Design and size of proposal not in keeping with the character of the area
  - Adverse impact on amenities of occupiers of neighbouring property in terms of loss of light, privacy, overlooking and sense of enclosure
  - Insufficient parking on site will lead to pressure for on street parking, which is already stretched due to properties having no on-street parking and commuter / business parking
  - Parking space not sufficient width
  - Scale and massing of the proposal overbearing and inappropriate for the area
  - Site too small for a large building, there are more suitable sites nearby e.g. opposite the former 'Plessey' site
  - Visuals misleading in that don't show the three storey element on the rear visual and also shows large expanse of lawn
  - Rear elevation looks like a farm barn
  - Materials not in keeping with the area
  - No provision for cycle storage
  - A two storey dwelling better suited for the site
  - Existing speed of traffic on Meadow Road
  - Loss of business both through lack of on street parking and also during construction
  - Waste provision insufficient and also not well sited, leading to noise and smells for adjacent properties
  - Public transport provision in the locality is limited and infrequent
  - Planning application for change of use of 21 Meadow Road (part of Meadow Lodge) to nine apartments would further impact on on-street parking
  - Noise and disturbance from future occupiers (due to intensity of occupation) and during construction works
  - Potential for occupiers to use the flat roof as a balcony
  - Impact on sewerage system
  - Small size of some of the apartments
  - The proposal would make a minimal contribution to housing delivery and doesn't offset harm to the amenity of the neighbouring properties

- Changes compared to the 2017 refused scheme do not fully address the issues raised in the appeal decision
- Concerns over the obscure glazing and non-opening windows – how will this be protected if future occupiers decide to change?
- There should be a policy to restrict amount of dwellings changing to HMO's which are currently taking place in the Beeston area
- Flats are more appropriate in a town centre location
- Intensity of occupancy, which could be as high as 20
- No details of boundary enclosures or landscaping
- Flood risk is an issue, so questionable whether development should be permitted
- The agent should provide a shading diagram to show impact on neighbouring properties
- Impact on a heritage asset, which is on the HER register (anti-aircraft battery) should be assessed
- Shed (garage) may contain asbestos and should be removed with care
- Site notice not posted directly outside the site, but on opposite side of the road.

5.8 Re-consultation letters were sent to all those who responded on the original scheme.

## 6 Appraisal

6.1 The main considerations relate to the principle of residential accommodation in this location, impact on neighbouring amenity, impact on highway safety, and the design and appearance of the proposed building.

### 6.2 **Principle**

6.2.1 The site is currently occupied by a residential property, and is in an established residential area. Subject to the design and an assessment of the proposal in terms of its impact on the amenities of neighbouring uses, the principle of residential on this site is acceptable. The Planning Inspector confirmed that the principle of development was acceptable. The proposal is considered to make a positive contribution to housing delivery.

### 6.3 **Amenity**

6.3.1 In the appeal decision for the 2017 application (reference 17/00154/FUL), the Planning Inspector concluded that the proposal would be materially harmful to the living conditions of the occupiers of nearby residential properties in terms of outlook, privacy and an overbearing form of development.

6.3.2 Considering each neighbouring property in turn, the impact on the occupiers of 2 Lily Grove, the bungalow to the north east, the Inspector considered the 2017 scheme would have appeared visually dominant, overbearing and oppressive, and would have resulted in a reduction in light to the existing roof lights in that property. The amended two storey scheme now sees a reduction in the height of the building by 2.6m. Whilst the building has not been pulled away from the boundary compared to the superseded scheme, it has been reduced in length,



being less than 2m beyond the rear elevation of 2 Lily Grove at ground floor level, with the first floor shown to be level with this property, and these amendments, along with the reduction in height, are considered to have an acceptable impact on the amenities of the occupiers of this property.

