

Report of the Interim Chief Executive

APPLICATION NUMBER:	25/00663/FUL
LOCATION:	12 - 14 Moore Gate Beeston Nottinghamshire
PROPOSAL:	Construct two additional floors to facilitate conversion from Use Class E to form 4 cluster flats (Sui Generis Use)

The application is brought to the Committee at request of Councillors Bunn and Marshall.

1. Purpose of the Report

- 1.1 The application seeks full planning permission to construct two additional floors to facilitate conversion from Use Class E to form 4 cluster flats (Sui Generis Use) at 12-14 Moore Gate Beeston.

2. Recommendation

The Committee is asked to RESOLVE that planning permission be GRANTED subject to conditions outline in the appendix.

3. Details

- 3.1 The application seeks full planning permission to construct two additional floors facilitate conversion from Use Class E to form 4 cluster flats (Sui Generis Use) at 12-14 Moore Gate Beeston.
- 3.2 The cluster flats will provide a total of 31 studios with each floor having a communal kitchen area. To the ground floor there is a secure bin area and bike store. Each room will have room for a double bed and desk, and an ensuite with several studios having a small area annotated as sink/kitchen area.
- 3.3 The external materials are proposed to be off white monocouche render, red brick slips to elevations, with the third floor being constructed out of Pagurek standing seam metal cladding in a copper brown colour. The doors and windows will be anthracite grey with glass balustrade with a parapet wall and green planter behind. To break up the bulk and massing and soften the building a green wall is proposed to the north eastern elevation. The application has been submitted as a conversion and no habitat impacted in relation to Biodiversity Net Gain.
- 3.4 The site lies just outside the designated town centre, but within the Article 4 direction area and flood zone 2. The site is within close proximity to the

transport interchange off Middle Street and in a sustainable area with facilities such as shopping, leisure, employment and education within walking distance.

- 3.5 It is considered the site is considered as previously developed land and the proposal complies with the NPPF and Broxtowe Borough Plan Part 2 (2019).

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.

1. Details of the application

- 1.1 This application seeks permission to construct two additional floors to facilitate conversion from Use Class E to form 4 cluster flats (Sui Generis Use) at 12-14 Moore Gate Beeston.
- 1.2 To create the 4 cluster flats in Sui Generis Use the existing building is being converted and changed to create 8 studios and a shared kitchen and bin/bike store on the ground floor and 9 studios with a shared kitchen to the first floor. To the second and third floors are 7 studios with a shared kitchen and roof terrace. There will be a lift and internal bike store.
- 1.3 Each studio will have room for a double bed and desk, with an ensuite, and several studios will have a small area annotated as a sink/kitchen area. The top two levels will have access to the roof terrace via the communal kitchen on the north west elevation facing towards the road and transport interchange.
- 1.4 The external materials are proposed to be off white monocouche render, red brick slips to elevations, with the third floor being constructed out of Pagurek standing seam metal cladding in a copper brown colour. The doors and windows will be anthracite grey with glass balustrade with a parapet wall green planter behind. To break up the bulk and massing and soften the building a green wall is proposed north eastern elevation.
- 1.5 As the proposal is a conversion and construction on top of the building the application is considered exempt from the statutory BNG requirement.

2. Site and surroundings

- 2.1 The site is located just outside the designated town centre within close proximity to the transport interchange off Middle Street onto Moore Gate. The land falls north west down to south east with Moore Gate running along the north/north east side of the building.
- 2.2 The building is currently vacant and is subject to some vandalism, the previous use was E class (shop/warehouse). To the north of the site lies a carpark owned by The Star public house, running along the north to southern elevation is a public path/access for the dwellings on Moore Gate, to the north east is The Star public house, to the south lies residential dwellings on Moore Gate and to the west is a block of student flats.
- 2.3 The area consists of commercial, residential and transport infrastructure. To the north lies the transport interchange and Beeston Town Centre, to the north east lies The Star public house with hotel accommodation above and beer

garden to the east and established student accommodation to the west.

