



4 September 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 12 September 2018 in the New Council Chamber, Town Hall, Foster Avenue, Beeston, NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors:	M Handley (Chair)	R D MacRae
	L A Ball BEM (Vice-Chair)	G Marshall
	D Bagshaw	J K Marsters
	J S Briggs	P J Owen
	T P Brindley	R S Robinson
	M Brown	P D Simpson

## A G E N D A

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, in any item on the agenda.

3. MINUTES

PAGES 1 - 16

The Committee is asked to confirm as a correct record the minutes of the meeting held on 25 July 2018.

4.	<u>NOTIFICATION OF LOBBYING</u>	
5.	<u>TREE PRESERVATION ORDER</u>	
5.1	<u>Tree Preservation Order: Eel Hole Wood, Hucknall 2008 WAT/15</u>	PAGES 17 - 20
6.	<u>DEVELOPMENT CONTROL</u>	
6.1	<u>18/00360/FUL</u> Hybrid planning application comprising: full application to construct cinema (Class D2) and commercial units (Class A1 - A5) with ancillary uses (plant, bin stores etc.) and public realm. Outline application for mixed use development to include residential dwellings (Class C3) with car parking, commercial units (Class A1 - A5) and assembly and leisure units (Class D2) with associated ancillary areas (plant and bin stores etc.) (with all matters reserved) <u>Land South East of B &amp; M, Styring Street and Station Road, Beeston</u>	PAGES 21 - 46
6.2	<u>18/00496/ADV</u> Display 2 large format signs and 2 banner signs <u>Land South East of B &amp; M, Styring Street and Station Road, Beesto</u>	PAGES 47 - 52
6.3	<u>18/00441/FUL</u> Change of use from retail (Class A1) to an adult gaming centre (sui generis) <u>62 Nottingham Road, Eastwood, Nottingham, NG16 3NQ</u>	PAGES 53 - 62
6.4	<u>18/00236/FUL</u> Retain poly tunnel <u>Babbington Hall, Westby Lane, Babbington Village, Nottinghamshire, NG16 2SS</u>	PAGES 63 - 72
6.5	<u>18/00295/FUL</u> Construct single and two storey rear extension <u>5 Humber Road, Beeston, Nottingham, NG9 2EF</u>	PAGES 73 - 84
6.6	<u>18/00237/FUL</u> Construct first floor side and single storey rear extensions <u>4 Whitton Close, Chilwell, Nottinghamshire, NG9 6PB</u>	PAGES 85 - 96
6.7	<u>18/00414/FUL</u> Construct two storey side extension <u>59 Pelham Crescent, Beeston, Nottinghamshire, NG9 2ER</u>	PAGES 97 - 104

6.8	<u>18/00439/FUL</u> Construct two storey side extension and alterations to single storey rear extension <u>2 Denewood Avenue, Bramcote, Nottinghamshire, NG9 3EU</u>	PAGES 105 - 112
6.9	<u>18/00308/FUL</u> Construct 6 industrial units (Class B2) and bin store and create vehicular access from Derby Road (part revised scheme) <u>Former Dyeworks Site, West End Street,</u> <u>Stapleford, NG9 7DA</u>	PAGES 113 - 122
6.10	<u>18/00306/FUL</u> Construct single/two storey rear extension, hip to gable roof extension, bin store, insert windows in the side elevation and convert single dwelling to 4 apartments <u>65 Dovecote Lane, Beeston, Nottinghamshire, NG9 1HU</u>	PAGES 123 - 132
6.11	<u>18/00339/FUL</u> 2 storey and single storey side/rear extensions, raise ridge height, rear dormer window and detached garage <u>Assarts Lodge, Temple Drive, Nuthall, Nottinghamshire,</u> <u>NG16 1BH</u>	PAGES 133 - 140
6.12	<u>18/00158/ENF</u> Bin store not built in accordance with the approved plans (16/00646/FUL) <u>Former Victory Club, Walker Street, Eastwood,</u> <u>Nottinghamshire,</u> <u>NG16 3EN</u>	PAGES 141 - 146
7.	<u>INFORMATION ITEMS</u>	
7.1	<u>Appeal Statistics</u>  <b>The Committee is asked to NOTE that the position remains unchanged from that reported at its meeting on 22 March 2017. The Council is not therefore currently at risk of special measures based on the figures reported to Committee on the aforementioned date.</b>	
7.2	<u>Appeal Decisions</u>	PAGES 147 - 156
7.3	<u>Delegated Decisions</u>	PAGES 157 - 166

This page is intentionally left blank



## **PLANNING COMMITTEE**

**12 SEPTEMBER 2018**

Councillor M Handley, Chair

Councillors: D Bagshaw  
J S Briggs  
T P Brindley  
M Brown  
B C Carr (substitute)  
E Cubley (substitute)  
R I Jackson  
R D MacRae  
G Marshall  
P J Owen  
M Radulovic  
R S Robinson  
P D Simpson

Apologies for absence were received from Councillors L A Ball BEM and Councillor J K Marsters.

### 17. MINUTES

The minutes of the meeting held on 25 July 2018 were approved as a correct record and signed, with a minor correction to the attendance.

### 18. DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in item 6.5 as he was acquainted with the objector, minute number 21.5 refers.

Councillor P J Owen declared a non-pecuniary interest in item 6.11 as he and his wife were Governors of Mornington Primary School.

### 19. NOTIFICATION OF LOBBYING

The Committee received notifications of lobbying in respect of the planning applications subject to consideration at the meeting.

### 20. TREE PRESERVATION ORDER

#### 20.1 Tree Preservation Order: Eel Hole Wood, Hucknall, 2008 WAT/15

An application to fell various trees to allow the implementation of essential flood prevention measures had been received from the landowner. It was noted that the

application was supported by Nottinghamshire County Council, the lead authority for flood prevention.

**RESOLVED that permission be granted for the varying of the Tree Preservation Order so that essential flood prevention measures can be implemented.**

21. DEVELOPMENT CONTROL

21.1 18/00360/FUL

Hybrid planning application comprising: full application to construct cinema (Class D2) and commercial units (Class A1 - A5) with ancillary uses (plant, bin stores etc.) and public realm. Outline application for mixed use development to include residential dwellings (Class C3) with car parking, commercial units (Class A1 - A5) and assembly and leisure units (Class D2) with associated ancillary areas (plant and bin stores etc.) (with all matters reserved)

Land South East of B & M, Styring Street and Station Road, Beeston

The application had been brought before the Committee for determination as the Council is the landowner.

The Committee considered the late items for this application which comprised of the conclusions of a desk based archaeological assessment and comments from Nottinghamshire County Council as the Highway Authority and the Council's conservation advisor, along with an addition to paragraph 6.6.4 of the report.

Mr Brigden, objecting, addressed the Committee prior to the general debate.

The Committee discussed the application with reference to the opportunity for Beeston to improve the leisure offering of the town centre to encourage the night time economy. It was noted that there was cross party support for the project.

**RESOLVED unanimously that planning permission be granted subject to the following conditions:**

**Conditions in respect of outline element**

1. **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.**
2. **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.**
3. **No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.**
4. **No phase of development shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:**

- (a) the layout, scale, and external appearance of all buildings;
- (b) the means of access and parking and servicing provision within the site;
- (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
- (d) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings. These details shall be related to a known datum point;
- (e) landscaping.

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

5. No development shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:

- (a) numbers, types, sizes and positions of proposed trees and shrubs;
- (b) proposed hard surfacing treatment;
- (c) planting, seeding/turfing of other soft landscape areas;
- (d) a timetable for implementation of the scheme.

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

6. No phase of development shall commence until plans showing provision for bin storage for that respective phase have been submitted to and agreed in writing by the Local Planning Authority. No building shall be occupied until its respective bin storage has been provided.
7. The development shall be designed in accordance with the Beeston Town Centre Regeneration Design Code (Phase 2), August 2018.
8. No development shall commence until detailed measures for protecting the proposed residential occupants from environmental noise have been submitted to and approved in writing by the Local Planning Authority. Any approved measures shall be completed before any respective dwelling which requires noise mitigation is first occupied, unless an alternative period is agreed in writing by the Authority.
9. a) No development shall commence until a remediation method statement has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems as detailed in GeoMatters Geo-Environmental Assessment report (ref GML17254/2/2 Aug 2018).
- b) No building to be erected pursuant to this permission shall be occupied or brought into use until:

- (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
- (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

**Conditions in respect of full element**

- 10. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
- 11. No development above slab level shall commence until samples/details of the proposed external facing materials, including the lighting strips and detailed drawings of the lighting strips, have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.
- 12. No development above slab level shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
  - (a) numbers, types, sizes and positions of proposed trees and shrubs,
  - (b) proposed hard surfacing treatment,
  - (c) proposed lighting details
  - (d) planting, seeding/turfing of other soft landscape areas,
  - (e) proposed retaining walls or similar structures
  - (f) a timetable for implementation.

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

- 13. No commercial unit shall be first occupied until cycle parking facilities have been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.
- 14. No commercial unit shall be first occupied until the lay-by beside Station Road has been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The lay-by shall be retained for the lifetime of the development in accordance with the agreed details.
- 15. No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.

16. Outdoor seating areas directly associated with commercial uses shall not be used by customers except between the hours of 08:00-23:30 and outside these hours, chairs, tables and other furniture for the purpose of or associated with facilitating outdoor seating, shall be removed from the seating areas.

**Conditions in respect of whole scheme**

17. The development hereby permitted shall be carried out in accordance with drawings numbered: BTCR-LDA-XX-ZZ-M3-A-08 004 'Proposed Site Plan', BTCR-LDA-XX-ZZ-M3-A-08 200 'Proposed Sections', BTCR-LDA-XX-ZZ-M3-A-08 002 'Red Line - Outline Site', BTCR-LDA-XX-ZZ-M3-A-08 106 'Proposed Roof Level', BTCR-LDA-XX-01-M3-A-08 102 'Proposed Plan - Level 01', BTCR-LDA-XX-02-M3-A-08 103 'Proposed Plan - Level 02' and BTCR-LDA-XX-03-M3-A-08 104 'Proposed Plan - Level 03' received by the Local Planning Authority on 21 May 2018; BTCR-LDA-XX-ZZ-M3-A-08 000 'Red Line Overall Development' received by the Local Planning Authority on 22 May 2018 and BTCR-LDA-XX-00-M3-A1-08 005 'Proposed Block Plan' received by the Local Planning Authority on 30 May 2018; 2116\_PL\_01 'Overall landscape masterplan' received by the Local Planning Authority on 20 August 2018 and BTCR-LDA-XX-00-M3-A1-08 100 Rev C 'Proposed plan level 00', BTCR-LDA-XX-ZZ-M3-A1-08 300 Rev B 'Proposed Elevations - North and South Elevations' and BTCR-LDA-XX-ZZ-M3-A1-08 301 Rev B 'Proposed Elevations - East & West Elevations' received by the Local Planning Authority on 30 August 2018.
18. No phase of development shall commence until details of any piling or other penetrative foundation design for that respective phase 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 in accordance with the approved details.
19. No external construction or site preparation work in association with this permission shall be undertaken outside the hours of 07:30-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
20. No amplification equipment shall be used externally and no live music shall be played externally at the site between 23.00 and 08.00 hours on any day.
21. No fixed plant, machinery or equipment shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.
22. The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.

- 23. The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 10 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.**
- 24. No development shall take place until details of a methodology for an archaeological watching brief (in accordance with section 7 of the Archaeological Desk Based Assessment, August 2018) have been submitted to and approved in writing by the Local Planning Authority. The approved watching brief shall be implemented in full accordance with the agreed details.**
- 25. No part of the development hereby permitted shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in the plan.**

### **Reasons**

- 1. & 2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 3. To secure an orderly form of development.**
- 4. The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 5. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 6. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential amenity and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

- 7. To ensure a high quality form of development and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 8. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to protect future occupiers from excessive environmental noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan 2004.**
- 9. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing in the interests of public health and safety.**
- 10. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 11. Insufficient details were submitted with the application and to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 12. Insufficient details were submitted with the application, to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 13. In the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).**
- 14. In the interests of highway safety to ensure sufficient provision is made for servicing and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).**
- 15. To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 16. To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**
- 17. For the avoidance of doubt.**
- 18. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

19. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
20. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
21. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
22. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
23. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
24. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure any below-ground archaeological remains are monitored and recorded, and in accordance with the aims of the National Planning Policy Framework (2018).
25. In the interests of highway safety and the environment to encourage use of more sustainable modes of transport than the car and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).

#### **Notes to Applicant**

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.
3. The applicant is advised to contact Western Power before works commence on site in relation to substations on site.
4. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).



5. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.
6. Ventilation and filtration equipment may require planning permission.
7. Media screens will require advertisement consent.

