

Report of the Chief Executive

APPLICATION NUMBER:	25/00354/FUL
LOCATION:	Land to the rear of 137-141 Queens Road, Beeston. NG9 2FE
PROPOSAL:	Construct two one-bedroom flats and associated development

The application is brought to the Committee at the request of Councillor G Bunn

1. Purpose of the Report

- 1.1 The application seeks planning permission for the erection of a two storey building to accommodate two residential flats. The building will be a traditional two storey property with gable roof. Each flat will have a bedroom, kitchen/dining/living room and shower room with toilet. A communal bin store will be provided at ground floor level. Two cycle stands will be located to the side of the building. The proposal is for two self-contained flats.

2. Recommendation

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

3. Detail

- 3.1 The application seeks permission for the construction of a two storey building to accommodate two residential flats as outlined in paragraph 1.1 above.
- 3.2 The main issues relate to whether the principle of two flats is acceptable in terms of location, flood risk, design, scale, parking issues and impact on neighbour amenity.
- 3.3 The benefits of the proposal are that it would add to the housing supply within Broxtowe and be sited within a sustainable, urban location with access to regular sustainable transport links in accordance with policies contained within the development plan which is given significant weight. There would be some impact on neighbour amenity and on street parking but these matters are considered to be outweighed by the benefits of the scheme, as outlined in the appendix.

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. Background Papers:

Nil.

Appendix

1. Details of the application

- 1.1 The application seeks permission for a two storey building comprising two flats. Each flat would have one bedroom, kitchen/dining/living room and shower room with toilet. The ground floor flat would have an area of 52 sqm and the first floor flat would have an area of 54 sqm. A communal external bin store, two cycle stands and a shared private yard will be provided to the side of the building.
- 1.2 The plans submitted specify the overall height being 8.5m to the ridge, 5.8m to the eaves. Access to the flats would be positioned in the side elevation. The front elevation would have two windows to each floor level. The north west elevation, facing the rear elevations of 137 to 141 Queens Road would have two small windows at first floor level, one to be obscurely glazed. At ground floor level there would be the entrance doors, a small window and a set of patio doors. The south west elevation facing numbers 143-145 Queens Road and numbers 1 and 3 Hawthorn Grove's rear gardens, would have a window at ground floor level, and two windows at first floor level. The south east elevation, which faces the side elevation of 104 Humber Road South would have a small obscurely glazed window to each floor level.
- 1.3 The building would be built adjacent to the south east boundary. The building would be set in 1.1m from no.104 Humber Road South's north west elevation, 1.4m from the boundary with no.143 Queens Road and approx. 5.5m from 137-141's rear most elevations.

2. Site and surroundings

- 2.1 The application site is an infill plot which was previously part of the rear gardens of 137-141 Queens Road and is currently used for off-street parking associated with those properties. A 2m high fence extends across the boundary with no.141 Queens Road. There is a 1m high brick wall along the boundary with 104 Humber Road South which partially extends to the front of the application site.
- 2.2 The site lies within a mix of residential and commercial area. The site is within walking distance of Beeston town centre (approx. 11 minutes) and is in close proximity to the tram and regular bus services. The site is flat and is located within Flood Zone 2 which is land with a medium probability of river flooding.
- 2.3 104 Humber Road South is an end of terrace dwelling positioned to the south east of the application site and has a ground floor and a third floor window in the north west elevation. Numbers 137 to 141 Queens Road are terraced dwellings located to the north west of the application site, these properties have single storey rear extensions and have windows at all levels in the rear elevations. To the south west of the application site is positioned no.145's rear garden. The site is bound to the north east by Humber Road South.

3. Relevant Planning History

- 3.1 Planning permission was granted in 1985 under reference 85/00435/FUL to convert 137-139 Queens Road to bedsits.
- 3.2 An application to construct a 3 bedroom detached dwelling (ref. 06/00172/FUL) was refused for the following reasons: *The residents of the proposed dwelling will have poor amenity due to the inadequate private amenity space incorporated into the development and the amenity of existing residents will be adversely affected because the new dwelling will be overbearing and will cause overlooking. In addition, no off street parking is proposed for the residents of the new dwelling. Accordingly, the development is contrary to the aims of Policies H7 and T11 of the Broxtowe Local Plan 2004.*
The application was appealed and dismissed.
- 3.3 Planning permission under reference 20/00015/FUL was granted to change the use of the ground floor of nos.137-139 from retail (Class A1) to residential (Class C3) and associated external alterations. The proposed change of use and external alterations were carried out in 2020.

