

Report of the Chief Executive

APPENDIX 2

APPLICATION NUMBER:	19/00267/OUT
LOCATION:	198 CATOR LANE, CHILWELL, NOTTINGHAMSHIRE, NG9 4BE
PROPOSAL:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR CONSTRUCTION OF A BUILDING CONTAINING 10 FLATS WITH PARKING (FOLLOWING DEMOLITION OF EXISTING COMMERCIAL PREMISES)

Councillor R I Jackson has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This is a major planning application seeking outline permission to construct ten apartments. Details of appearance, layout and scale have been submitted as part of this application, with landscaping and access reserved for future consideration (reserved matters). The building will consist of a maximum of three storeys, comprising ten, one/two bedroom self-contained flats which are not HMO's (Houses in Multiple Occupancy). The existing building and rear extensions will be demolished. However, the southern boundary wall will be retained, reinforced and lowered in height. The building will consist of single/two/three storey elements with flat and pitched roofs and dormers. The three storey element will have a cantilevered roof to the west (front). Eight car parking spaces, 12 bicycle stands and bin storage are proposed to the west of the building underneath the cantilevered roof.
- 1.2 The existing retail buildings on site consist of a two storey gable roofed building with an adjoining building with parapet roof positioned to the west facing Cator Lane. To the east (rear) there are a mixture of single storey extensions with mono-pitched roofs and flat roof outbuildings which vary in height.
- 1.3 The main issues relate to whether the principle of a three storey building consisting of ten apartments would be acceptable, if the loss of a retail unit is outweighed by the proposal of residential development in this location, if the development is acceptable in relation to appearance, layout and scale and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean ten additional homes within a sustainable, urban location with access to regular sustainable transport links which would be in accordance with policies contained within the development plan which is given significant weight. The proposed works would contribute to the local economy by providing jobs during the construction process. There would be some impact on neighbour amenity but this is considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks planning permission to construct a building containing 10 one/two bedroom flats which will consist of one to three storeys. The three storey element of the building has a flat and pitched roof, a height to ridge of 9.8m and height to eaves of 6.4m and will step down to two storey then single storey to the east (rear) of the site. The two and single storey elements will have pitched roofs. The pitched roofs to the south (side) elevation of the building will have a minimum eaves height of 3.2m and maximum ridge height of 9.8m. A total of nine dormers are proposed at first and second floor in the north (side) and west (front) roof slopes. Eight car parking spaces accessed from Cator Lane are to the front of the building and a turning head, 12 cycle stands and bin storage are proposed underneath the cantilevered roof.
- 1.2 The proposed ten apartments will consist of five, two bedroom apartments and five, one bedroom apartments. In addition to the bedrooms, each apartment will have a bathroom or en-suite(s) and a kitchen/living/dining area.
- 1.3 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m. An additional dormer was incorporated into both the north and west roof slopes, all dormers were changed from flat to pitched roofs, the gable feature in the north (side) projection was reduced in size, the cantilevered roof was enclosed in the north elevation and reduced in width in the west elevation, the design of the west (front) elevation was changed to a different style of roof and the fenestration was altered and the two flat roof elements were removed and replaced with a sloping roof in the south (side) elevation. The proposal to relocate the bus stop was omitted.

2 Site and surroundings

- 2.1 The site contains a two storey building with gable roof with an adjoining flat roofed building with a parapet roof to the west facing Cator Lane serving a retail unit (selling safety work wear). To the east (rear), there are a mixture of single storey extensions with mono-pitched roofs and flat roof outbuildings which vary in height. The land to the north which is used as informal parking and bin storage is not included within this application site. There is parking for approximately five cars to the west (front) of the site which is accessed from Cator Lane and the frontage is open (apart from some bollards). The retail unit, main building and single storey rear extensions form the boundary with no. 196 Cator Lane and range from approximately 4.4m to 4.8m in height. A brick wall with a fence above extends across part of the northern boundary and a single storey extension with mono-pitched roof forms the remainder of this boundary. A single storey extension forms the east (rear) boundary of the site.
- 2.2 The site lies within a predominantly residential area with some commercial units. No. 196 is a bungalow positioned to the south. The site is positioned approximately 0.4m higher than no. 196 Cator Lane. Park View Court flats are positioned to the east of the site in a three storey building. These flats are

separated from the site by their driveway which provides access to a car park to the south. Nos. 175, 177 and 179 Cator Lane are semi-detached houses positioned to the west. No. 116 – 118 Bramcote Avenue is a school uniform shop positioned to the north.