21.2 18/00496/ADV

Display 2 large format signs and 2 banner signs  
Land South East of B & M, Styring Street and Station Road, Beeston

The application had been brought before the Committee for determination as the Council is the landowner.

There were no late items and no public speakers.

It was noted that the intention of the signs was to keep the public informed of the progress of development on the site.

**RESOLVED** that advertisement consent be granted subject to the following conditions:

1. a) Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.  
  
(b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.  
  
(c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.  
  
(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
  
(e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
2. The development hereby permitted shall be carried out in accordance with drawing numbers BTCR-LDA-XX-ZZ-M3-A1-08 000 and BTCR-LDA-XX-ZZ-M3-A1-08 006 and the four images of the signs received by the Local Planning Authority on 16 July 2018.

**Reasons**

1. In the interests of amenity and public safety.

## **2. For the avoidance of doubt.**

### **Notes to Applicant**

- 1. The Council has acted positively and proactively in the determination of this application by determining it within the eight week determination timescale.**
- 2. It is not permitted for any vehicles to obstruct the tramway at any time and any works on site should accord with the guidance in the “Working Near NET” leaflet.**

#### **21.3 18/00441/FUL**

Change of use from retail (Class A1) to an adult gaming centre (Sui Generis)  
62 Nottingham Road, Eastwood, Nottingham, NG16 3NQ

Councillor M Radulovic requested this application be determined by the Committee.

The late items pertaining to this application were considered by the Committee. There were no public speakers.

The Committee debated the risk to local people of increased anti-social behaviour, the proximity of the school to the site and the nature of the business detracting from the town centre.

**RESOLVED unanimously that planning permission be refused.**

#### **Reason**

The proposal by virtue of its nature, would add to the concentration of non-A1 retail uses in Eastwood town centres Primary Shopping Frontages. Accordingly the loss of a further A1 use would have a detrimental impact upon the vitality and viability of Eastwood Town Centre. The proposed development therefore would be contrary to the aims of Saved Policy S4 of the Broxtowe Local Plan 2004 and Policy 6 of the Adopted Core Strategy 2014 and there are no material considerations that would justify taking a decision at variance to these policies.

#### **21.4 18/00236/FUL**

Retain poly tunnel  
Babbington Hall, Westby Lane, Babbington Village, Nottinghamshire, NG16 2SS

The Committee noted that there were a number of late items with regard to this application including comments with regards to traffic, incongruous development and a written submission from Councillor M J Crow.

Mr Tony Sanderson, the applicant, and Councillor M J Crow, the Ward Member, addressed the Committee prior to the general debate.

There was concern that the application was retrospective, that the development was not appropriate within the Green Belt and whether the tunnel was an appropriate place to exercise dogs. The debate progressed on to the work of the kennels with rescue dogs. It was proposed by Councillor R I Jackson and seconded by Councillor P D Simpson that a temporary permission of one year be granted with the hours of operation to be restricted, the precise wording to be delegated to the Head of

Neighbourhoods and Prosperity in consultation with the Chair of the Planning Committee. On being put to the meeting the amendment was carried.

**RESOLVED** a temporary permission of one year be granted with the precise wording to be delegated to the Head of Neighbourhoods and Prosperity in consultation with the Chair of the Planning Committee and also subject to the following conditions:

1. The development hereby permitted shall be retained in accordance with the Block Plan (1:500) received on 3 April 2018 and the Floor Plan and Elevation Plan (1:100) received by the Local Planning Authority on 11 April 2018.
2. The poly tunnel hereby permitted shall be sprayed dark green within 3 months of the date of this decision, and shall thereafter be retained this colour for the lifetime of the development.
3. The permission shall be for a limited period of one year expiring on the 14th September 2019 when the building works carried out under this permission shall be removed and the land reinstated to the satisfaction of the Local Planning Authority unless prior permission has been obtained in writing from the Local Planning Authority for its retention.
4. The poly tunnel hereby permitted shall not be used except between the hours of 09.00 - 18.00 Wednesday to Sunday and 09.00 - 20.00 on Mondays and Tuesdays.

#### **Reasons**

1. For the avoidance of doubt.
2. 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 Draft Part 2 Local Plan.
3. The building by virtue of its construction and appearance is not suitable for permanent retention.
4. To protect nearby residents from excessive operational noise.

#### **Note to Applicant**

The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.

21.5 18/00295/FUL  
Construct single and two storey rear extension  
5 Humber Road, Beeston, Nottingham, NG9 2EF

The item was deferred at the meeting of the Committee on 20 June 2018 to allow the applicant an opportunity to reconsider their submission and then withdrawn from the

meeting of the Committee on 25 July 2018 due to the late submission of amended plans.

There were no late items with respect to the application.

Mr Richard Jones, objecting and Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The debate focused on concerns regarding the proliferation of Houses in Multiple Occupation in Beeston and the overdevelopment this was causing. There was also concern that this was starting to impact on the diversity of the community which was considered to be a mix of student and family housing. The amenity of the occupants at no.7 Humber Road was discussed in detail, including concerns that the natural light into the kitchen would be severely affected by the proposed extension.

**RESOLVED that planning permission be refused.**

#### Reason

The development is considered to be overbearing and oppressive which would cause a loss of amenity to neighbours at no. 7. Humber Road. Accordingly, the development is considered to be contrary to the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the draft Broxtowe Part 2 Local Plan (Submission Version 2018).

#### 21.6 18/00237/FUL

Construct first floor side and single storey rear extensions  
4 Whitton Close, Chilwell, Nottinghamshire, NG9 6PB

This item had been originally referred to the Committee for a decision by Councillor G Harvey and had been deferred at the meeting of 25 July 2018 to allow the applicant to reconsider their proposal.

There were no late items for the consideration of the Committee.

Mr Malcolm Morrissey, the applicant, addressed the Committee prior to the general debate.

The Committee noted that the design of the extension had been amended to a hipped roof and were satisfied that this mitigated the impact on the amenity of the occupants of no.105 Haddon Crescent.

**RESOLVED that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 4 April 2018, Proposed Block Plan (1:200) received by the Local Planning Authority on 5 April 2018 and drawing number M0318.02 received by the Local Planning Authority on 9 August 2018.**

3. No building operations shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.

### **Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were specified with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

### **Note to Applicant**

The Council has acted positively and proactively in the determination of this application by working to determine this application within the agreed determination timescale.

#### 21.7 18/00414/FUL

Construct two storey side extension  
59 Pelham Crescent, Beeston, Nottinghamshire, NG9 2ER

Councillor P Lally had requested that this application be determined by the Committee.

There were no late items to be considered by the Committee.

Ms Jingyi Yang, the applicant, Mr Matthew Johnson, objecting and Councillor L A Lally made representation to the Committee prior to the general debate.

The Committee were concerned to note that this was an application to extend a family home with a view to making it a house in multiple occupation. It was noted that there were a number of such residences in the area around this address and that there were already problems with parking and refuse due to the number of households. There was also concern regarding the diversity of the area.

**RESOLVED that planning permission be refused.**

### **Reason**

The proposed two storey side extension represents an over intensive form of development which is considered to be harmful to the amenity of the surrounding neighbours. The proposed development, therefore, would be contrary to the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core

Strategy (2014), Policy 17 of the Draft Part 2 Local Plan and the National Planning Policy Framework (2018).

21.8 18/00439/FUL

Construct two storey side extension and alterations to single storey rear extension  
2 Denewood Avenue, Bramcote, Nottinghamshire, NG9 3EU

Councillor J C Goold had requested that the application be determined by the Committee.

There were a number of late items for the Committee to consider including a submission from a neighbour and a written submission from Councillor J C Goold.

Mr Samuel O'Shea, the applicant, Mrs Nazia Tanveer, objecting, and Councillor M E Plackett addressed the Committee prior to the general debate.

The Committee considered the impact of the extension on neighbour amenity. It was proposed by Councillor R I Jackson and seconded by Councillor P J Owen that the item be deferred to allow the applicant time to consider the reduction of the width of the extension by one metre.

**RESOLVED that the application be deferred.**

Reason

To allow for discussion with the applicant about the potential for the reduction of the width of the extension by one metre, addressing concerns regarding the impact on the amenity of the occupants of no.4 Denewood Avenue.

21.9 18/00308/FUL

Construct 6 industrial units (Class B2) and bin store and create vehicular access from Derby Road (part revised scheme)  
Former Dyeworks Site, West End Street, Stapleford, NG9 7DA

Councillor J W McGrath had requested that this application be determined by the Committee.

There were no late items for the Committee to consider and no public speakers.

The Committee noted that HS2 Ltd objected to the application as a substantial part of the site was located within land subject to the Safeguarding Directions for Phase 2b of the HS2 high speed rail line which is to be built in the vicinity. Debate progressed on to the need for jobs in Stapleford, the state of the site at present and noise and disturbance to neighbours.

**RESOLVED that planning permission be refused for the following reasons:**

1. The proposed development would conflict with the HS2 safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is a project of national importance. It is considered that revised proposals or mitigation measures could not overcome these fundamental issues. The proposal is therefore contrary to the National Planning Policy Framework (NPPF) and Policy 15 of the Broxtowe Aligned Core Strategy (2014).
2. The proposed development would expose occupants of the neighbouring residential dwellings to unacceptable noise disturbance from the Class B2 uses due to the orientation of the units and the position of the main goods entrances facing towards residential properties on West End Street. This will result in an unacceptable loss of amenity to occupiers of the residential properties which would be contrary to Policy E34 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the emerging Policy 19 of Part 2 Local Plan (Draft).

### **Note to Applicant**

The Council has tried to act positively and proactively in the determination of this application. However, the Council concluded that the fundamental issues associated with the development could not be overcome by amendments.

#### 21.10 18/00306/FUL

Construct single/two storey rear extension, hip to gable roof extension, bin store, insert windows in the side elevation and convert single dwelling to 4 apartments  
65 Dovecote Lane, Beeston, Nottinghamshire, NG9 1HU

Councillor P Lally had requested that this application be determined by the Committee.

There were no late items in respect of the application.

Councillor L A Lally, Ward Member, made representations to the Committee prior to the general debate.

Members debated the item noting the number of apartments, lack of parking facilities, lack of open space and the facilities for refuse. It was considered that the proposal constituted over development.

**RESOLVED that planning permission be refused.**

### **Reason**

The proposed development would constitute over intensive development which would be out of character with the area, contrary to Policy 10 of the Broxtowe Core Strategy (2014), Policy H7 of the Broxtowe Local Plan (2004), Policy 17 of the draft Part 2 Local Plan (2018) and the National Planning Policy Framework (2018).

#### 21.11 18/00339/FUL

2 storey and single storey side/rear extensions, raise ridge height, rear dormer window and detached garage  
Assarts Lodge, Temple Drive, Nuthall, Nottinghamshire, NG16 1BH

Councillor P J Owen had requested that this application be determined by the Committee.

There was a late item in the form of a letter from the Head Teacher of Mornington Primary School which the Committee considered.

It was noted that the consultation process had taken place during school holidays meaning that there had not been time for the school to put their concerns to the applicant. It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the item be deferred to a later meeting.

**RESOLVED that the application be deferred.**

Reason

To allow for discussion between the school, applicant and planners about safeguarding in relation to the school.

21.12 18/00158/ENF

Bin store not built in accordance with the approved plans (16/00646/FUL)  
Former Victory Club, Walker Street, Eastwood, Nottinghamshire, NG16 3EN

The Committee noted that the bin store at the development had not been constructed in accordance with the plans which were approved under condition 4 of planning reference 16/00646/FUL. A compromise had been suggested by the developers that the structure be retained, but used as a bicycle store with the bin store relocated 4.5 metres from the boundary with the neighbouring property.

The debate took in considerations such as the point of view of the neighbour, the purpose of the drain in the store and the problems caused by traffic to the site.

**RESOLVED that enforcement action be taken due to the adverse impact of the compound on the amenities of the occupants of 145 Nottingham Road (or for the bin store to be put back in the approved position).**

22. INFORMATION ITEMS

22.1 Appeal Statistics

The Committee noted that the position remained unchanged from that reported to it on 22 March 2017 and that the Council was not therefore at risk of special measures based on the figures reported to it on that date.

22.2 Appeal Decisions

The Committee noted the appeal decisions taken by the Planning Inspector.

22.3 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 7 July 2018 and 10 August 2018.



## Report of the Deputy Chief Executive

**TREE PRESERVATION ORDER: EEL HOLE WOOD, HUCKNALL  
2008 WAT/15**1. Purpose of report

To seek permission to vary the Tree Preservation Order WAT/16 Eel Hole Wood, Hucknall 2008 in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. Introduction

An application has been received from the landowner to fell various trees to allow the implementation of essential flood prevention measures, supported by Nottinghamshire County Council's Flood Prevention Team.