- 2.4 It should be noted several three/four storey buildings are within close proximity to the site and the building currently under construction for the purpose built student accommodation on The Square.
- 2.5 To the south lies 16 and 18 Moore Gate, two storey semi-detached dwellings with off road parking to the principal/side elevation. Moore Gate then leads to several dwellings on Waverley Avenue.

3. Relevant Planning History

- 3.1 Outline planning permission was granted for a three storey building with up to 14 apartments (all matters reserved) following demolition of the warehouse, 16/00626/OUT refers. A reserved matters application was never submitted and so the permission has now lapsed.

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 2: The Spatial Strategy
- Policy 8: Housing, size, mix and choice
- Policy 10: Design and Enhancing Local Identity

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
- Policy 19: Pollution, Hazardous Substances and Ground conditions

4.3 National Planning Policy Framework (NPPF) 2024

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 4 - Decision-making
- Section 11 - Making effective Use of Land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

5. Consultations

- 5.1 **Broxtowe Borough Council - Refuse and Waste** – No objection subject to the correct bin provision.
- 5.2 **Broxtowe Borough Council Environmental Health** – No objections in principle, but requested a condition for noise and ventilation, construction noise, Construction/Demolition method statement and external lighting.
- 5.3 **NET Development Team** -No comments received
- 5.4 **NCC Highways** - Provided two sets of comments. First requiring more information and second set stated given the location is within the town centre and good transport links the highways authority would not have any concerns in highway terms, but did raise concerns regarding residents to the proposed site may cause inconvenience to the existing residents and their visitors who also have a demand for parking in the proximity to the site. A request for a condition to ensure all doors, windows, roof, eaves and downpipes to not encroach onto the public highway.
- 5.5 **Private Sector Housing** -Provided two sets of comments. First requiring additional information and second set stated that no objection subject to the proposal complying with BBC HMO Property Standards
- 5.6 **Cllr V Smith - Beeston Central Ward** – No comments received
- 5.7 **Cllr G Bunn - Beeston Central Ward** – Requested the application be determined by the Planning Committee.
- 5.8 39 neighbours were consulted on the application and a site notice displayed. There have been a total of 4 representations received and they can be summarised as follows:
- Business relies on a strong summer trade utilising the garden area and the proposed plan would severely affect the summer trade due to the height of the new floors overshadowing the pub garden
 - The four storey building would lead to a sense of enclosure for people using the pub garden
 - Overlooking from the higher floors more so onto the children’s play area within the pub garden
 - Construction of the upper floors would require construction equipment and there is no space around it and so would block access and congestion around the trading area
 - Noise from the construction damaging trade
 - Access to the pub garden would be restricted from Moore Gate due to the construction

- The area is already overdeveloped due to several large development going up in recent years, notably the development on Beeston Square adjacent to the cinema, the conversion of the College on Chilwell High Road and Broadgate House.
- Query whether this development is necessary
- Impact on the local area
- Generally in support of the development as it may bring improvement to the area, however there are concerns
- Privacy to ensure no more of an impact than currently exists
- Construction odour and dust
- Concerns about noise and construction period and the impact on working from home
- Moore Gate is an adopted road, how will vehicular access be maintained to properties on Moore Gate and top of Waverley Ave
- Residents will step out the building straight onto Moore Gate

6. Assessment

6.1 The main issues for consideration are whether or not the principle of the development is acceptable, whether the design and appearance of the proposal and its impact on neighbouring amenity is acceptable along with adequate mitigation for noise and ventilation, construction noise and external lighting.

6.2 Principle of Development

6.2.1 The principal of development is acceptable in this location as the site is located within an urban and highly sustainable location within Beeston Town Centre and public transport. It is therefore considered the principle of residential development through conversion and extension of a vacant building is acceptable.

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 To the south lies 16 Moore Gate that shares a joint boundary with the building. Along the joint boundary is the vehicle access and hardstanding leading to the rear garden area and to the side elevation of this dwelling there are two non-habitable room windows. To the north/north west is Mooregate House a three/four storey building providing student accommodation with habitable rooms facing the site.