2.3 The site is within a reasonable proximity of Beeston town centre. A bus stop positioned directly to the west of the site on Cator Lane is served by a regular bus service. The site is a short walking distance from a tram stop.

3 Relevant Planning History

3.1 An application for a change of use from warehousing to a retail shop (81/00590/FUL) was granted permission in September 1981.

3.2 An application to convert part of the warehouse into a joinery workshop (85/00116/FUL) was granted permission in June 1985.

3.3 An application to construct a two storey block of four flats (91/00007/FUL) was granted permission in March 1991. This permission was not implemented.

3.4 An application to construct a boundary wall (92/00110/FUL) was granted permission in April 1992.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 **Saved Policies of the Broxtowe Local Plan (2004):**

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E27: Protection of Ground Water
- Policy H5: Affordable Housing
- Policy H6: Density of Housing Development
- Policy H7: Land Not Allocated for Housing Purposes
- Policy RC6: Open Space: Requirements for New Developments
- Policy T1: Developers' Contributions to Integrated Transport Measures
- Policy T11: Guidance for Parking Provision

4.3 Part 2 Local Plan (Draft)

4.3.1 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 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 17, 26 and 32 but has suggested changes to other policies, including 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 17, 26 and 32 can now be afforded moderate weight, with Policy 15 being afforded limited weight.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 26: Travel Plans
- Policy 32: Developer Contributions

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 **Council's Environmental Health Officer:** raises no objection subject to a condition requiring a scheme of works to remove asbestos to be submitted before development takes place and an advisory in respect of working hours and bonfires.

5.2 **Council's Waste and Recycling Officer:** raises no objection.

5.3 **Council's Business and Projects Manager (Environment):** has not requested an open space contribution. The tree on the corner with Cator Lane should be retained.

5.4 **Council's Housing Strategy and Development Officer:** raises no objection and has not requested an affordable housing contribution.

5.5 **Nottinghamshire County Council as Highways Authority:** raise no objection to the principle subject to further information being submitted in relation to parking/turning facilities, appropriate access widths, visibility splays, surfacing treatment and drainage. Unnecessary to relocate bus stop as cars entering and exiting site can wait for buses to move.

5.6 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** object due to a drainage strategy not being submitted.

- 5.7 **Nottinghamshire County Council Planning Policy team:** has not made a request for an education contribution. Preference to keep bus stop in the same location and only relocate if absolutely necessary due to the highway layout of the area, the catchment area for this bus stop and its vicinity to its paired stop.
- 5.8 **NHS Nottingham City Clinical Commissioning Group (CCG):** has not made a request for a health contribution.
- 5.9 **Nottingham NHS Trust:** request a financial contribution of £3882 to provide additional health care services to meet an increase of patient demand as a result of this development.
- 5.10 **Severn Trent Water Ltd:** no objections but recommend a condition requiring drainage plans to be submitted and agreed.
- 5.11 23 neighbouring properties were consulted and a site notice and amended site notice were displayed. Ten objections, one letter of support and three observations were received and can be summarised as follows:
- Removal of southern boundary will cause loss of privacy and impact adjoining buildings
 - Loss of privacy from windows overlooking garden
 - Loss of daylight/sunlight
 - Overbearing impact/ sense of enclosure
 - Overdevelopment
 - Increase in noise and disturbance from additional residents and from construction works
 - Plans do not state the proposed construction times
 - Increase in pollution and dust
 - Out of keeping with surrounding area
 - Dominates the corner
 - 3m higher than the block of flats adjacent to it
 - Will dwarf neighbouring properties
 - Eight parking spaces is inadequate for this number of flats
 - Increase in on-street parking and congestion
 - Park View Courts parking will be used by the new occupants and their visitors
 - No allowance has been made for disabled parking spaces
 - Cator Lane and Bramcote Avenue junction is already a safety hazard and the proximity of site entrance to this could increase accidents
 - Relocation of bus stop will cause an inconvenience to residents
 - Planting and trees should be included to break up the massing of the building and provide a 'net gain' in line with national policy – insufficient regard been given to such issues (including provision of green/amenity space for the residents) with other developments in the borough
 - Consideration should be given to the northern boundary and maintenance of the areas shown as being soft landscaped to the north as this will require access across neighbouring land
 - Amended plans show an improvement but more landscaping should be included to the front of the building
 - Unclear if recharging of electric cars will be incorporated into the development

- Student housing would not be appropriate for the area
- Unclear how proposal complies with affordable housing policy
- Negative impact on health and well-being
- Refuse disposal facilities are inadequate and inappropriately sited
- Owners of land to the north not notified of application
- Sustainability assessment provision queried
- Application motivated by financial gain
- Future occupiers of the second floor will be disadvantaged as the lift now only goes to the first floor.