3. Appraisal

The TPO WAT/16 was applied in 2008. Since the Tree Preservation Order (TPO) was applied there have been various flooding events to properties along Polperro Way, Hucknall due to surface water run-off and the inability of the present drainage system to deal with extreme weather events. Broxtowe Borough Council have also had numerous complaints from residents of Hucknall about the proximity of trees to buildings, overhanging trees and dangerous trees growing adjacent to the properties at Polperro Way.

After various meetings with the land owner and Mr N Clarke from Nottinghamshire County Council's Flood Prevention Team it has been suggested by officers of Broxtowe Borough Council that a satisfactory resolution would be to vary the TPO by removing the protection from the first 20m of woodland along the boundary with Polperro Way, Christchurch Road, Hucknall. This would then allow the land owner to implement the flood prevention measures as recommended and to be supervised by Nottinghamshire County Council Flood Prevention Team. This would also allow the land owner to deal with the other tree issues that concerned residents have raised. The remaining woodland would be unaffected by the change and still retain the benefits of protection from the TPO.

Maps of the current and proposed TPO areas are included at the appendix.

4. Conclusion

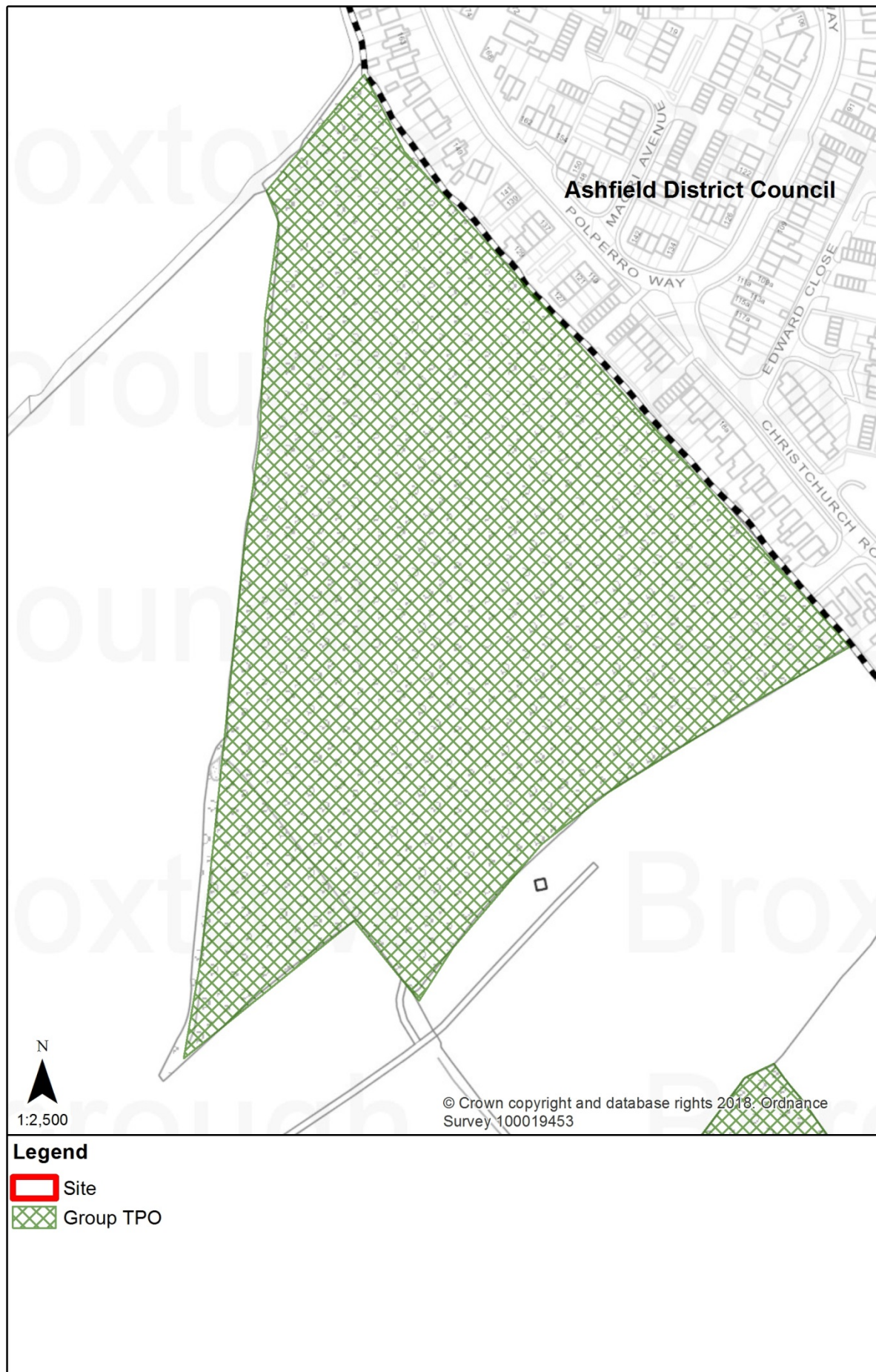
It is the Tree Officer's opinion that by allowing the varying of the TPO in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012 that it would allow the installation of a working flood prevention scheme, new dyke, bunds and an attenuation pond area to control the flow of water from the area. There would be an access track to allow periodic maintenance of the water course and all tree concerns from the residents of the area can be dealt with by the land owner.

Replacement planting will not be required as the planned drainage works will require ongoing free access to the drainage lines for the purposes of maintenance thus ensuring that the housing on Polperro Way is no longer are put at risk of flooding.

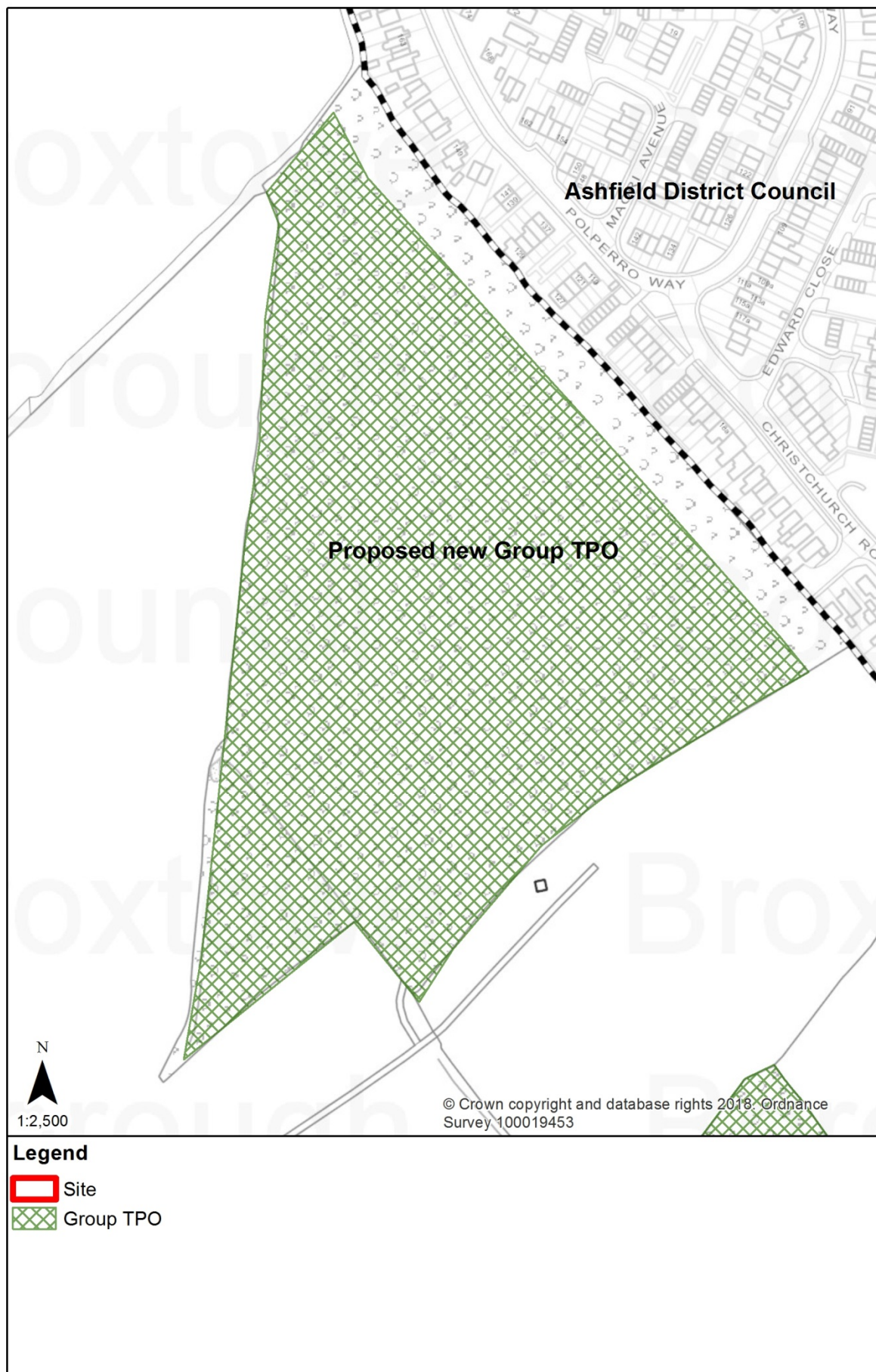
**Recommendation**

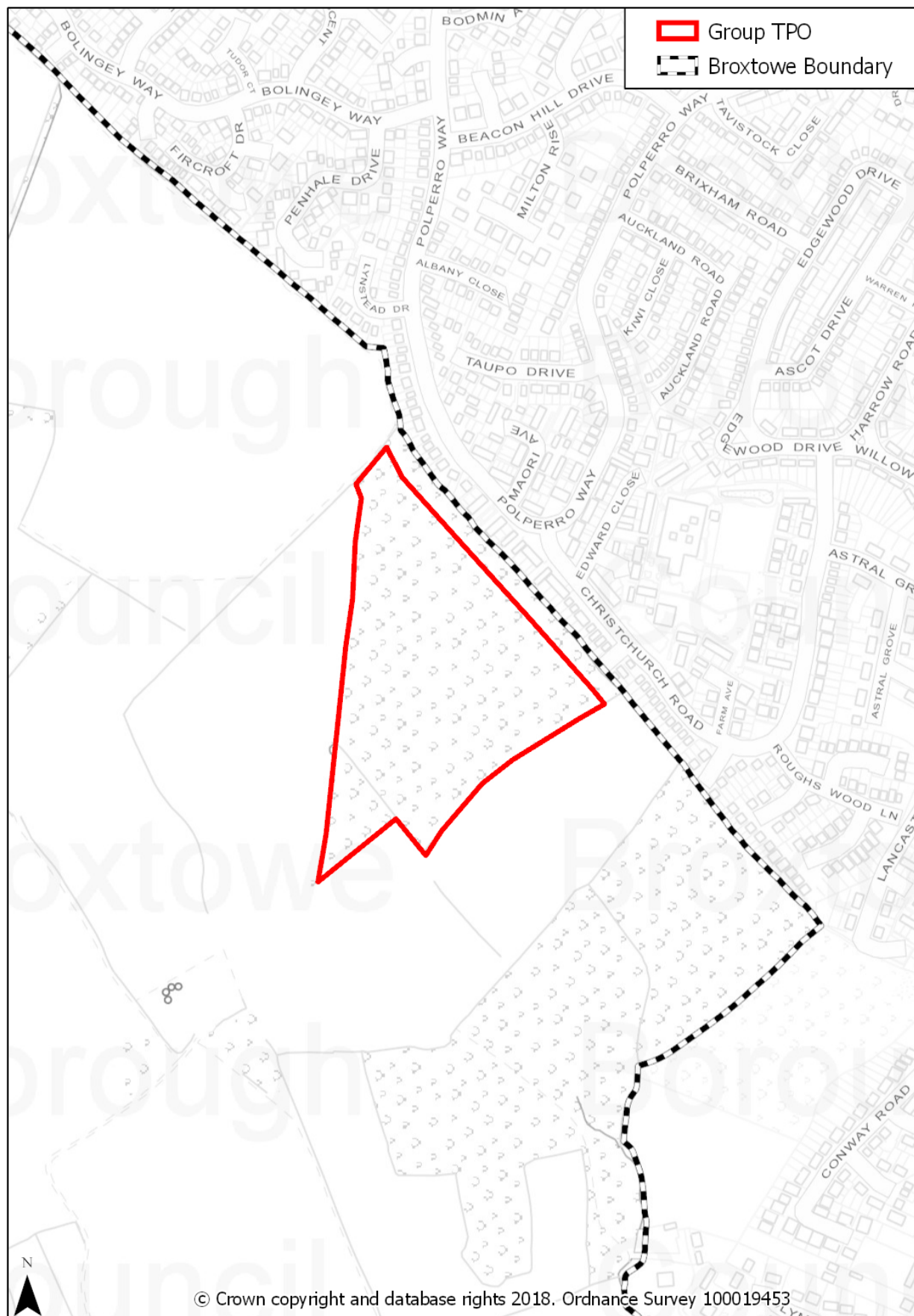
**The Committee is asked to RESOLVE that permission be granted for the varying of the Tree Preservation Order so that essential flood prevention measures can be implemented.**

Background paper; Application to fell









## Report of the Chief Executive

### **18/00360/FUL**

**HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION TO CONSTRUCT CINEMA (CLASS D2) AND COMMERCIAL UNITS (CLASS A1 - A5) WITH ANCILLARY USES (PLANT, BIN STORES ETC.) AND PUBLIC REALM. OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT TO INCLUDE RESIDENTIAL DWELLINGS (CLASS C3) WITH CAR PARKING, COMMERCIAL UNITS (CLASS A1 - A5) AND ASSEMBLY AND LEISURE UNITS (CLASS D2) WITH ASSOCIATED ANCILLARY AREAS (PLANT AND BIN STORES ETC) (WITH ALL MATTERS RESERVED)  
LAND SOUTH EAST OF B & M, STYRING STREET AND STATION ROAD, BEESTON**

This application is to be determined by the Committee as the Council is the landowner and applicant.