- 6.3.3 The proposal has taken into consideration the impact that the additional storeys would have on the neighbouring dwellings/habitable rooms by stepping the additional storeys away from the boundary with 16 Moore Gate and also through removal of the existing windows on the eastern elevation first floor which overlook 16 Moore Gate's side and front garden areas. It is considered the proposal would not have a significant detrimental impact on the living conditions of the occupiers of this dwelling and also 18 Moore Gate through loss of light, overlooking or overbearing.
- 6.3.4 To the east of the site, on the opposite side of Moore Gate, is The Star public house and the pub's garden and children's play area. Concerns have been raised regarding the increase in height of the building and the impact this would have on the garden and play area through loss of light, overbearing and overlooking. It is acknowledged there will be some impact on the garden and play area of The Star public house but the existing building already casts a shadow due to the orientation and as such the impact would be minimal. It should be noted the area is a commercial and not a domestic garden and as such any impact would be afforded less weight.
- 6.3.5 The proposal seeks to construct four cluster flats and the proposal has been assessed by Private Sector Housing and subject to clarification on security within the cluster flats no concerns have been raised as long as the appropriate housing licences are applied for. The plans have been assessed against Broxtowe Borough Council House in Multiple Occupation (HMO) property standards and all units are large enough to provide sufficient space for living, sleeping, food storage and food preparation (except where there is a separate shared kitchen provided elsewhere) and as such the proposal complies with the HMO standards.
- 6.3.6 The proposal would not have any significant detrimental impact on the living conditions of residential dwellings around the site.

6.4 Design and visual amenity

- 6.4.1 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.
- 6.4.2 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.

6.4.3 The proposal has been amended to overcome the concerns raised regarding the design, materials and bulk and massing. The proposed scheme seeks to assimilate into the area and be sympathetic to the surrounding buildings on Middle Street and Styring Street. It is acknowledged the building is proposed to be increased in height but the additional storeys have been designed to be set in from the north west elevation along Middle Street and also south east elevation with the dwellings on Moore Gate.

6.4.4 The proposal seeks to use a high standard of materials, render, red brick slips, standing seam metal cladding along with a green wall to soften the appearance but also to respect the existing pallet of materials within close proximity to the site. The design also includes Juliette balconies and roof terraces to break down the bulk and massing. To ensure the materials are of a high standard a condition securing details to be approved would be attached to the decision notice.

6.4.5 To summarise, it is considered the proposed development achieves an acceptable level of design and is in keeping with the area around Middle Street and the surrounding area.

6.5 Highways

6.5.1 Paragraph 116 of the NPPF states that development should only be prevented or 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.

6.5.2 The proposal does not include any parking provision and given the site is located within Beeston Town Centre with good transport links the Highways Authority would not have any concerns in highway terms.

6.5.3 Given the proposal seeks to use the existing access on the eastern elevation the conversion gives an opportunity to set the main door in from the elevation and the creation of a lobby area to the ground floor. As most of the habitable room windows are also on the eastern elevation the Highways Authority has requested that all doors and windows open inwards to ensure pedestrian safety whilst using Moore Gate.

6.5.4 The site is in a sustainable location and subject to conditions complies with the relevant policies.

6.6 Pollution

6.6.1 Policy 19 of the Part 2 Local Plan states development of land potentially

affected by contamination will not be permitted unless and until a site investigation has been carried out to assess the nature and degree of contamination, using a method of investigation agreed in writing with the Council. Paragraph 197 of the NPPF states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 6.6.2 The Councils Environmental Health Officer has assessed the proposal and has stated due to the proximity of the bedrooms to the road and roof mounted ventilation equipment the development should be subject to a noise report in accordance with the provisions of DoT calculations on Road Traffic Noise and BS8233 to predict noise levels at and within the nearest noise sensitive location. This report is to protect future occupiers from excessive environmental noise.
- 6.6.3 As the proposed development is located within close proximity to existing residential properties the Environmental Health Officer has requested a construction/demolition method statement to be submitted to and agreed in writing before works commence on site along with a condition regarding hours of construction and site preparation works to be restricted to 08:00-18:00 Monday to Friday, Saturday 08:00-13.00 and no time at Sunday or Bank Holidays to protect the amenity of neighbouring residents.
- 6.6.4 The submitted plans do not demonstrate any external lighting and the Environmental Health Officer has raised concerns about the potential for light pollution affecting the immediate residents. To overcome these concerns the Environmental Health Officer has requested details of any external lighting associated with the development to be agreed in writing before installation.