6 Assessment

6.1 The main issues for consideration are whether the principle of a three storey building consisting of ten apartments would be acceptable, if the loss of a retail unit is outweighed by the proposal of residential development in this location, if the development is acceptable in relation to appearance, layout and scale and whether there will be an unacceptable impact on neighbour amenity. Landscaping and access will be addressed in this report but are reserved matters and will be subject to a reserved matters application.

6.2 **Principle**

6.2.1 The site is within an existing residential area and represents an opportunity to provide additional housing outside of the Green Belt. There is also a significant need to boost housing supply which sites such as this can help deliver. The Council currently does not have a five year housing land supply and this can only be rectified with the allocation of sites currently in the Green Belt in the Broxtowe Part 2 Local Plan. The provision of 10 flats is considered to be a benefit in terms of five year supply and provision of homes.

6.2.2 Whilst it is acknowledged there will be a loss of a retail unit (safety work wear shop), it is considered that this is a 'main town centre use' and the provision of safety work-wear does not amount to a shop meeting a local need as a small convenience store would. The loss of this store is therefore outweighed by the proposal of residential units which makes an efficient use of the land.

6.2.3 An application to construct a two storey block of four flats (91/00007/FUL) was granted permission in March 1991. Whilst this permission was never implemented and planning policies have changed since 1991, the principle of residential development on this site has previously been assessed as being acceptable.

6.2.4 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will also provide an additional 10 dwellings within an existing settlement in a sustainable location, within a reasonable proximity to Beeston town centre and access to public transport links. The principle of the development is therefore considered to be acceptable.

6.4 Amenity, Design and Layout

- 6.4.1 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m. An additional dormer was incorporated into both the north and west roof slopes, all dormers were changed from flat to pitched roofs, the gable feature in the west (front) projection was reduced in size, the cantilevered roof was enclosed in the north elevation and reduced in width in the west elevation, the design of the west (front) elevation was changed to a different style of roof and fenestration altered and the two flat roof elements were removed and replaced with a sloping roof in the south (side) elevation.
- 6.4.2 It is acknowledged that no. 196 Cator Lane, which is a bungalow positioned to the south of the site, will be the property most affected by this proposal. However, it is considered the amendments incorporated into the proposal have reduced the impact on this neighbour (and other neighbours) to an acceptable level. The most significant amendment is the reduction in height of the three storey element by approximately 2.5m which is 0.2m lower in height than the existing building. The existing relationship between no. 196 and the application site consists of a 4.4m to 4.8m high wall which extends for the majority of the boundary between these two properties and therefore a relatively tall boundary treatment is currently in place. Whilst it is acknowledged the three storey building will be longer than the existing building, the three storey element will project approximately 1.4m beyond the rear elevation of the bungalow which is considered to be an acceptable projection. The section of building extending beyond this has sloping roofs that slope from three to two/one storey, all with an eaves height of 3.2m which is lower than the existing wall. The existing southern boundary is formed by extensions and the retail unit on the application site and as a result of their removal, the southern outer wall will be retained, reinforced and lowered in height to 3.2m. The new building will be set back from the southern boundary by approximately 1m meaning the separation distance between the north elevation of no. 196 and the building will be approximately 4.7m and is considered to be sufficient to counteract the height of the building and sloping roofs. The three storey building will project 2.8m beyond the front elevation which is considered to be acceptable due to the separation distance, it not directly facing primary amenity space and the driveway of no. 196 providing a buffer between these two buildings.
- 6.4.3 With regards to privacy issues, six roof lights are proposed at first and second floor in the south (side) roof slopes. Three of these roof lights are automatic opening vents (AOV) that will be obscurely glazed and only opened in the event of a fire. The two remaining roof lights serve a bathroom and bedroom and due to their high level positioning at second floor and facing no. 196's driveway, it is considered they will not have a clear view of this neighbouring property and will not cause an unacceptable detrimental impact. No. 196 is to the south of site with an east facing rear garden meaning the proposed development will not lead to a significant additional loss of evening sun.
- 6.4.4 To conclude, it is acknowledged the proposed building will cause a loss of some sunlight and daylight and the site is at a higher level than no. 196. However, it is considered sufficient amendments have been incorporated into the design to overcome these issues to an acceptable level. It is considered the separation

distance of 4.7m, sloping roofs with a lower eaves height than the existing southern boundary wall, windows not directly overlooking primary amenity space and the orientation of no. 196 being south of the site, means the proposed flats will not have an unacceptable detrimental impact on no. 196.