- 6.3.3 1 Lavender Grove is a two storey property directly to the rear of the site. In the Inspector's report, it was considered that the proposed (refused) building would appear unacceptably overbearing and would dominate the outlook from the rear facing windows and garden of No. 1, and that even with obscurely glazed windows to the second floor, this would not reduce the overbearing impact or prevent overlooking from windows in the two lower storeys. The building now proposed has been reduced in length by 2.2m at ground floor, giving a minimum distance of 17.5m (at ground floor level) and a maximum of 20m (at first floor level) between the rear elevation of 1 Lavender Grove and the rear elevation of the proposed building. There is a distance of 7.6m between the rear elevation of 1 Lavender Grove and the common boundary to the site. The building is now proposed to be two storeys in height, with a flat roof. Whilst windows are still proposed in the rear elevation to both floors, it is considered that the proposal for four apartments, which has now been reduced to two storeys in height, is acceptable and would not have a significant impact on the amenities of the occupiers of 1 Lavender Grove.
- 6.3.4 In regard to Fairhaven Hotel on Meadow Road, to the south west of the site, the Inspector noted that due to the presence of two bedroom windows on the rear elevation facing the application site, the 2017 scheme would result in an unacceptable outlook from these windows, being oppressive due to the distance between. It is also noted that 21 Meadow Road, currently part of Meadow Lodge, has windows in the rear elevation overlooking the site. Two of these windows serve habitable rooms. The building height has been reduced from three storeys to two, and the building reduced in length by 2.2m at ground floor level, from the rear. It is considered this now allows for a reasonable view and access to light for the windows in the rear elevation of both Fairhaven Hotel and the adjacent Meadow Lodge.
- 6.3.5 Bin storage would now be located to the rear of the building, away from the residential property to the north east and adjacent to the rear elevation of the care home. This would minimise any noise and odour arising for neighbours. Details of boundary treatments would be secured by condition, as would the requirement for obscure glazing to all windows in the side elevations.
- 6.3.6 As the proposed scheme has been reduced to four apartments, it is considered that this would result in an acceptable level of noise arising from the use as a residential development.
- 6.3.7 In regard to the comment that a shading diagram should be provided, it is considered that enough information was submitted in the drawings to enable an assessment of the proposal in terms of its impact of loss of light to the neighbouring properties.

6.3.8 It is considered that the proposal would provide a satisfactory level of internal living space in regard to the internal dimensions, for the intended occupiers, with adequate access to an outlook, and to natural light.

6.3.9 It is considered that the proposal, as amended, satisfactorily addresses the concerns raised both in the Planning Inspector's report, and by the occupiers of neighbouring property, in regard to residential amenity.

#### **6.4 Design and scale**

6.4.1 A flat roofed, contemporary design is proposed for the building. The proposed materials are indicated to be a mix of brick and render to the elevations.

6.4.2 Whilst the proposed building, at two storeys, would replace a single storey building and as such could appear prominent in the street scene, it is considered that, in principle, a development of two storeys in height and of a contemporary appearance is acceptable, given the presence of other two storey properties in the immediate surrounds. The building roof line would step down from south west to north east and would therefore be seen as a transition between the higher buildings along Meadow Road and the residential buildings to the north east, along Lily Grove.

6.4.3 Whilst the use of render to the elevations would be acceptable in principle, it is considered important that high quality materials are used and therefore the submission of material samples will be conditioned.

6.4.4 Based on the above, whilst it is accepted that this would be a prominent development and is a significant increase in footprint and size compared to the existing bungalow, it is considered that an acceptable standard of design has been achieved, which accords with Policy 10 of the Aligned Core Strategy, Policy 17 of the Draft Local Plan Part 2 and the NPPF.

#### **6.5 Parking and Impact on Highway Safety**

6.5.1 It is clear from the consultation responses that there is significant concern that the development does not include sufficient parking provision within the site and that this would lead to increased demand for on-street parking. Concerns are also expressed in regard to existing congestion along the road.

6.5.2 In regard to assessing the highway impacts of a proposal, paragraph 109 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.

6.5.3 The site lies within close proximity to Beeston Railway Station, and the number 18 bus service, providing access to Beeston town centre and to Nottingham, is accessible from Meadow Road. Beeston town centre is 1km to the north west and

is therefore within walking distance. Lily Grove is a relatively quiet residential street with low traffic volumes and on-street parking is available without detriment to the free flow of traffic. An extension to the parking provision at Beeston Railway Station has recently become available, which should help to minimise any overflow parking by commuters from outside the area. The proposal has also been amended, with five off-street parking spaces for the four apartments, as well providing an external area for cycle storage. The parking spaces are of sufficient dimensions. It is accepted that there may be additional parking demand from the development and this may lead to on-street parking along Lily Grove. However, it is considered that there would not be a severe highways impact and residents would have the opportunity to use more sustainable transport options. Furthermore, the Highways Authority states no objection and it considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas. The Planning Inspectorate also dismissed this concern in the appeal decision when assessing the refused 2017 application, which saw five parking spaces proposed for eight apartments. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on transport or parking grounds.

6.5.4 A condition is required to ensure the dropped kerb is extended and the parking area suitably surfaced and drained, and available for use prior to the occupation of the apartments.