#### 1 Details of the Application

1.1 This is a major hybrid planning application comprising two elements. Detailed (full) planning permission is sought for a 19.6m high building accommodating a seven screen cinema (650 seats) at first floor with four commercial units, the cinema lobby, outside seating areas, bin store and substation/plant room at ground floor. These commercial units could be occupied by any use falling within an 'A' Use Class i.e. A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways). A 9.8m wide area of public realm, with central seating areas and planting beds, would be provided to the south east of this building. On the site to the south east of the public realm, outline planning permission, with all matters reserved, is sought for a mixed use development to include dwellings, commercial units (falling within an 'A' Use Class) and assembly and leisure units (Class D2), together with associated parking and ancillary areas (plant and bin stores etc). An indicative number of 132 dwellings has been proposed.

1.2 The following supporting documents were submitted with the application:

- Design and access statement
- Noise and vibration assessment
- Flood risk assessment and sustainable drainage strategy
- Transport assessment
- Travel plan
- Ventilation and extraction statement
- Phase II Geo-environmental investigation
- Preliminary Ecological appraisal
- Energy and sustainability statement
- Design code (for the outline site)
- Viability appraisal.



- 1.3 During the course of the application, a revised Phase II Geo-environmental investigation and further information about the proposed landscaping was submitted.

## 2 Site and Surroundings

Photograph 1



Styring Street                      Site (B & M in background)                      Station Road (Tesco)

Photograph 2



Middle Street with Tesco in background

Photograph 3



Styring Street                      site                      Station Road

Photograph 4



Pedestrian crossing on Station Road

Photograph 5



Site viewed from St John the Baptist churchyard

- 2.1 The site has an area of 0.68 hectare and is located within Beeston town centre. 1.8m high black mesh fencing surrounds the majority of the site. The land slopes down across the site from north west to south east by approximately 2-2.5m. It was formerly occupied by a multi storey car park, bus station, fire station and some commercial units, all now demolished. Part of the site was used as a compound by NET during the construction of the tram tracks. Two council car parks are located towards the middle of the site, both accessed from a single access on Station Road. The north western part of the site is used for temporary events such as Beeston Beach and the south eastern portion of the site is vacant. Hardstanding covers the majority of the site. There are two substations on the site; one beside Station Road and the other towards the north western site boundary. Vehicular access to the site is only possible from Station Road. A pedestrian walkway runs parallel to the north western boundary of the application site.
- 2.2 To the immediate south west of the site is the bus and tram interchange on Styring Street with four-five storey apartments beyond, some of which are located within the Beeston West End Conservation Area. Beyond these apartments, to the north west, is St John the Baptist's church (Grade II listed) and churchyard. There are two other Grade II listed buildings within this area – the Crimean war memorial and Village Cross (both located on Church Street).
- 2.3 The largely blank south eastern wall of the two storey B & M retail unit forms the north western site boundary, with other retail/commercial units in Beeston town centre beyond. Station Road adjoins the north eastern site boundary with a pedestrian crossing leading to the two storey brick and timber clad Tesco store with adjacent car park. To the south east and south of the site there are commercial and residential properties fronting Middle Street.

### 3 Relevant Planning History

- 3.1 In 2017, planning permission (reference 17/00498/FUL) was granted to use the site for outdoor events of more than 28 days duration (e.g. Beeston Beach), including installation of temporary structures. This permission includes a condition which restricts the hours when works in association with an event e.g. construction and dismantling of buildings, commercial deliveries etc can take place (08:00 – 22:00) and restricts the hours when events are open to the public to 09:00-22:00.

3.2 A Design Review of the proposed development took place in March 2018. The Design Review Panel comprised experts from the built environment sector, chaired by an architect, who provided impartial advice on the scheme presented. A site visit was undertaken by the panel and then a discussion was held by the panel with the Council and the architect. After the panel session was held, a letter containing the comments and recommendations of the panel was provided.

3.3 An application for advertisement consent (18/00496/ADV) has been submitted for four marketing signs on the site. This is subject to a separate committee report.

#### 4 Policy Context

##### 4.1 **National policy**

4.1.1 The revised National Planning Policy Framework (NPPF) July 2018, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with an up-to-date development plan without delay.

4.1.2 Weight may be given to emerging plan policies according to the stage of plan preparation, the extent to which there are unresolved objections to the policies, and the degree of consistency of the emerging policies to the NPPF.

4.1.3 Planning conditions and obligations should only be used where they meet the requirements set out in paragraphs 54-56.

4.1.4 The document outlines that the government's key housing objective is to significantly boost the supply of homes and states that there should be a sufficient number and range of homes within safe and well-designed environments.

4.1.5 Town centres are stated to be at the heart of local communities and therefore a positive approach to their growth, management and adaptation should be taken. Residential development should be encouraged on appropriate town centre sites.

4.1.6 To promote healthy and safe communities, social interaction should be promoted through mixed-use developments, places should be safe and accessible (e.g. contain high quality public space) and enable and support healthy lifestyles (e.g. encourage walking and cycling).

4.1.7 In relation to assessing the highway impacts of a proposal, the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development should be designed so as to give priority to pedestrians and cyclists, meet the needs of disabled people, avoid unnecessary street clutter, allow for efficient goods delivery and access by emergency vehicles and enable charging of electric/ultra-low emission vehicles.



- 4.1.8 Section 11 outlines the need to make effective use of land, particularly previously-developed land. To achieve appropriate development density, consideration should be given to the identified need for different housing types, local market conditions, viability, the availability and capacity of infrastructure and services, promotion of sustainable transport, desirability of maintaining an area's character and setting or promoting regeneration and change and the importance of securing well-designed, attractive and healthy places. Where there is an existing or anticipated shortage of housing land, low density housing schemes should be avoided.
- 4.1.9 A fundamental aim of the planning process should be to create high quality buildings and places and section 12 includes guidance on achieving this aim. Design codes should be used to provide clarity of design expectations. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably. Early use of tools and processes such as design review is recommended.
- 4.1.10 The need to take into account contaminated land when determining applications is detailed at paragraphs 178-179.
- 4.1.11 Section 16 deals with heritage assets, including the potential impact of development on their significance and that great weight should be given to the conservation of any such asset.
- 4.2 **Broxtowe Aligned Core Strategy**
- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings. It states that development should demonstrate how carbon dioxide emissions have been minimised. The policy goes on to set out the approach to renewable energy, flood risk and sustainable drainage.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6150 in the Broxtowe Borough part of GN, of which 3800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

- 4.2.5 'Policy 6: Role of Town and Local Centres' sets out the hierarchy of centres, with further details to be included in Part 2 Local Plans. Beeston is classed as a 'town centre'. It states that the vitality and viability of all centres will be maintained and enhanced through widening the range of uses (whilst maintaining a strong retail character), and environmental and access enhancements. The scale and nature of development should be appropriate to the role and function of the centre.
- 4.2.6 'Policy 8: Housing Mix and Choice' sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes, tenures and density. It sets out the approach to affordable housing and establishes a 30 per cent target for Broxtowe Borough.
- 4.2.7 'Policy 10: Design and Enhancing Local Identity' sets design and layout principles to be applied to new development and looks to ensure that an attractive, safe, inclusive and healthy environment is created and that valued local characteristics are reinforced. Heritage assets should be conserved and their settings preserved or enhanced.
- 4.2.8 'Policy 11: The Historic Environment' states that heritage assets and their settings shall be conserved and/or enhanced in line with their interest and significance.
- 4.2.9 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.
- 4.2.10 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.11 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.12 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

#### 4.3 **Saved Policies of the Broxtowe Local Plan**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy K4 'Town Centres' – confirms the four town centres in the borough are the focus for shopping, employment, social, community and leisure uses, combined with residential uses where appropriate and that this mix will be maintained and enhanced through appropriate new development, protection of the character and townscape of centres, accessibility enhancements and safeguarding the character and function of prime shopping frontages.

- 4.3.3 Policy E29 'Contaminated Land' – development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.3.4 Policy E34 'Control of Noise Nuisance' – planning permission will not be granted for housing and other noise sensitive development if the occupants would experience significant noise disturbance.
- 4.3.5 H5 'Affordable Housing' - on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.
- 4.3.6 H6 'Density of Housing Development' - provides density requirements for new residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required (or 45 dwellings per hectare where there is a choice of public transport modes) and, if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.7 H7 'Land Not Allocated for Housing Purposes' – residential development on sites within the existing built-up area will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.8 Policy T1 'Developers' Contributions to Integrated Transport Measures' - planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.9 Policy T11 and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.
- 4.3.10 Policy S1 'Shopping and Associated Uses Within Town Centres' - within the four town centres, planning permission will be granted for the creation, redevelopment or expansion of shops, financial and professional services and food and drink uses (Classes A1-A3), providing there is no unacceptable impact on neighbouring uses or on the vitality and viability of the Town Centre.
- 4.3.11 Policy RC1 'Leisure facilities' - proposals for leisure facilities will be permitted provided seven criteria are met including that the proposal would be well related to the community it serves, the amenity of neighbouring properties and the character of the area would not be adversely affected and appropriate provision is made for vehicle parking and servicing.
- 4.3.12 Policy RC6: Provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design

of any open space provision should take into account the possible provision of features beneficial to wildlife.

#### 4.4 **Part 2 Local Plan (Draft)**

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions anticipated to take place toward the end of this year. All of the policies listed below have been subject to representations that need to be considered through the Part 2 Local Plan examination process so only limited weight can be attached to the policies.
- 4.4.2 Policy 10 – Town Centre and District Centre Uses: within town centre boundaries, permission will be granted for A1 uses and will only be granted for a main town centre use if it does not result in over 10% of the ground floor frontage of the centre falling within this use class or result in over 50% of the primary frontage of the centre falling within a Use Class other than A1 and does not result in an adverse impact on the vitality and viability of the centre. Within town centres, upper floors should be occupied by a main town centre use or residential.
- 4.4.3 Policy 11 – The Square, Beeston: allocates the site for a mixed use, retail-led development with the following key requirements: minimum 100 homes, cinema, emphasis on uses which encourage a vibrant evening economy, public realm enhancements to the east and landmark buildings which provide a gateway into Beeston from the south and the interchange to the south west.
- 4.4.4 Policy 15 – Housing size, mix and choice: proposals on unallocated sites for development of more than 10 units within Use Classes C2 or C3 should provide 30% or more affordable housing on site, unless there are exceptional circumstances. Where less affordable housing is proposed, such applications should be accompanied by a viability assessment. Developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density including the provision of a proportionate amount of accessible and adaptable dwellings and self-build plots.
- 4.4.5 Policy 17 – Place-making, design and amenity: permission will be granted for development which meets a number of criteria including: that it integrates into its surroundings; provides or is close to community facilities; has good access to public transport; creates a place with a locally-inspired or otherwise distinctive character; provides sufficient, well-integrated parking; provides adequate external storage and amenity space and ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.6 Policy 19 - Pollution, Hazardous Substances and Ground Conditions: development of land which may be contaminated will not be permitted until a site investigation has been undertaken and any necessary remedial measures have been agreed.
- 4.4.7 Policy 23 - Proposals affecting designated and non-designated heritage assets: proposals will be supported where heritage assets and their settings are

conserved or enhanced in line with their significance. It will need to be demonstrated that the significance of the assets and their setting is understood, identify the impact of the development upon them and provide clear justification for the development. Criteria for assessing proposals affecting a heritage asset and/or its setting are provided.