6.7 Biodiversity Net Gain

- 6.7.1 The application is exempt from BNG requirements due to the site being a sealed surface as specified in The Biodiversity Gain Requirements (Exemptions) Regulations 2024. As the whole of the site is covered by the building (sealed surface) and is effectively exempt from the 10% net gain requirement.

7. Planning Balance

- 7.1 The benefits of the proposal are that it would make use of a vacant building within a sustainable location to create four cluster flats providing living accommodation. The proposal would not have a detrimental impact on neighbour amenity or highways, and is considered to be in keeping with the area.

8. Conclusion

- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including

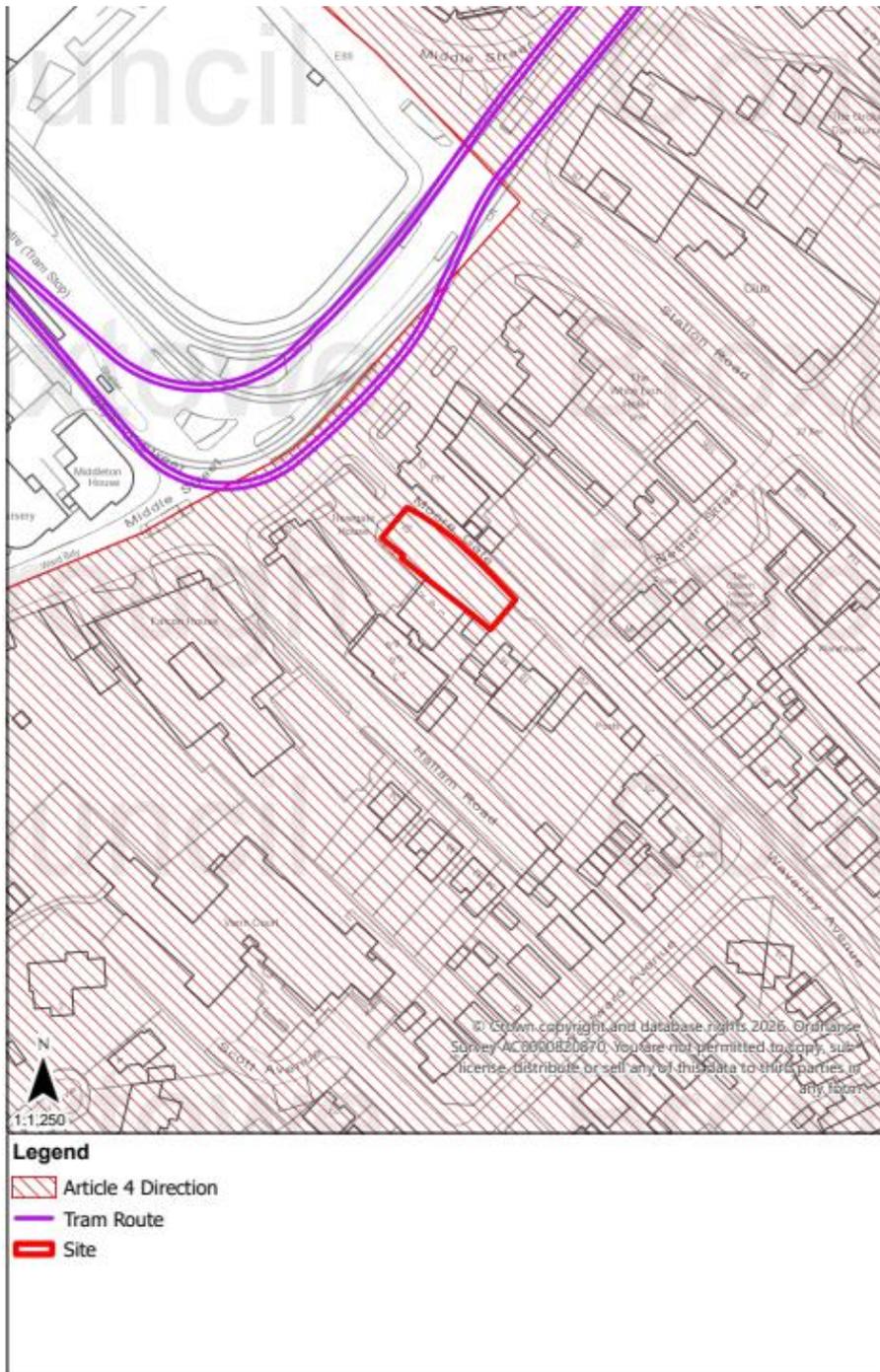
the Public Sector Equality and comments raised in representations received, the development is unacceptable and that there are no circumstances which otherwise would justify the granting of permission