4. Relevant Policies and Guidance

4.1 **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 1: Climate Change
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity.
- Policy 14: Managing Travel Demand

4.2 **Part 2 Local Plan 2019**

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity.

4.3 **National Planning Policy Framework (NPPF) 2024**

- Section 2: Achieving sustainable development
- Section 4: Decision-making.
- Section 5: Delivering a sufficient supply of homes
- Section 11: Making effective use of land
- Section 12: Achieving well-designed and beautiful places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

5. Consultations

5.1 **Consultees**

- Cllr G Bunn - called application in to committee
- Cllr V Smith – no comments received

- **Environmental Health** – raised no objections subject to the following conditions:
 - ✓ No construction hereby approved shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
 - 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 construction of the development;
 - e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and
 - f) details of dust and noise suppression to be used during the construction phase.

The approved statement shall be adhered to throughout the construction period.

- ✓ No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented on accordance with the approved details.

Reason: To protect nearby occupants from excessive construction noise and vibration.

- **Environment Agency** – no comments provided as standing advice applies due to the site being located within Flood Zone 2
- **NCC Highways** – requested a plan showing where the existing parking will be relocated and parking for the flats before providing further comments.
- **Environment/Bins** - developer to purchase first provision of bins. Information about bins size for each house. Bins need to be presented at the edge of the highway for emptying.

5.2 6 Neighbours were consulted on the application. Three responses were received from immediate neighbours, raising objections to the proposed development which can be summarised as follows:

- Disruption
- Noise and dust disturbance
- Loss of privacy/overlooking

- Proximity of proposed building to neighbouring properties
- Parking issues
- Impact on quality of life
- Land currently used as a carpark and bin storage
- Location not suitable
- Impact on well-being of future occupants

6. Assessment

6.1 Principle

- 6.1.1 The principle of a two storey building to create two flats is deemed acceptable in regard to the character of the surrounding area. The site is located within an urban and highly sustainable location close to Beeston town centre and public transport. It is therefore considered the principle of residential development on the land is acceptable.

6.2 Design and Layout

- 6.2.1 Policy 8 of the ACS paragraph 4 states that the appropriate mix of house size, tenure and density within housing development will be informed by c) local demographic context and trends, d) local evidence of housing need and demand, f) area character, site specific issues and design considerations, and g) the existing or proposed accessibility of a location by walking, cycling and public transport. Policy 15 of the P2LP states in Section 6 that development should provide an appropriate mix of house type, tenure and density to ensure that the needs of the residents of all parts of the Borough.
- 6.2.2 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 new development should a) integrates into its surroundings, b) provides, or is close to, community facilities, c) has good access to public transport, k) provides adequate external storage and n) encourages walking and cycling.
- 6.2.3 The proposed building would have a gable roof and is of a size and scale that is in keeping with the surrounding area. The height of the building would be lower than the two neighbouring properties. Whilst the entrance doors are positioned in the side elevation, the front façade has been designed in a manner that is sympathetic to the surrounding properties with similar style openings and deep sills to the top and bottom of the windows. Considering the mix of designs and materials, it is considered that the proposed building would not appear out of character with the surrounding area.
- 6.2.4 Information provided on the submitted Planning Statement indicates that the proposed building will be constructed using brick with roof slate to reflect the materials used on neighbouring properties.

6.2.5 To summarise, it is considered the proposed development achieves an acceptable level of design that is not out of keeping with the surrounding area.