- 4.4.8 Policy 24: The health impacts of development – a completed health impact assessment checklist will be required to accompany any application for 50 dwellings or more.
- 4.4.9 Policy 26: Travel Plans – a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sq m or more gross floorspace.
- 4.4.10 Policy 32: Developer contributions – financial contributions may be sought from developments of 10 or more dwellings or 1000 sq m or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

## 5 Consultations

- 5.1 The County Council as Highway Authority confirm that although the proposed development will result in an increase in the number of two-way trips in comparison to the existing car park, the numbers are not significant so no further assessment is required. The shortfall in parking provision shown on the indicative plans for the residential element is seen to be a potential amenity concern rather than a highway safety issue given the Town Centre location and the existing Traffic Regulation Order. This situation will be exacerbated by the absence of parking for the cinema site although the proximity of public car parks and frequent public transport services is noted. Comments are made about the proposed position of the access for the residential site but as this is only indicative, it has been agreed such matters can be conditioned. It is noted a 3.5m wide service route from Station Road to Styring Street is proposed which large sized vans could access. It is suggested the service route be widened to 6m. Further information about a loading bay proposed beside Station Road was sought. Comments are made on the submitted Travel Plan and clarification, amendments and corrections are sought.
- 5.2 The County Council as Lead Local Flood Authority had no objection to the application subject to justification for not using infiltration as a primary means of drainage being provided before construction commences. Following receipt of further information, the LLFA confirmed they have no objection.
- 5.3 The County Council Planning Policy team advise the site is within a Minerals Safeguarding and Consultation Area for sand and gravel. They have no objections from a minerals perspective as the site is within a built up area of Beeston so is unlikely to sterilise a potential future extraction area. Given the scale of the development, they suggest it would be useful for a waste audit to be submitted. No contributions to local bus service provision or bus stop infrastructure are sought.

- 5.4 The Primary Care Manager at NHS Nottingham West Clinical Commissioning Group advises that the proposed residential development would not be easily accommodated within existing primary care resources and would trigger the need to provide health related S106 funding, proportionate to the residential development size. Such a contribution would be invested in enhancing capacity/infrastructure within existing local practices. Until all options have been explored, no definitive answer can be provided as to the most appropriate project but the contribution should be paid on commencement of development.
- 5.5 Western Power advise that they have two substations within the site and that the relocation of these will be fully rechargeable. Additional substations may be required.
- 5.6 Nottingham Express Transit has no objection but advise that liaison will be required during construction to ensure the works are carried out safely due to the close proximity of the site to the tramway. Conditions relating to the provision of 'goal posts' and wheel washing are recommended.
- 5.7 Historic England do not wish to offer any comments. They suggest that the views of the Council's specialist conservation and archaeological advisers are sought.
- 5.8 The Council's Conservation Adviser raises no objection. It is considered the site has an untidy gap appearance, compounded by the exposure of the unattractive blank south east side wall of B & M, which detracts from the adjacent Beeston West End Conservation Area. The proposed development would be a visual focal point on this gateway site, with the Conservation Area as a backdrop. It is noted that the area has a number of multi storey buildings and it is considered the scale of the cinema would respond to these. With appropriate massing (as indicated), the residential development, albeit a taller building, should not be overly dominant or overbearing. The development would remove the gap site and views of the blank side wall of B & M and the proposed development would be visually more cohesive and higher quality than the previously demolished buildings. Although it is noted the proposed buildings would remove views across the site towards the conservation area, these views have not historically been available and are not planned. Given the width of Styring Street, it is considered adequate separation distances would remain, in addition to allowing views of the buildings forming part of the north eastern boundary of the West End Conservation Area. No harm to the Conservation Area would therefore result from the proposed development. In relation to the impact on listed buildings, the setting of the Village Cross and Crimean war memorial (both on Church Street and both Grade II) will not be affected due to the intervening development and limited nature of the setting of these structures. The Church of St John the Baptist is considered to have a spacious and landscaped setting which is separated from the application site. Although the application site would be visible from the churchyard, this would be an oblique view which is already impacted by buildings fronting onto the Square so the spacious setting of the church would not be harmed. Other listed buildings would not be affected due to separation distances and intervening development.

- 5.9 The Council's Business and Projects Manager advises that the landscaping scheme is supported but maintenance arrangements will be important.
- 5.10 The Council's Environmental and Business Development Manager advises on the bin provision requirements for the proposed development.
- 5.11 The Council's Housing section request 30 per cent affordable housing be provided on the site and advises that there is the greatest demand for those in high housing need for one and two bedroom properties.
- 5.12 The Council's Business Growth Manager considers the development would be of great benefit to the town and wider economy, particularly as the site has been derelict for some time and is a distraction from the vibrant and attractive town centre. In June 2018, the town centre occupancy rate was 94% and is consistently above the national average so there is capacity to increase the number of commercial units in the town. The proposed cinema and restaurants will enhance the night time economy of the town, enhancing vibrancy. More jobs will be created and the inclusion of a residential element will provide local businesses with a number of residents in close proximity.
- 5.13 The Council's Technical Environmental Health Officer has no objection subject to conditions relating to piling, construction hours, plant/machinery details and noise, ventilation and filtration equipment, amplification and live music, hours of use for outside seating areas, media screens, contaminated land remediation and noise mitigation measures for the proposed dwellings.
- 5.14 Beeston and District Civic Society consider that the public realm should be more focussed on Styring Street, given the location of the bus and tram interchange. They consider the emphasis given to the cinema entrance is weak, overall the cinema design is "just a box with some surface decoration" and is a missed opportunity to provide a distinctive building. The upper floor of the cinema is expressed as two masses which do not provide any counterpoint to one another due to their similar height and volume. If the form of the building has to be accepted then the final detail of the façade is important and more detail of materials, openings and lighting should be provided. Well designed, decorative brickwork panels would be longer lasting than lighting features which will require maintenance. More detail should be provided to justify the impact on nearby heritage assets.
- 5.15 281 properties in the vicinity of the site were consulted on the application, four site notices were posted around the site and an advert was placed in the Nottingham Post.
- 5.16 21 comments have been received. Of these, three are objections, two are observations and 16 are in support/have no objection.
- 5.16.1 The objections raise concerns the following concerns:
- lack of parking for the development,
  - the design is from the 1960's and is not reflective of the Victorian buildings in Beeston,

- the cinema is too large for Beeston so will not be viable and will fail leaving the town with an ugly, empty, white elephant
- poor use of public money to attract a developer.

5.16.2 The observations request provision is made for public toilets and access to the cinema by mobility scooters. In addition, concern is raised that the Travel Plan is inadequate (just a framework) and lacks substantiation through a travel survey and the contaminated land survey is based on a commercial end use rather than residential.

## 6 Appraisal

6.1 The main issues relating to this proposal are considered to be the design of the scheme, the impact on heritage assets, residential amenity and the highway network, viability and the benefits of the scheme.

### 6.2 **Design**

6.2.1 A detailed design has been submitted for the cinema block and a design code document for the residential/commercial scheme. When considering the design of the cinema block, the Design Review Panel stated that *“the overall approach to the treatment”* of this block *“was considered positive”*. The cinema design is dictated by the nature and size of the proposed cinema so is a functional shape. It is composed of two rectangular blocks (the south eastern block being slightly lower than the north western block) with a glazed corner feature on the (lower) block beside the public realm fronting Styring Street and vertical metal cladding on the corner fronting Station Road and the public realm (media screens were shown in this location, but will require separate advertisement consent). The cinema is cantilevered out to give significance to the cinema entrance and provide cover above the cinema entrance and outside seating areas of the ground floor units. A glazed curtain walling system is proposed fronting Styring Street between the two blocks. The building is proposed to be grey brick, with recessed vertical LED lighting on the outer walls of the upper floor, including on the north west elevation of the proposed cinema where it projects above the building occupied by B & M. The use of glazing and lighting, more transparent materials, help to break up the mass of the cinema and are considered to be suitable materials. As it is a modern building, beside a building with no design merit (B & M), there is considered to be no requirement for it to be reflective of the Victorian buildings in Beeston.

6.2.2 The cinema lobby will be located at ground floor with one commercial unit either side which will add to the vitality and viability of the town centre (and encourage footfall from Station Road and Styring Street) and two more commercial units fronting the public realm. At this lower level, the building will be predominantly glazed with chamfered corners beside the public realm. Outside seating areas are proposed immediately adjacent to the ground floor commercial units. A service yard will be located to the rear of the units, accessed from Station Road so limiting the visual impact of back of house activity from the public realm. Above the ground floor glazing will be a horizontal band of 0.8m high dark grey metal louvres and beside Station Road, there will be six vertical louvres serving the substation/plant room. Three sets of double doors are proposed beside Station Road and one set beside Styring Street. The section of the building



containing the louvres and double doors will be recessed by 1.2m which will create a shadow effect and lessen the prominence of this service area in the street scene.

- 6.2.3 The proposed cinema building will be one of the tallest in Beeston at 19.6m. The Lace Mill on Wollaton Road is approximately 21m tall, the Council Offices are 13.6m tall and the Tesco store on the opposite side of Station Road to the site has a maximum height of approximately 10m. It is considered that the height of the building is acceptable in this town centre location. Having a tall building makes efficient use of the land and allows for a cinema use to be accommodated. It also creates a landmark building and acts as a directional reference point for the town centre.
- 6.2.4 Landscaping will take place to the south east of the proposed cinema building and abutting the outside seating areas of the commercial units, comprising four main planting beds with two smaller beds beside Station Road. The planting will include trees and public seating areas are proposed beside the planting beds. As a result of the Design Review Panel's comments, the corner of the building at the junction with Station Road and the open space have been angled so as to open up the public realm area when approaching the site from Station Road (which is reflective of the Styring Street approach). A path leads from the public realm directly to the pedestrian crossing towards Tesco.
- 6.2.5 Subject to conditioning material samples and details of the vertical lighting, the design of the cinema and commercial units is considered to be acceptable.
- 6.2.6 The Design Code for the residential/commercial scheme includes massing, key building lines, materials, entrance zones and maximum building heights. 132 residential units have been included in an indicative scheme for the site, with the indicative elevations showing a building which is in part eight storeys high (over 26m). It is considered a building of such a height can be achieved in an acceptable manner subject to the detail. As the residential/commercial scheme is in outline, it will be conditioned that the development is designed in accordance with the submitted Design Code to ensure a high quality scheme is achieved.
- 6.3 **Heritage assets**
- 6.3.1 Although the site itself contains no designated heritage assets, consideration has to be given to the impact of the proposed development on the heritage assets in the surrounding area, notably those located to the south west of the site, including the Beeston West End Conservation Area and three listed buildings (Church of St John the Baptist, the Village Cross and Crimean War Memorial). Of these, the setting of the cross and memorial would not be affected by the development due to intervening development and the limited nature of the setting of these structures. Other listed buildings in the locality would also not be affected due to separation distances and intervening development. As such, the church is identified as the only protected building that could potentially be affected.
- 6.3.2 The church (grade II) has a spacious and landscaped setting. Given the intervening road and buildings, there is no clear relationship between the

application site and the church. However, the site would form part of the backdrop when looking east/south east from the churchyard. This part of the setting is already impacted by buildings fronting onto The Square and as the application site is offset, it is considered the impact would be marginal. There would be a degree of inter-visibility but it is considered the spacious setting of the church would not be harmed.

- 6.3.3 The current appearance of the application site is considered to detract from the adjacent Beeston West End Conservation Area as it is visible on approaching the town centre with the Conservation Area as a backdrop. As the development will remove the gap site and views of the visually poor side elevation of B & M, it is considered it will be of benefit to the appearance of the Conservation Area. It is considered the proposal will be visually a more cohesive and higher quality development than the buildings that have been demolished. The area has a number of multi storey buildings and the scale of the cinema building is considered to respond to these. Although the residential scheme would introduce a taller building than any of the existing buildings, the proposed massing should ensure it would not be overly dominant or overbearing. The proposed buildings would remove views across the site towards the Conservation Area; however, these views have not historically been available and are not planned. Furthermore, as Styring Street is wide, this will ensure adequate separation distance remains and allow views of the buildings forming the boundary of the Conservation Area. It is therefore considered the proposal will not be harmful to the character or appearance of the Conservation Area.
- 6.3.4 Given the development history of the site, it is considered to be unlikely that significant archaeology will be affected by the proposal.
- 6.3.5 The Council's Conservation Advisor has raised no objection to the application. Overall, it is considered the proposed development will not harm any heritage assets and will be of benefit to the Beeston West End Conservation Area in terms of providing a high quality scheme on an adjacent gap site.
- 6.4 **Residential amenity**
- 6.4.1 No concern has been expressed by residents in terms of the impact of the development on amenity. The site is located in the town centre beside the tram/bus interchange and main roads so it is considered to be unnecessary to restrict the opening hours of the commercial units on the site given the level of noise created in such a location. However, to protect the amenity of existing residents to the south west of the site and the future residents of the proposed housing to the south east, restrictions will be placed on the hours that the outside seating areas associated with the commercial units can be used.
- 6.4.2 The Manor Centre development is comprised of four-five storey buildings fronting Styring Street opposite the outline site, with Middleton House on the corner of Styring Street and Middle Street being a three-four storey building. There is a distance of over 30m between the outline site and the nearest residential neighbours on the Manor Centre development (to the south west of the site). Although the residential/commercial properties to the south east of the site are located at a lower level than the site, there is a separation distance of over 35m between the site boundary and the front elevation of the nearest

property. Given these separation distances and as the site has roads on three sides and on the fourth side adjoins a retail unit (B & M), it is considered the proposed development will not be overbearing or cause any significant loss of light to nearby residents. The residential/commercial building on the outline site will be tall but it is considered that a building(s) can be designed which does (do) not have an adverse impact on the amenity of existing residents.