<u>Recommendation</u>	
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. 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.
2.	The development hereby permitted shall be carried out in accordance with the proposed floor plans and site location plan INCO-25-134-(02)-002 Rev PO3 and proposed elevations and block plan INCO-25-134-(02)-003 Rev PO3 received by the Local Planning Authority 15 December 2025. Reason: For the avoidance of doubt.
3.	No above ground works shall commence until samples of external facing and materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details. Reason: To ensure the development presents a satisfactory standard of external appearance, 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).
4.	No development hereby approved shall take place until a Construction/Demolition Method Statement has been submitted to and

	<p>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/demolition of the development; e) A scheme for the recycling/disposal of waste resulting from construction/demolition works; f) Details of dust and noise suppression to be used during the construction phase and; g) The identification, isolation and removal of any asbestos containing materials <p>The approved statement shall be adhered to throughout the demolition/construction period.</p> <p>Reason: In the interests of the amenities of nearby residents 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).</p>
<p>5.</p>	<p>Before the development commences the applicant shall submit a noise report prepared in accordance with the provision of DoT Calculation of Road Traffic Noise and BS8233 to predict noise levels at and within nearest noise sensitive location. Predictions shall be contained in a report within nearest noise sensitive location. Predictions shall be contained in a report which sets out: a large scale plan of the proposed development, noises sources and measurement/prediction points marked on a plan, a lost of noise sources, a list of assumed noise emission levels, details of noise mitigation measures, description of noise calculation procedure, noise levels at a representative sample of noise sensitive locations, a comparison of noise level with appropriate current criteria.</p> <p>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</p>
<p>6</p>	<p>No external lighting shall be erected or installed until a scheme has been submitted in writing and approved by the Local Planning Authority. The scheme shall include a layout plan that covers all proposed external lighting and details of the proposed beam orientation and schedule of equipment in the design, including luminaire type, mounting height, aiming angle and luminaire profiles. In addition, a lighting contour map shall be submitted along with detail of the proposed operating hours for the lighting and how these would be controlled. The approved scheme shall be installed, maintained and</p>

	<p>operated in accordance with the approved details for the lifetime of the development.</p> <p>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Broxtowe Part 2 Local Plan (2019).</p>
7.	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</p> <p>Reason: In the interests of the amenities of nearby residents 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).</p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
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 an address or 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.	<p>The developer is to purchase the first time provision of bins. The Developer should contact BBC Environmental Health for details of bin provision. As per the guidance in BS5906 the bins must be within 10m of the collection point, the collection point being the adopted highway. Bins need to be presented at the edge of adopted highway for emptying.</p>
4.	<p>The hereby approved scheme shall not have any windows or doors opening outwards onto or over the public highway.</p> <p>Reason: In the interests of highway safety to accord with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p>

Map



Plans (not to scale)



Proposed elevations and block plan



Proposed floor plan and site plan



Proposed artist impression of the scheme



Proposed artist impression of the scheme