6.3 Amenity

6.3.1 Policy 10 (F) states that the impact of a development on neighbour amenity will be a consideration. Policy 17 (4d) states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

6.3.2 104 Humber Road South which is to the south east of the application site, is an end of terrace three storey property which has a small window at ground floor level and a window at second floor level in the side elevation, facing the application site. The proposed building will be marginally lower than no.104, would have a front facing gable roof and will be set back 1.1m from the common boundary. It is acknowledged that no.104's second floor window in the north west elevation is the only source of light to a primary room. However, given the gable roof arrangement, where the roof slopes down toward 104, and that a gap of 1.1m will be retained, it is considered this relationship is acceptable as light can still be received into this window.

6.3.3 Numbers 1 and 3 Hawthorn Grove which are to the south-west should be minimally impacted by the proposal since the works are to the north-east of these dwellings and will be over 14m from the boundary with numbers 1 and 3, meaning loss of light, privacy and overlooking should be minimal.

6.3.4 The properties most directly affected by the development will be numbers 137 to 145 Queens Road. These properties are located to the north west of the application site, being the rear garden of numbers 143 and 145 located to the south west. The proposed building would have two windows at first floor level in the rear elevation. The side elevation would have two small windows at first floor level and a small window and patio doors at ground floor level, facing the rear elevation of numbers 137 to 141. The Planning statement indicates that the boundary treatment would prevent any impact on neighbouring properties from ground floor rooms. With regard to the side windows at first floor level one would serve the landing and the other will be obscurely glazed to prevent overlooking. Furthermore, the nearest rear windows are 11.2m away from the proposed building.

6.3.5 In respect to the windows in the rear elevation, it is considered that whilst there would be some degree of overlooking, this is a built up area and rear gardens are already overlooked by first floor windows. To conclude, it is acknowledged that there will be some impact on neighbour amenity, however, the impact would not be so detrimental as to warrant a refusal.

6.3.6 In respect to the amenity of future occupiers, each flat would have a minimum of 52 square metres gross internal floor space, which is in line with the Government's Technical Housing Standards. A small outdoor amenity space is

provided to store bins and bicycles. Overall, it is considered that the amenity of future occupiers has been considered adequately.

6.4 Access

6.4.1 A number of concerns have been raised regarding the removal of off street parking with the proposal and the impact that two new residential properties will have on parking availability along the road. NCC Highways requested a parking plan to show a parking area for the existing and new flats, one parking space for each flat. Paragraph 116 of the NPPF states that 'development should only be refused on highways grounds if there would be an unacceptable impact on highway safety'. Paragraph 117 states 'within this context, applications for development should a) give priority first to pedestrian and cycle movements; and second to facilitating access to high quality public transport'

6.4.2 NCC Highways has stated that the proposed development cannot be refused on highways grounds as parking on street is not a safety issue. Whilst no off-street parking will be provided and there are parking restrictions on Queens Road and Humber Road South, the site lies within a sustainable location within walking distance of the tram and Beeston town centre. As the development is only for two flats with one bedroom each, it is considered likely that car ownership associated with the building will be low, therefore would not be detrimental to highway safety. Furthermore, provision for cycle storage within the site would encourage alternative sustainable means of transport.

6.5 **Flood Risk**

The application site is within Flood Zone 2 and 3. The Flood Risk Assessment submitted states that given the finished floor level of ground floor bedrooms is at 27.26, AOD and there is flood resilient construction to a level of 27.56m AOD, the development is considered to meet the sequential Test and Exception Test. It is therefore considered the proposed development would not impact flood risk.

7. Planning Balance

7.1 The benefits of the proposal are that it would provide two additional homes within an existing urban area, the new residential units would have an acceptable design and provide an appropriate density for this residential area and would be in accordance with policies contained within the development plan. Whilst it is acknowledged there will be some impact on the amenity of neighbours and on-street parking, this is outweighed by the benefits of the scheme and due to its location within a highly sustainable area.

8. Conclusion

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.