- 6.4.5 Park View Court is a three storey building containing 13 flats positioned to the east of the building beyond its driveway. Although Park View Court flats have five windows at ground, first and second floor level in the west (side) elevation, these will not be overlooked as the east (rear) elevations of the building will be blank. The building will be single storey to the rear of the site and although this section will increase in height by approximately 1.8m, this will not be dissimilar to the current relationship these two buildings have which is partially facing a blank elevation of a single storey building. Furthermore, the driveway belonging to Park View Court flats provides a buffer between these two sites.
- 6.4.6 It is considered the intervening strip of land to the north and the road provide a sufficient separation distance with properties along Bramcote Avenue. The building will be set back 11.5m from Cator Lane and due to the intervening road, it is considered the proposed flats will not have an unacceptable detrimental impact on the amenity of nos. 175, 177 and 179 Cator Lane. It is considered that all other neighbours consulted are a sufficient distance from the site that there will not be an unacceptable detrimental impact on their amenity. It is considered that sufficient amendments have been incorporated into the scheme in order to ensure that the amenity of surrounding neighbours will not be significantly compromised.
- 6.4.7 During the course of the application, a number of amendments were incorporated into the scheme and this was largely to reduce the massing and reflect a more cohesive design. The roof was reduced in height by approximately 2.5m as it was considered this appeared bulky and was out of keeping with the height of Park View Court flats to the east. The amended roof height is considered acceptable as this reflects the height of Park View Court flats and has significantly reduced the massing. The dormers have been amended from flat to pitched roofs which ties in with the front and side gable features and reflects the style of pitched roof dormers on Park View Court flats. The gable feature in the north (side) elevation has been reduced in width and simplified in appearance which is considered to be acceptable. The west (front) elevation initially appeared awkward in appearance due to the large cantilevered roof, part hipped roof and unsymmetrical fenestration. The cantilevered roof was enclosed to the north and the opening reduced in width in the west elevation, with brick detailing included across the top. The part hipped roof was replaced with a gable and two pitched roof dormers and the windows were amended to reflect a more symmetrical appearance. It is considered this elevation is now of an acceptable design. The south elevation incorporated flat roof elements which were considered to represent an awkward, poor design. These have been replaced with sloping roofs which reduces the massing of the roof beside the boundary and is now considered to be acceptable. To conclude, it is considered the proposed flats represent an acceptable design. The height is reflective of the Park View Court flats and the massing of the building reduces in size from three to one storey which reduces the visual impact of the building and adds visual interest. The fenestration is relatively symmetrical and the dormers break up the massing of the roof. Overall, it is considered the amendments are sufficient that the flats represent an acceptable design.

- 6.4.8 The layout of the building is considered to be acceptable and represents an improvement from the existing building. The layout of the existing building is a mixture of single/two storey buildings with flat and pitched roofs. It is considered the single storey building serving the retail unit does not represent good design as this projects forward significantly of neighbouring properties along Cator Lane. The proposed layout of the flats would be more in keeping with the bungalows to the south as the proposed building will only project 2.8m beyond the bungalow as opposed to the retail unit which projects 9m. Furthermore, the bungalows along Cator Lane are slightly staggered in their layout meaning this small projection beyond no. 196 will not appear out of character with the built form. It is considered the layout of the building is acceptable and in keeping with the appearance of the street scene.
- 6.4.9 Given the prominent location of the site, a condition will be included to ensure that details and samples of materials are provided in advance of building works commencing.
- 6.4.10 The flats are considered to be an acceptable size with each providing sufficient internal space to provide a living/kitchen/dining area and bedrooms. Furthermore, each apartment has appropriately positioned windows to provide an outlook from each bedroom. Although no outdoor amenity space has been provided, Cator Lane recreation ground is within walking distance of the site which is considered to be acceptable. Whilst there would be no lift access to the second floor this is acceptable and is not an uncommon feature of apartment buildings of three storeys.
- 6.4.11 To conclude, the proposal of a building with a maximum of three storeys to accommodate 10 apartments is considered to be acceptable on this corner plot and residential development has been previously established as being acceptable in this location through the approval of a historical planning application. Furthermore, it is considered sufficient amendments have been incorporated into the proposal to reduce the scale of the building so an acceptable relationship with neighbouring properties can be achieved. It is considered the building is in keeping with Park View Court flats with similar style dormers, window size and overall height. It is considered the removal of the single storey retail unit to the front of the site is a positive element of the scheme and provides an opportunity to improve the street scene on Cator Lane and Bramcote Avenue.