## 6.6 Other Matters

6.6.1 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted and the contents are considered acceptable, subject to the development being carried out in accordance with the FRA and this will be conditioned.

6.6.2 There are some non-material matters raised as a result of consultation. These are:

- there are more suitable sites nearby e.g. former Plessey site – it is understood that a reserved matters application has been received and is currently being considered, which will bring forward this nearby site for a range of housing
- The Council should have a policy for restricting HMO's – planning permission is required for any large HMO over six occupiers and as such this type of application can be controlled and assessed under existing adopted planning policy, and, in any case, the apartments are two bed units and as such are not classified as HMO's
- Concerns regarding impact on the sewerage system – all new developments need to comply with the current building regulations, which cover appropriate connection to the sewerage system
- Flats are better suited to a town centre location – whilst flats are more commonly found in town centres, it is considered that a mix of housing sizes, types and tenancies contribute to the creation of a balanced community and furthermore, planning applications for apartments would be assessed on a site by site basis
- Care should be taken during removal of the garage as asbestos may be present – this is not a material planning matter and the developer will need to carry out their own risk assessment in this regard

- Site notice not posted directly outside the site, but opposite – a site notice was posted within sight of the application site boundary, and consultation carried out with the immediate neighbouring properties. It is considered that the council carried out their statutory obligations in regard to consultation
- Misleading visuals - the visuals submitted as part of the original proposal are intended to be a visual representation of the development and are not intended to be an accurate reflection of the scheme, which has been assessed through the scaled plans and drawings
- There is the possibility of a heritage asset in the immediate area – the planning agent is aware and has carried out a desktop study that concludes that there is little information in regard to the exact location and that there is no evidence that there are any heritage assets within or adjacent to the site that would be affected by the proposal.
- Noise during construction. Development should be carried out during reasonable working hours in the week. Any excessive noise arising and / or outside of reasonable working hours, can be reported to the Environmental Health team at Broxtowe Borough Council.

**7. Conclusion**

7.1 It is concluded that the proposal to construct four apartments within a two storey building is acceptable and will not have an adverse effect on neighbouring amenity or on highway safety. The proposal therefore accords with Policies H6, H7 and T11 of the Broxtowe Local Plan, with Policies 1, 2, 8, 10, 11 and 14 of the Aligned Core Strategy, and with Policies 1, 15, 17 and 23 of the Draft Part 2 Local Plan.

**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 this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing numbers 327 002 rev I and 327 003 rev J received by the Local Planning Authority on 01.04.19.**
- 3. No above ground works shall be carried out until samples and details of the manufacturer, type and colour of all external materials to be used in facing elevations 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.**
- 4. No above ground works shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:**
  - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**

- (b) numbers, types, sizes and positions of proposed trees and shrubs
- (c) proposed boundary treatments
- (d) planting, seeding/turfing of other soft landscape areas

The approved scheme shall be carried out strictly in accordance with the agreed details.

5. No part of the development hereby permitted shall be brought into use until:
- a) the dropped vehicular footway crossing is available for use and has been constructed in accordance with the Highway Authority specification.
  - b) the parking area has been surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 327 002 I.
  - c) the parking area has been constructed with provision to prevent the unregulated discharge of surface water from the parking area to the public highway.

The parking area shall be maintained in the bound material with drainage for the life of the development and shall not be used for any purpose other than the parking of vehicles.

6. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by SCC, submitted in November 2018, and finished floor levels shall be set no lower than 27.76m above Ordnance Datum (AOD), as stated in section 3a of the FRA. The floor levels detailed above shall be retained for the lifetime of the development.
8. The first floor windows in the north east and south west side elevations 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) before the respective apartments are first occupied and thereafter retained in this form for the lifetime of the development.
9. No flat roof area above ground floor level shall be used as a balcony, roof garden, or similar amenity area, 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. Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)
5. In the interests of highway safety in accordance with Policy 10 of the Broxtowe Aligned Core Strategy 2014.
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H4 of the Broxtowe Local Plan (2004).
7. To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Broxtowe Aligned Core Strategy 2014.
- 8 & 9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### Note to applicant

1. The Council has acted positively and proactively in the determination of this application with amendments being sought during the course of the application.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3. The developer should contact the Waste and Refuse team at Broxtowe Borough Council (0115 9177777) with regard to requirements for waste storage and collection.
4. The development makes it necessary to construct a vehicular crossing over the 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>





**Legend**

-  Site
-  Flood Zone 3
-  Flood Zone 2