- 6.4.3 By virtue of the restricted size of the outline site and the need for a certain number of dwellings to make the scheme viable, the density of the proposed residential development will be high. From the indicative plans submitted, it is considered that a development can be designed which will afford the future residents with a sufficient level of amenity. The site is located immediately beside the tram tracks on two sides and by roads on three sides so it will be conditioned that suitable noise mitigation measures are integrated into the design of the new building(s) to minimise noise disturbance for future residents.

**6.5 Highway safety considerations**

- 6.5.1 No parking is proposed for the cinema and ground floor commercial units on the north western site. A lay-by beside Station Road is proposed to be used for servicing of these units. Parking and servicing arrangements for the residential/commercial site are only indicatively detailed as this part of the scheme is an outline application.

- 6.5.2 Lack of parking has been raised as a concern by an objector to the development. Given the very sustainable location of the site within Beeston town centre and beside the tram and bus interchange, it is considered acceptable for there to be no parking provision associated with the cinema and commercial units. The location of the site will encourage use of public transport and for those who choose to drive, public car parks are available within the town centre. It is considered the cinema and food and drink units below are likely to be in greatest demand in the evening hours when parking is free and availability of spaces is much higher as most town centre shops will be closed.

- 6.5.3 The provision of the Station Road lay-by will be conditioned to ensure it is provided prior to the cinema/commercial units coming into use to ensure sufficient servicing provision is made.

- 6.5.4 In terms of the residential/commercial site, details of access, parking and servicing can be conditioned to ensure that there is no harm to highway safety, particularly at the Middle Street/Station Road junction.

- 6.5.5 The submitted Travel Plan has been amended to address the deficiencies raised by the County Council.

- 6.5.6 In conclusion, it is considered that there are no significant highway issues which would warrant refusal of the application based on guidance contained in the NPPF, subject to conditions relating to matters detailed above.

**6.6 Viability**

- 6.6.1 The NPPF advises that planning obligations should only be sought where they meet all of the following tests:

- 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 The size of the residential development generates the need for the provision of affordable housing and financial contributions towards education, improving public transport in the local area (ITPS) and the provision and maintenance of public open space.

6.6.3 The applicant submitted a viability appraisal which concluded that the development was not viable if any contributions were insisted upon. This was reviewed for the Council by an independent consultant who agreed that the scheme was not viable if contributions were sought.

6.6.4 The reviewing consultant has recommended an overage agreement be sought to secure contributions should the scheme be more profitable than currently envisaged. As the Council is both the applicant and the Local Planning Authority, this means a S106 Agreement cannot be used due to difficulties of enforceability. It is very clear that the scheme as proposed is not viable with any S106 contributions. However, the situation may change in the future and were it to do so, the Council would look for provision to be in place to capture any upturn in value. This should be factored into the contract of sale of the residential site. It is therefore not a determining factor for this application.

## 6.7 **Benefits**

6.7.1 The site has been under-utilised for a number of years due to the economic climate and the prolonged use of a large portion of the site during the construction of the tram. Bringing the site back into active use is seen as a significant benefit of the scheme.

6.7.2 A cinema and associated development will attract visitors to Beeston town centre in the evening and therefore provide a boost to the night time economy of the town which is a current identified deficiency.

6.7.3 The proposed cinema and other commercial units will add to the range of uses available in Beeston town centre and create associated jobs. In addition, some construction jobs will be created to build out the development. Other economic benefits will be New Homes Bonus and rateable income.

6.7.4 The design quality of the scheme overall is considered to be an enhancement to the area. Through the provision of public realm through the centre of the site, improvements to the appearance of the town centre will occur.

6.7.5 It is considered that the proposed development will meet the NPPF objective of sustainable development as a number of economic, social and environmental benefits will arise from the proposed development.

6.7.6 The Council does not currently have a five year housing land supply. This matter will be rectified with the allocations included in the draft Part 2 Local Plan which will be subject to examination hearing sessions later this year. Given the

current lack of a five year land supply, as paragraph 11 of the NPPF states, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF's policies taken as a whole. As there is not considered to be any harm to heritage assets, highway safety or neighbour amenity and as the design is considered to be acceptable as discussed in the sections above, permission should be granted. The residential element will provide much needed housing in a sustainable location and assist in meeting the Council's housing targets at a time when a five year land supply cannot be demonstrated. In addition, there are other benefits of the scheme as listed above.

**6.8 Other issues**

- 6.8.1 The Environmental Health Technical Officer is satisfied with the ground investigation reports submitted and recommends a remediation condition.
- 6.8.2 There is no planning policy requirement for public toilets to be provided on the site and toilets are available in local cafés, public houses, supermarkets and the Council Offices.
- 6.8.3 The Council as landowner and a public body has a responsibility to make efficient use of its resources. In addition, specifically in relation to this site, it has to balance this efficiency aim with ensuring Beeston town centre remains a viable and attractive town centre for all users. The long terms viability of a cinema is a matter for future developers.
- 6.8.4 Until a scheme has planning permission, it is difficult to attract a developer and the advertisement consent application is a pre cursor for attracting developers.
- 6.8.5 The applicant has been in contact with Western Power about the substations on site and obtained a quotation for relocation and upgrading.
- 6.8.6 Lifts are proposed within the cinema and all the units will have level access so the development will be accessible.

**6.9 Conclusion**

- 6.9.1 The redevelopment of this prominent, gap site will be of benefit to Beeston town centre as a whole. It is considered the detailed scheme achieves a high standard of design and that the overall development will not have a harmful impact on heritage assets. The cinema and associated uses at ground floor will provide a boost to the vitality and viability of the town centre, particularly the night time economy. The site is located in a highly sustainable location and the outline proposal will provide much needed housing. It is considered a residential development can be designed which provides a sufficient standard of amenity for future occupants and without having an adverse impact on neighbouring residents. There is considered to be no significant harm to highway safety arising from the proposal. Subject to the conditions as detailed below, the proposed development is considered to accord with national and local planning policy.

**Recommendation**

The Committee is asked to **RESOLVE** that planning permission be granted subject to the following conditions:

**Conditions in respect of outline element**

1. 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.
2. 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.
3. No development shall commence until a phasing plan for the whole outline site has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing plan.
4. No phase of development shall be commenced until detailed drawings and particulars showing the following for that respective phase have been submitted to and approved in writing by the Local Planning Authority:
  - (a) the layout, scale, and external appearance of all buildings;
  - (b) the means of access and parking and servicing provision within the site;
  - (c) the particulars of the materials to be used in the facing of the external surfaces of all buildings;
  - (d) cross sections through the site showing the finished floor levels of the new buildings in relation to adjacent land and buildings. These details shall be related to a known datum point;
  - (e) landscaping.

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

5. No development shall be commenced in respect of any phase until a landscaping scheme for that respective phase of development has been submitted to and approved in writing by the Local Planning Authority. Each scheme shall include the following details:
  - (a) numbers, types, sizes and positions of proposed trees and shrubs;
  - (b) proposed hard surfacing treatment;
  - (c) planting, seeding/turfing of other soft landscape areas;
  - (d) a timetable for implementation of the scheme.

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

6. No phase of development shall commence until plans showing provision for bin storage for that respective phase have been submitted to and agreed in writing by the Local Planning Authority. No building shall be occupied until its respective bin storage has been provided.
7. The development shall be designed in accordance with the Beeston Town Centre Regeneration Design Code (Phase 2), August 2018.
8. No development shall commence until detailed measures for protecting the proposed residential occupants from environmental noise have been submitted to and approved in writing by the Local Planning Authority. Any approved measures shall be completed before any respective dwelling which requires noise mitigation is first occupied, unless an alternative period is agreed in writing by the Authority.
9.
  - a) No development shall commence until a remediation method statement has been submitted to and approved in writing by the Local Planning Authority. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems as detailed in GeoMatters Geo-Environmental Assessment report (ref GML17254/2/2 Aug 2018).
  - b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-
    - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the Local Planning Authority; and
    - (ii) It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.

**Conditions in respect of full element**

10. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
11. No development above slab level shall commence until samples/details of the proposed external facing materials, including the lighting strips and detailed drawings of the lighting strips, have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with those details.
12. No development above slab level shall commence until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:
  - (a) numbers, types, sizes and positions of proposed trees and shrubs,
  - (b) proposed hard surfacing treatment,

- (c) proposed lighting details
- (d) planting, seeding/turfing of other soft landscape areas,
- (e) proposed retaining walls or similar structures
- (f) a timetable for implementation.

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

13. No commercial unit shall be first occupied until cycle parking facilities have been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. These facilities shall thereafter be retained in the agreed form for the lifetime of the development.
14. No commercial unit shall be first occupied until the lay-by beside Station Road has been provided in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The lay-by shall be retained for the lifetime of the development in accordance with the agreed details.
15. No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the commencement of the respective use. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.
16. Outdoor seating areas directly associated with commercial uses shall not be used by customers except between the hours of 08:00-23:30 and outside these hours, chairs, tables and other furniture for the purpose of or associated with facilitating outdoor seating, shall be removed from the seating areas.

#### Conditions in respect of whole scheme

17. The development hereby permitted shall be carried out in accordance with drawings numbered: BTCR-LDA-XX-ZZ-M3-A-08 004 'Proposed Site Plan', BTCR-LDA-XX-ZZ-M3-A-08 200 'Proposed Sections', BTCR-LDA-XX-ZZ-M3-A-08 002 'Red Line - Outline Site', BTCR-LDA-XX-ZZ-M3-A-08 106 'Proposed Roof Level', BTCR-LDA-XX-01-M3-A-08 102 'Proposed Plan - Level 01', BTCR-LDA-XX-02-M3-A-08 103 'Proposed Plan - Level 02' and BTCR-LDA-XX-03-M3-A-08 104 'Proposed Plan - Level 03' received by the Local Planning Authority on 21 May 2018; BTCR-LDA-XX-ZZ-M3-A-08 000 'Red Line Overall Development' received by the Local Planning Authority on 22 May 2018 and BTCR-LDA-XX-00-M3-A1-08 005 'Proposed Block Plan' received by the Local Planning Authority on 30 May 2018; 2116\_PL\_01 'Overall landscape masterplan' received by the Local Planning Authority on 20 August 2018 and BTCR-LDA-XX-00-M3-A1-08 100 Rev C 'Proposed plan level 00', BTCR-LDA-XX-ZZ-M3-A1-08 300 Rev B 'Proposed Elevations - North and South Elevations' and BTCR-LDA-XX-ZZ-M3-A1-08 301 Rev B 'Proposed Elevations -



East & West Elevations' received by the Local Planning Authority on 30 August 2018.

18. No phase of development shall commence until details of any piling or other penetrative foundation design for that respective phase 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 in accordance with the approved details.
19. No construction or site preparation work in association with this permission shall be undertaken outside the hours of 07:30-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.
20. No amplification equipment shall be used externally and no live music shall be played externally at the site between 23.00 and 08.00 hours on any day.
21. No fixed plant, machinery or equipment shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.
22. The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.
23. The approved landscaping for each phase of development shall be carried out not later than the first planting season following the substantial completion of each respective phase or first occupation of the building(s) within the respective phase, whichever is the sooner, and any trees or plants which, within a period of 10 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.