6.5 Parking

- 6.5.1 It is evident within the consultation responses that there is concern that the development does not include sufficient parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area. However, it is considered the amount of parking proposed (eight spaces) is acceptable. The Highways Authority have not objected to the application but have requested further information in relation to parking/turning facilities, appropriate access widths, visibility splays, surfacing treatment and drainage which would be addressed within a reserved matters application. They have stated that the proposed relocation of the bus stop would not be required as a

result of the parking to the front of the flats and that cars would be required to wait for buses whilst they are dropping off and picking up passengers. As this bus stop is not a 'timing point' where buses wait, this would not pose a detrimental risk to highway safety. The plans were amended so that there is no proposal to relocate the bus stop. Due to a lack of objection from the Highways Authority and the sustainable location, it is considered the proposed plans have demonstrated that sufficient parking could be accommodated on site.

6.5.2 It is also relevant that this application will result in the permanent replacement of an A1 retail use that could generate significantly more traffic movements during the day and into the evening when compared to the proposed residential use. There are no planning conditions restricting the opening hours or the nature of the A1 use on this site.

6.5.3 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework 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 planning 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.

6.5.4 The site lies within a sustainable location with access to regular bus services along Cator Lane (with a bus stop being positioned directly in front of the site) and within walking distance of a tram stop. Whilst it is acknowledged there could be some increase in on-street parking as a result of this development, it is considered this would not pose a highway safety risk as the surrounding roads are considered to be relatively low traffic roads. Eight car parking spaces have been provided and the Highways Authority have not raised any objection in relation to the development, especially considering its sustainable location. It is considered likely that car ownership associated with the apartments will be low. However, it is acknowledged that there could be an increase in parking in the surrounding area but for the reasons set out above, it is considered this would not be detrimental to highway safety. Therefore, it is considered that a pragmatic approach needs to be taken in respect of developing the site for residential development.

6.6 Financial contributions

6.6.1 In accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

6.6.2 As the site is less than 1ha in size and is for 10 dwellings, no financial contributions have been requested in respect of affordable housing, integrated transport measures, open space and education.

6.6.3 The NHS Trust have requested a financial contribution of £3882 to provide additional health care services to meet an increase of patient demand as a result of this development. The agent has declined to pay this contribution. As there is no requirement within Broxtowe's adopted planning policy for a contribution of this nature to be requested, it would not be justifiable to refuse this application based on this reason.

6.7 Drainage

6.7.1 The Lead Local Flood Authority (LLFA) have objected to the application in the absence of a drainage strategy. A pre-commencement condition will be included within the recommendation detailing the information that has been requested by the LLFA in order for this objection to be addressed before any development begins on site.

6.8 Other issues

6.8.1 A number of concerns have been raised by residents which will be addressed within this section.

6.8.2 The plans show a small amount of soft landscaping and this matter is reserved and would be subject to a reserved matters application. A condition is included requiring more details in relation to landscaping.

6.8.3 The initial plans showed a refuse collection point on the western boundary of the site with Cator Lane but this has been removed with the amended plans. The bins are positioned under the cantilevered roof but a condition will be included to provide further detail of their positioning to ensure they are within an acceptable distance of the road for refuse operatives to safely move them.

6.8.4 There is no requirement for the application to state the types of occupants that may live in these flats.

6.8.5 There is no planning policy requirement for disabled car parking for dwellings and this issue would be dealt with under Building Regulations.

6.8.6 The concerns in regards to cars potentially parking on land belonging to Park View Court flats as a result of this development is matter to be addressed between landowners and neighbours.

6.8.7 A condition will be included within the recommendation that limits the construction times given the proximity of the site to dwellings.

6.8.8 Whether the application is motivated by a financial gain or not is not a planning consideration.

6.8.9 A sufficient consultation with neighbours has been undertaken with two site notices being displayed and letters sent to adjoining and nearby residents of the site.