<u>Recommendation</u>	
<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) 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 Site Location Plan and Proposed Block Plan (drawing numbered 2434/LP) received by the Local Planning Authority on 7 May 2025 and,</p> <ul style="list-style-type: none"> • Proposed Floor Plans Revision A (drawing numbered 2434/P1) • Proposed Elevations Revision A (drawing numbered 2434/P2) <p>received by the Local Planning Authority on 18 August 2025.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The proposed development shall be constructed in accordance with the materials contained within the submitted application form.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).</i></p>
4.	<p>No construction hereby approved shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local 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 construction of the development; e) a scheme for the recycling/disposal of waste resulting from construction / demolition works; and

	<p>f) details of dust and noise suppression to be used during the construction phase.</p> <p>The approved statement shall be adhered to throughout the construction period.</p> <p>Reason: To protect nearby residents from excessive disturbance and loss of amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p>
5.	<p>No development shall commence until details of any necessary piling or other penetrative foundation design have been submitted to and approved in writing by the Local Planning Authority including details of any mitigation measures to minimise the effects of noise and vibration on surrounding occupiers. The development shall be implemented on accordance with the approved details.</p> <p>Reason: To protect nearby occupants from excessive construction noise and vibration and in accordance with Policy 17 and 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</p>
6.	<p>No construction or site preparation 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>Reason: To protect nearby occupants from excessive construction noise and in accordance with Policy 17 and 19 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</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.	The proposed development lies within an area that has been defined by the Mining Remediation 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.

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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

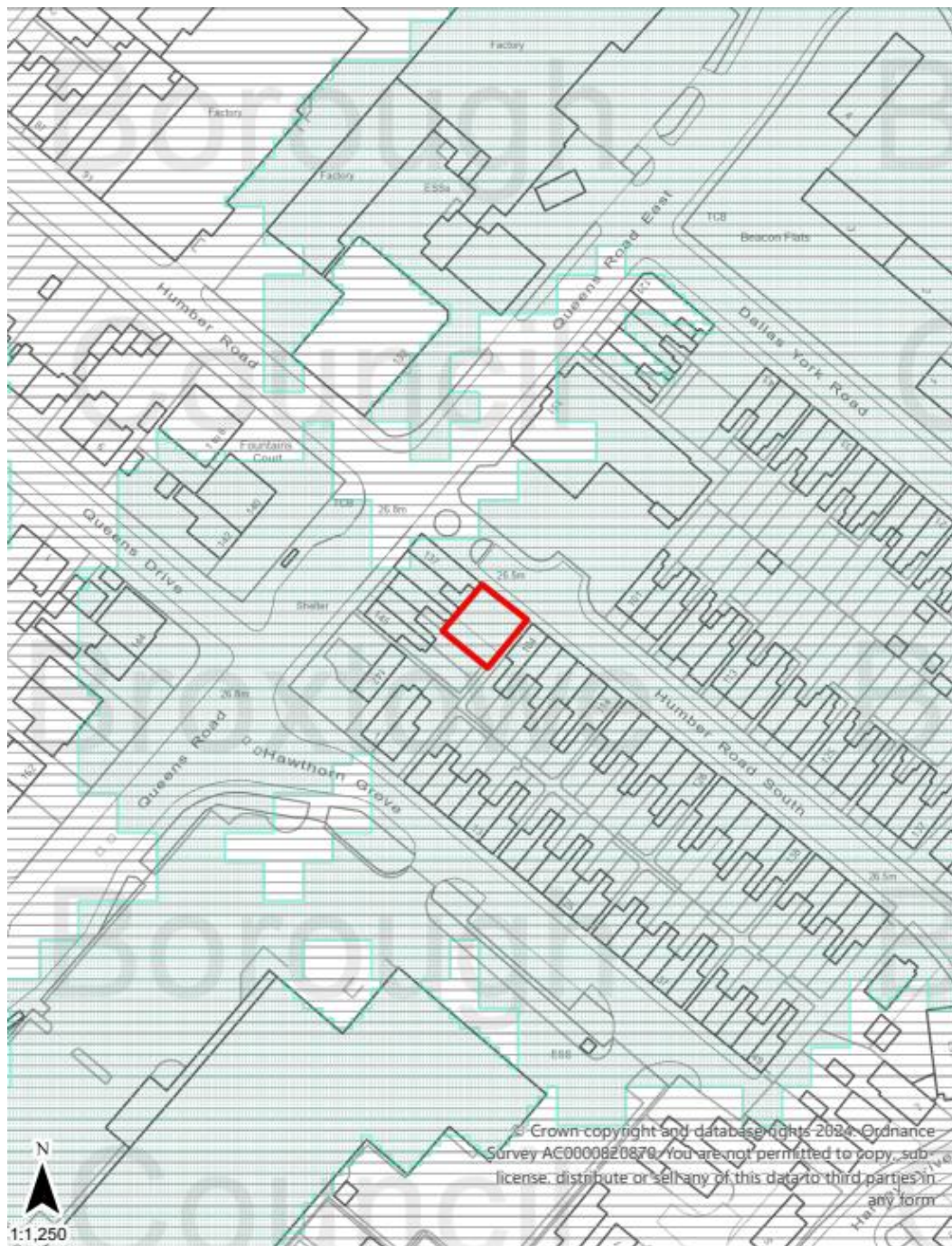
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? - GOV.UK (www.gov.uk)