#### Reasons

1. & 2. To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. To secure an orderly form of development.
4. The application was submitted in outline only so no such details were provided and the development cannot proceed satisfactorily without such details being provided before development commences to ensure that the details are satisfactory and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
5. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding

- matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of the appearance of the area and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
6. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure sufficient provision is made for bin storage on the site in the interests of highway safety and residential amenity and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  7. To ensure a high quality form of development and in accordance with the aims of the NPPF and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  8. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to protect future occupiers from excessive environmental noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan 2004.
  9. Insufficient details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing in the interests of public health and safety.
  10. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
  11. Insufficient details were submitted with the application and to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  12. Insufficient details were submitted with the application, to ensure the details are satisfactory and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  13. In the interests of supporting sustainable modes of transport and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
  14. In the interests of highway safety to ensure sufficient provision is made for servicing and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004) and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
  15. To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  16. To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
  17. For the avoidance of doubt.
  18. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

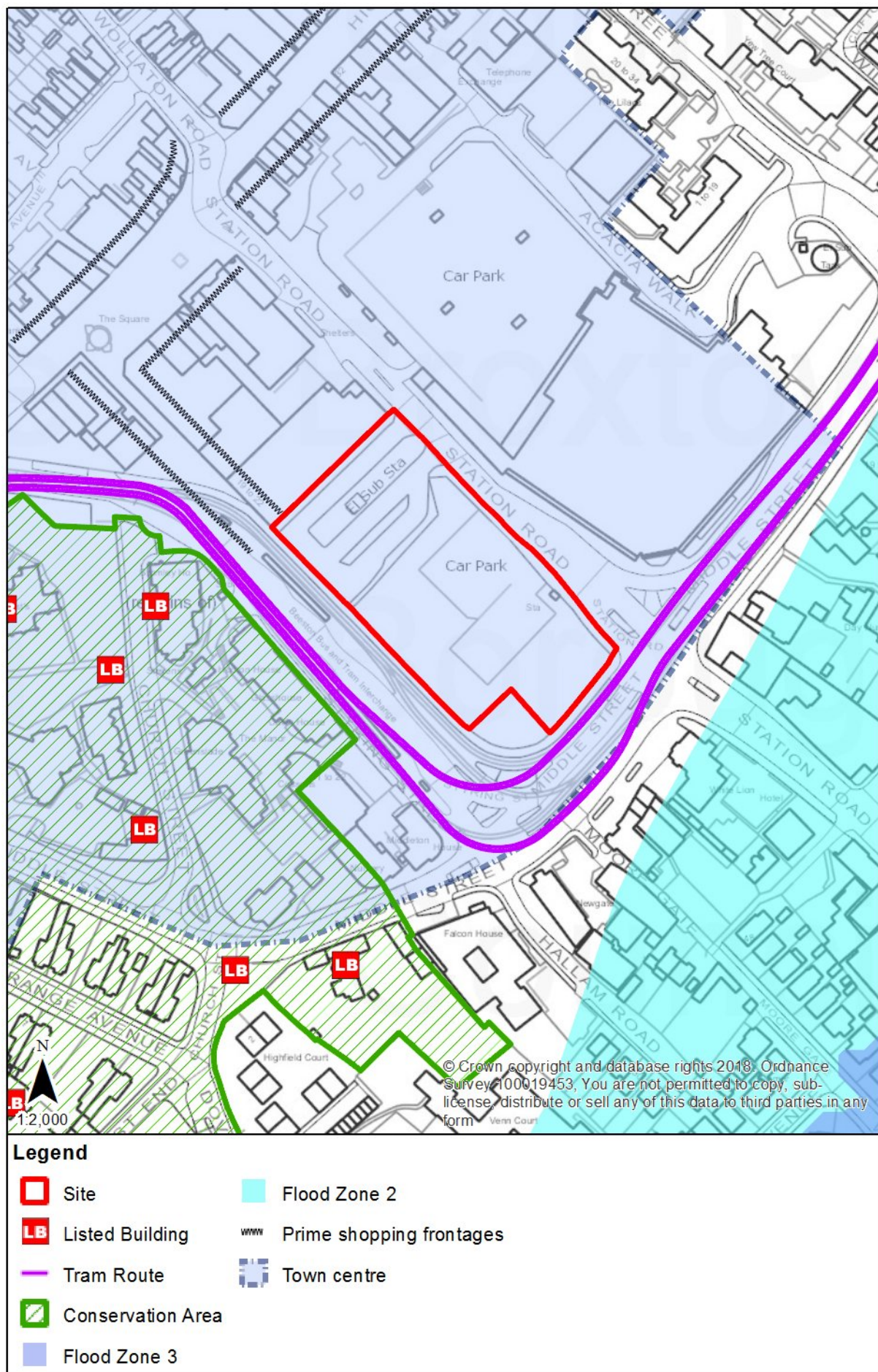
19. To protect nearby occupants from excessive construction noise and vibration and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
20. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
21. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
22. To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
23. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

**Note to Applicant**

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.
3. The applicant is advised to contact Western Power before works commence on site in relation to substations on site.
4. It is not permitted for any vehicles to obstruct the tramway at any time and consideration should be given to erecting a warning sign at the construction site exit point to warn of overhead lines. Please contact the Nottingham Express Transit (NET) Project Office for further information (0115 876 4095).
5. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.
6. Ventilation and filtration equipment may require planning permission.
7. Media screens will require advertisement consent.

Background papers  
Application case file





This page is intentionally left blank



## Report of the Chief Executive

**18/00496/ADV**

**DISPLAY 2 LARGE FORMAT SIGNS AND 2 BANNER SIGNS**

**LAND SOUTH EAST OF B & M, STYRING STREET AND STATION ROAD, BEESTON**

This application is to be determined by the Committee as the Council is the landowner and applicant.

### 1 Details of the Application

1.1 This is an application for advertisement consent for two wooden freestanding signs measuring 2.44m high by 4.88m wide (2m from the ground to the base of each advertisement) and two fabric banner signs (0.75m high by 4.5m wide) which would be affixed to the boundary fencing (1.2m from the ground to the base of the advertisements). The two freestanding signs will be located to the south east of the site – one facing the Middle Street/Station Road junction and the other in the southern corner of the site facing the tram lines on Styring Street. One banner sign will be located beside Station Road towards the northern corner of the site and the other banner sign will be located beside the pavement on Styring Street facing the tram stop. The signs will not be illuminated.

1.2 The two freestanding signs will advertise the site for sale, with one for the cinema site and one for the residential site and will include an image of the proposed development and contact details. There will also be images on both banner signs and again one relates to the residential development and states “Coming soon work to start on site in 2019” and one relates to the cinema development and states “Opening 2020”. Both banners will include the Council logo and a Council vision statement.

### 2 Site and Surroundings



Location of proposed freestanding sign beside Styring Street



Location of proposed freestanding sign at junction of Middle Street and Station Road



Location of proposed banner sign beside Station Road



Location of proposed banner sign beside Styring Street tram stop



- 2.1 The site has an area of 0.68 hectare and is located within Beeston town centre. 1.8m high black mesh fencing surrounds the majority of the site. The land slopes down across the site from north west to south east by approximately 2-2.5m. Two council car parks are located towards the middle of the site, both accessed from a single access on Station Road. The north western part of the site is used for temporary events such as Beeston Beach and the south eastern portion of the site is vacant. Hardstanding covers the majority of the site. There are two substations on the site; one beside Station Road and the other towards the north western site boundary. Vehicular access to the site is only possible from Station Road. A pedestrian walkway runs parallel to the north western boundary of the application site.
- 2.2 To the immediate south west of the site is the bus and tram interchange on Styring Street with four-five storey apartments beyond, some of which are located within the Beeston West End Conservation Area. Beyond these apartments, to the north west, is St John the Baptist's church (Grade II listed) and churchyard. There are two other Grade II listed buildings within this area – the Crimean war memorial and Village Cross (both located on Church Street).
- 2.3 The largely blank south eastern wall of the two storey B & M retail unit forms the north western site boundary, with other retail/commercial units in Beeston town centre beyond. Station Road adjoins the north eastern site boundary with a pedestrian crossing leading to the two storey brick and timber clad Tesco store with adjacent car park. To the south east and south of the site there are commercial and residential properties fronting Middle Street.

### 3 Relevant Planning History

- 3.1 In 2017, planning permission (reference 17/00498/FUL) was granted to use the site for outdoor events of more than 28 days duration (e.g. Beeston Beach), including installation of temporary structures.
- 3.2 A hybrid planning application (reference 18/00360/FUL) for a mixed use development on the site including a cinema, commercial units and residential units is subject to a separate committee report.
- 3.3 There are existing banner signs on the perimeter fencing and these are subject to an enforcement case.

### 4 Policy Context

- 4.1 Paragraph 132 of the National Planning Policy Framework (NPPF) July 2018 states that the control of advertisements should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking into account cumulative impact.

### 5 Consultations

- 5.1 Nottinghamshire County Council as Highway Authority have no comments to make on the application.

- 5.2 Nottingham Express Transit have no objections but advise that it is not permitted to block the tramway at any time and that all works must be carried out in accordance with the "Working near NET" leaflet.
- 5.3 98 properties in the vicinity of the site were consulted on the application. Two comments were received; one supporting and one objecting to the application. The objections relate to the development of the site in relation to the hybrid application (18/00360/FUL) rather than the proposed advertisements.
- 6 Appraisal
- 6.1 In accordance with the National Planning Policy Framework, the advertisements should only be assessed in the interests of amenity and public safety.
- 6.2 It is recognised that the freestanding signs are large but both of these signs will be located away from residential properties and there are intervening roads (and tram tracks) providing a significant buffer (minimum of 35m). The freestanding signs will have a backdrop of buildings, either the Square development, Tesco, the Manor Centre or the buildings on Middle Street, so it is considered they will not be overly visually prominent. The banner signs will be located on perimeter fencing and are beside the site used for temporary events. Beeston West End Conservation Area is located to the south west of the site but due to the intervening tram and bus interchange and associated paraphernalia, it is considered the proposed advertisements will not harm this heritage asset. The advertisements are to be located in the town centre where signage is to be expected. It is therefore considered the signs will have no significant impact on visual amenity.
- 6.3 None of the advertisements will be illuminated and the County Council as highway authority had no comment to make on the application. NET raised no objection. It is considered the banners will have no adverse impact on highway safety due to their modest size and as they will be located on existing fencing. The top of the freestanding signs will be 4.4m above the ground level, with the base of the signs 2m above the ground level. It is considered that this gap below the signs and the angled positioning of the signs will prevent any adverse impact on highway safety, in particular in terms of visibility at the junctions of Styring Street and Middle Street and Station Road and Middle Street.
- 6.4 In conclusion, it is considered that the proposed advertisements will not harm amenity or public safety and are therefore acceptable.

### **Recommendation**

**The Committee is asked to RESOLVE that advertisement consent be granted subject to the following conditions:**

1. a) **Any advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.**

- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - (c) Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
  - (d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - (e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).
2. The development hereby permitted shall be carried out in accordance with drawing numbers BTCR-LDA-XX-ZZ-M3-A1-08 000 and BTCR-LDA-XX-ZZ-M3-A1-08 006 and the four images of the signs received by the Local Planning Authority on 16 July 2018.

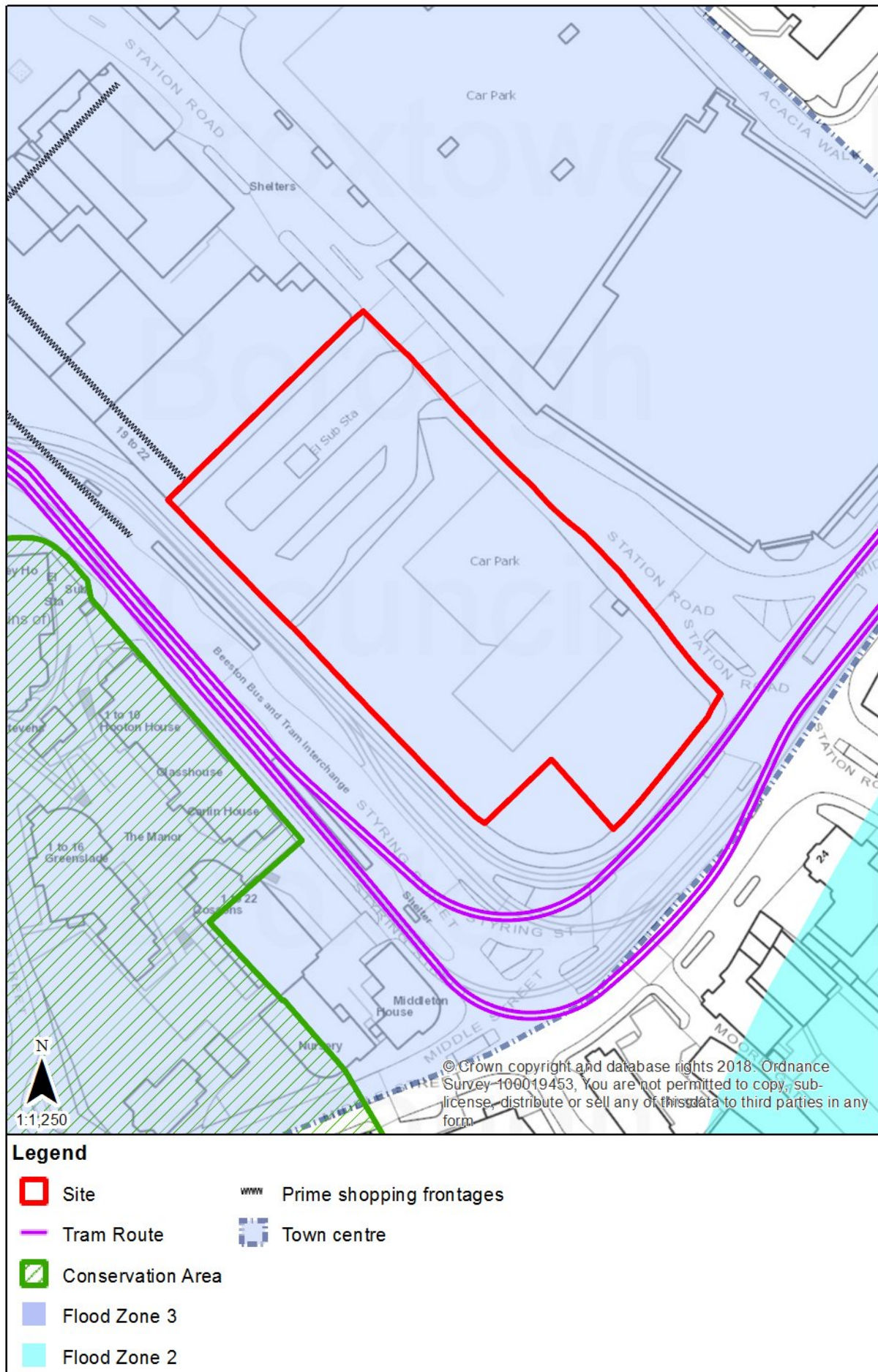
#### **Reasons**

- 1. In the interests of amenity and public safety
- 2. For the avoidance of doubt.