6.8.10 The sustainability of an application is assessed on a case by case basis and there is not a requirement for an individual assessment for this application.

7 Planning Balance

7.1 The benefits of the proposal are that it would provide ten additional homes within an existing urban area and would support short term benefits such as jobs during the construction of the proposed dwellings 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 the site’s location within a sustainable, urban area.

8 Conclusion

8.1 To conclude, it is considered the proposed building is of an acceptable size, scale and design that there will not be an adverse effect on neighbour amenity and an acceptable standard of amenity for future occupants of the flats will be provided. The proposed flats are considered to be an acceptable design as the height relates to the neighbouring flats to the east and decreases from three storeys to one storey.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.</p> <p><i>Reason: To comply with S92 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 commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>The outline permission relates to drawings:</p> <ul style="list-style-type: none"> • (04)03 – 00 Rev D, (04)03 – 01 Rev D and (04)03 – 03 Rev D received by the Local Planning Authority on 15 July 2019; • (04)01 – 00 Rev A, (04)04 – 01 Rev F, (04)04 – 02 Rev E and (04)04 – 03 Rev F received by the Local Planning Authority on 16 July 2019; and

	<ul style="list-style-type: none"> • (04)03 – 04 Rev D and (04)03 – 02 Rev D received by the Local Planning Authority on 17 July 2019; and • (04)00 – 01 Rev A received by the Local Planning Authority on 23 July 2019. <p><i>Reason: For the avoidance of doubt.</i></p>
<p>4.</p>	<p>Before any development is commenced, detailed drawings and particulars showing the following (the ‘Reserved Matters’) shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) the means of access and parking provision within the site and b) the landscaping treatment of the site. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.</i></p>
<p>5.</p>	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <ul style="list-style-type: none"> a) access width; b) surfacing treatments; c) visibility splays; and d) drainage of parking/turning areas. <p>All details shall comply with Nottinghamshire County Councils 6'Cs Design Guide and the access and parking areas shall be provided strictly in accordance with the approved details prior to the first occupation of the building.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>The detailed drawings and particulars required under condition 4(b) shall include the following details:</p> <ul style="list-style-type: none"> a. trees 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. details of boundary treatments; d. proposed hard surfacing treatment (including a scheme of

	<p>works to modify the wall on southern boundary) e. planting, seeding/turfing of other soft landscape areas; and f. a timetable for implementation of the scheme.</p> <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial completion of the development 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.</p> <p><i>Reason: No such details were submitted with the application 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).</i></p>
<p>7.</p>	<p>No development, including site clearance, shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:</p> <ul style="list-style-type: none"> • Details of a proven outfall from the site in accordance with the drainage hierarchy. The following options should be considered in order of preference: infiltration, discharge to watercourse and discharge to surface water sewer or discharge to combined sewer; • Justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365; • Evidence the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development; • Demonstrate the site drainage system should cater for all rainfall events up to and including the 1 in 100-year event, including a 40% allowance for climate change; • Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm; • Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference

	<p>should be given to above ground SuDS which provide multi-functional benefits; and</p> <ul style="list-style-type: none"> • Details of who will manage and maintain all drainage features for the lifetime of the development. <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to improve and protect water quality and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>No development, including site clearance, shall commence until a scheme of works to identify and remove asbestos and asbestos containing material is submitted to and approved in writing by the Local Planning Authority. The removal of any asbestos material shall be undertaken strictly in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of public health and safety and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>Notwithstanding the submitted details, no above ground works shall commence until details of the location of the bins has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: To ensure the safe manoeuvrability of bins by refuse operatives and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>10.</p>	<p>No above ground works shall commence until samples of external facing 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.</p> <p><i>Reason: Full details were not submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>11.</p>	<p>The openings annotated as ‘AOV’ 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) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby</i></p>

	<i>residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).</i>
12.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of 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).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by seeking positive amendments and working to determine it within the agreed determination timescale.
2.	The submitted plans are for indicative purposes only in relation to landscaping and access and this decision does not approve the landscaping or access as shown.
3.	No construction waste shall be burnt on site at any time.
4.	The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.

Photographs

West (front) elevation



West (front) and south (side) elevations and no. 196's driveway



East (rear) elevation and northern boundary wall



Southern boundary of site viewed from no. 196 Cator Lane's rear garden



North (front) and west (side) elevation of Park View Court flats



View of outbuildings to the east (rear) of site





Legend

 Site

Plans (not to scale)