In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, noncoal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

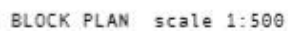
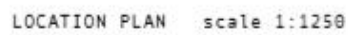
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

3.	<p>As this permission relates to the creation of new residential units, please contact the Council's Street Naming and Numbering team: 3015snn@broxtowe.gov.uk to ensure an address is 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>
----	---

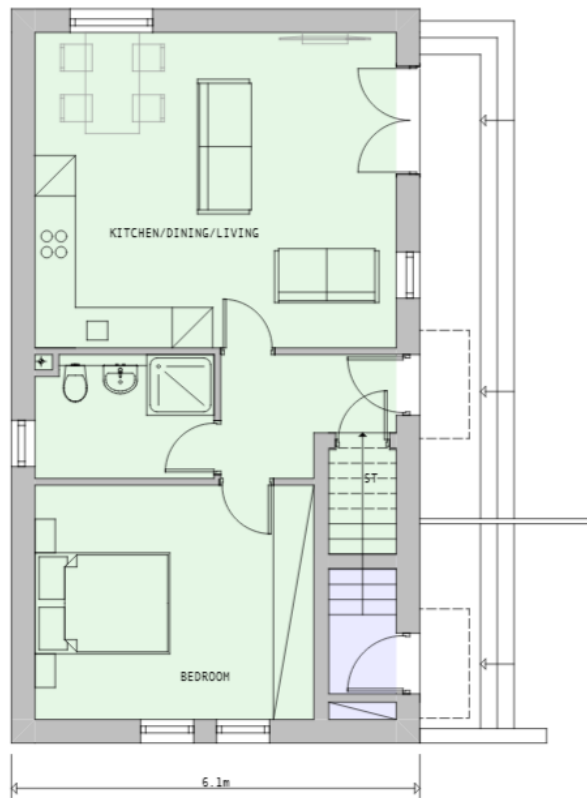
Map**Site Location Plan****Legend**

-  Flood Zone 2
-  Coal Standing Advice
-  Site

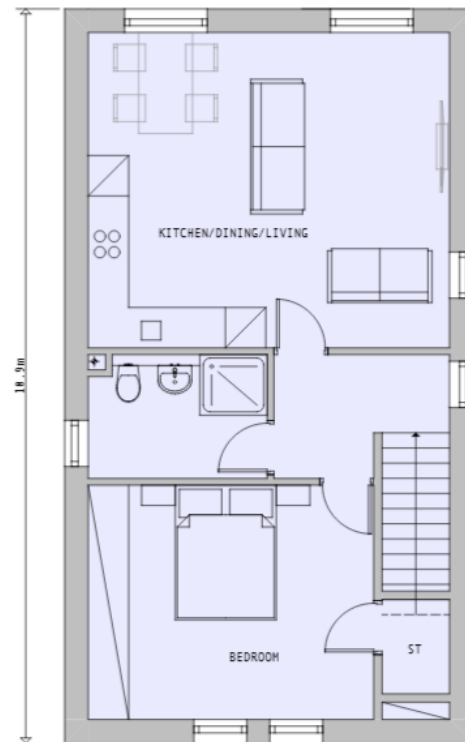
Site Location Plan and Proposed Block Plan



Proposed Floor Plan



GROUND FLOOR - APARTMENT 1 (52m²)



FIRST FLOOR - APARTMENT 2 (54m²)

Proposed Elevations / Street View