#### **Note to applicant**

- 1. The Council has acted positively and proactively in the determination of this application by determining it within the eight week determination timescale.
- 2. It is not permitted for any vehicles to obstruct the tramway at any time and any works on site should accord with the guidance in the “Working Near NET” leaflet.

Background papers  
Application case file



## Report of the Chief Executive

**18/00441/FUL**

**CHANGE OF USE FROM RETAIL (CLASS A1) TO AN ADULT GAMING CENTRE (SUI GENERIS)**

**62 NOTTINGHAM ROAD, EASTWOOD, NOTTINGHAM, NG16 3NQ**

Councillor M Radulovic has requested this application be determined by Planning Committee.

### 1 Details of the application

1.1 This is a full application seeking consent to change the use of the ground floor of the building to an adult gaming centre (Sui Generis). The last known use of the building was for an A1 retail use (clothes shop).

1.2 In addition to the proposed plans, the following information has been submitted in support of the application:

- The intended opening hours will be 9am to 9pm Monday – Sundays including Bank Holidays,
- A total of 5 part time members of staff will be employed,
- Approximately 37 machines will be on site,
- All machines are classified as Category D – B3 as per the Gambling Commission classifications. All machines will be fruit machines,
- All machines are volume adjustable and will be set accordingly. Machines will not be on loud as there is no requirement due to the nature of the establishment,
- Any music will be set at a low background noise level,
- The minimum legal age for entry into the premises is 18, although a Challenge 21 system will be operated to ensure no entry is permitted to anyone under the age of 18, which is strictly enforced by the Gambling Commission,
- Zero tolerance is operated to any form of trouble and there would be no hesitation in banning or reporting individuals if necessary.

## 2 Site and Surroundings



Front elevation of building

- 2.1 The application site is located within Eastwood Town Centre and the Eastwood Conservation Area.
- 2.2 The building is located within the centre of a row of two storey properties, with commercial uses at ground floor level and residential flats above.
- 2.3 To the east of the application site there is a retail unit which is currently in use as a card shop and to the west there is an estate agents.

## 3 Relevant Planning History

- 3.1 07/01043/FUL – in 2007 planning permission was granted for the construction of 3 new shop fronts.
- 3.2 07/1044/FUL – in 2007 planning permission was granted for alterations and extension to provide 3 new flats (creating 12 in total) and rear car parking.
- 3.3 08/00498/FUL – in 2008 planning permission was refused for the refurbishment of existing shop fronts, including cornice and fascia details and the installation of roller shutters.
- 3.4 09/00159/FUL – in 2009 planning permission was granted for the construction of new shop fronts including the repositioning of external roller shutters. This was a revised scheme.
- 3.5 10/00377/FUL – in 2010, retrospective planning permission was granted for the retention of roller shutters and alterations to shop fronts.



## 4 Policy Context

### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Section 7 (Ensuring the vitality of town centres), paragraph 85, requires LPA's to define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.
- 4.1.3 Section 16 (Conserving and enhancing the historic environment), paragraph 189, states that in determining applications, LPA's should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

### 4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 Policy 6: Role of Town and Local Centres: The vitality and viability of all centres will be maintained and enhanced, including widening the range of uses, whilst maintaining a strong retail character. Main town centre uses should be located in centres and should be appropriate in scale and nature to the role and function of the centre.
- 4.2.4 Policy 10: Design and Enhancing Local Identity states that development should be assessed in relation to a number of factors including its impact on the amenity of nearby residents.
- 4.2.5 Policy 11: The Historic Environment states that proposals and initiatives will be supported where the historic environment and heritage assets and their settings are conserved and/or enhanced in line with their interest and significance.

### 4.3 **Saved Policies of the Broxtowe Local Plan**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy S1: Shopping and Associated Uses within Town Centres. This policy allows for the granting of planning permission for A1, A2 and A3 uses within

centres provided that they do not have an unacceptable impact on neighbouring uses, or on the vitality and viability of the Town Centre.

- 4.3.3 Policy S4: Prime Shopping Frontages. This policy seeks to retain A1 uses at ground floor level within the prime shopping frontage.
- 4.3.4 Policy K4: Town centres. This policy seeks to maintain the role of town centres as the focus for shopping, employment, social, community and leisure uses through the provision of appropriate new development.
- 4.3.5 Policy E34: This policy states planning permission will not be granted for noise-sensitive development if occupants, even with appropriate mitigation measures, would experience significant noise disturbance.

#### 4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included 7 no. representations in relation to Policy 10 and 11 no. representations in relation to policy 17. Given that there remain outstanding objections to Policies 10 and 17 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.
- 4.4.2 Policy 10: Town Centre and District Centre Uses. This policy builds upon the above mentioned policies and states planning permission will only be granted for development which comprises another town centre use provided the class does not result in over 50% of the primary shopping frontage falling within a class other than A1.
- 4.4.3 Policy 17: Place-making, design and amenity. This policy states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings, provides, or is close to community facilities, has good access to public transport, provides sufficient, well-integrated parking and ensures satisfactory standards of amenity for existing residents.

#### 5 Consultations

- 5.1 The Council's Environment Health Officer has no objection subject to a condition relating to no sound reproduction or amplification equipment being installed or operated on site.
- 5.2 The Council's Conservation Officer has no objection on the basis that no external alterations are proposed to take place.
- 5.3 Nottinghamshire County Council Highways advise that they have no observations to make on the application.
- 5.4 The Council's Town Centre and Regeneration Officer has no objections and advises the Council must consider other uses which do not meet the traditional



A1 usage. The proposal complements this new approach to keeping town centres relevant with no focus on preserving areas as traditional shopping only. By permitting the proposed change of use to Sui Generis, this would reduce the amount of A1 use class units in the retail Prime Frontage area to 58%, which is a surplus in line with the proposed Part 2 Local Plan. There are also multiple vacant property alternatives, varying in size and currently able to accommodate an A1 use. All are priced within what could be considered a fair and comparable sub market rent tolerance, and therefore there is no real danger to attracting new A1 businesses by reducing the current A1 units by permitting this change.

- 5.5 23 neighbouring properties were consulted on the application. A site notice was also displayed. During the course of the application, 2 letters have been received raising concerns in respect of associated noise and disturbance from the gaming machines.

## 6 Appraisal

- 6.1 The main issues relating to this application are the principle of development, any harm upon the character of the Conservation Area and the potential impact upon amenity by reason of noise. These are discussed in turn as follows:

### 6.2. Principle of Development

- 6.2.1 The application site is located along the main busy through route within the shopping area of Eastwood Town Centre. Along with the retail uses within the town centre, there are also a variety of office and social/food and drink uses. The unit has been vacant for a period of time (length unknown), with the last known use being A1 retail (clothes shop).

- 6.2.2 Under saved policy S4 it is still relevant to assess whether the loss of such a use could affect the prime shopping frontage. This is further enhanced with policy 10 - Town Centre and District Centre Uses of the Draft Part 2 Local Plan which states planning permission will only be granted for development which comprises another town centre use provided the class does not result in over 60% of the primary shopping frontage falling within a class other than A1. However, only limited weight can be attached to this policy.

- 6.2.3 The Council's Town Centre and Regeneration Officer has no objections and advises Part 3 of the Council's Economic Regeneration Strategy identifies the following:

*"It should also be recognised that the role of the town centre is evolving with a long-term structural shift away from retail dominated provision to services of all types, but especially leisure (e.g. bars, cafés, entertainment) and a continued rationalisation of non-sustainable retail spaces." "It is unlikely that Eastwood, Stapleford and Kimberley will be able to compete as a destination purely for a retail visitor market."*

- 6.2.4 It is understood that within the prime shopping frontage along Nottingham Road the proportion of A1 units is already below two thirds, and therefore any further reduction would be contrary to Policy S4 of the adopted 2004 Local Plan.

Eastwood Town Centre as a whole is thriving and even with the loss of this retail unit, the town centre still has an adequate A1 retail offering in line with the Part 2 Local Plan Policy, with a healthy level of occupancy of 58% A1 uses within the prime retail frontages. In addition, there is also capacity to accommodate further A1 retail uses through the re-occupancy of vacant units. Whilst it is acknowledged that saved policy S4 aims to prevent prime shopping frontages losing more than a third of A1 retail units, this policy was adopted 14 years ago and since this time the modern retail offer and shopping habits have changed the attraction of town centres for business premises.

- 6.2.5 It is advised the Council must consider other uses which do not meet the traditional A1 usage. The proposal complements this new approach to keeping town centres relevant with no focus on preserving areas as traditional shopping only areas. There are also multiple vacant property alternatives, varying in size and currently able to accommodate an A1 use. All are priced within what could be considered a fair and comparable sub market rent tolerance, and therefore there is no harm caused to attracting new A1 businesses by reducing the number of A1 units by permitting this change, and reducing the current A1 offer by one unit.
- 6.2.6 In addition, Section 7 of the NPPF 2018 - Ensuring the vitality of town centres, paragraph 85, requires LPA's to define a network and hierarchy of town centres and promote their long-term vitality and viability, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allowing a suitable mix of uses and reflecting their distinctive characters. In view of the above, it is considered that there are insufficient grounds to refuse the principle of development on the loss of an A1 retail unit causing harm to the vitality of the prime shopping frontage, given the change of use will be incorporating a town centre use in the form of a leisure opportunity. The principle of the change of use is therefore acceptable.

### 6.3 Impact upon the Character of the Conservation Area

- 6.3.1 The building and the surrounding premises where built circa 1900's and are located within the Eastwood Conservation Area. The building consists of a traditional shop front, with black perforated roller shutters.
- 6.3.2 In support of the application, a Heritage Statement has been submitted which states that there will be no changes or disruption to the internal layout or external elevations of the premises.
- 6.3.3 The Council's Conservation Officer has no objection to the proposal on the basis that no external alterations are proposed to take place. It is considered that the change of use would not cause any significant harm to the character of the Conservation Area.

### 6.4 Amenity

- 6.4.1 Concerns have been received from neighbouring commercial units in respect of potential associated noise and disturbance from the gaming machines.

- 6.4.2 Whilst the premises are attached to the commercial building located to the east, there is a gap between the walls serving the building and the neighbouring property. There are also residential units situated directly above the premises.
- 6.4.3 In support of the application, the applicant has stated that all machines are volume adjustable and will be set accordingly. In addition, the machines will not be loud as there is no requirement due to the nature of the establishment, i.e. the location is not a seaside family amusement arcade where machines would be loud to attract passing trade. The premises would be open between the hours of 9am to 9pm, 7 days a week including Bank Holidays. This is considered acceptable within a town centre location and there are other uses within close proximity of the application site which could potentially create a greater noise nuisance.
- 6.4.4 The Council's Environmental Health Officer offers no objection to the proposal subject to a condition requiring no sound reproduction or amplification equipment being installed or operated on site. Any statutory noise nuisance could be addressed through Environmental Health legislation.
- 6.4.5 Overall the proposal constitutes a town centre use where the amenity of neighbouring properties would not be adversely affected. It is considered that any noise or activity generated would not be significantly greater than could be expected within a town centre, and that the use can be appropriately controlled by conditions to ensure it is acceptable in this area.

## **7 Conclusion**

- 7.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan 1: 1250 received by the Local Planning Authority on 25 June 2018 and Proposed Floor Plan received by the Local Planning Authority on 02 July 2018.**
- 3. The adult gaming centre business hereby approved shall only be open to customers during the following times: 09.00 – 21.00 Mondays – Sundays and Bank Holidays.**

4. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc.) shall be installed or operated at the site.

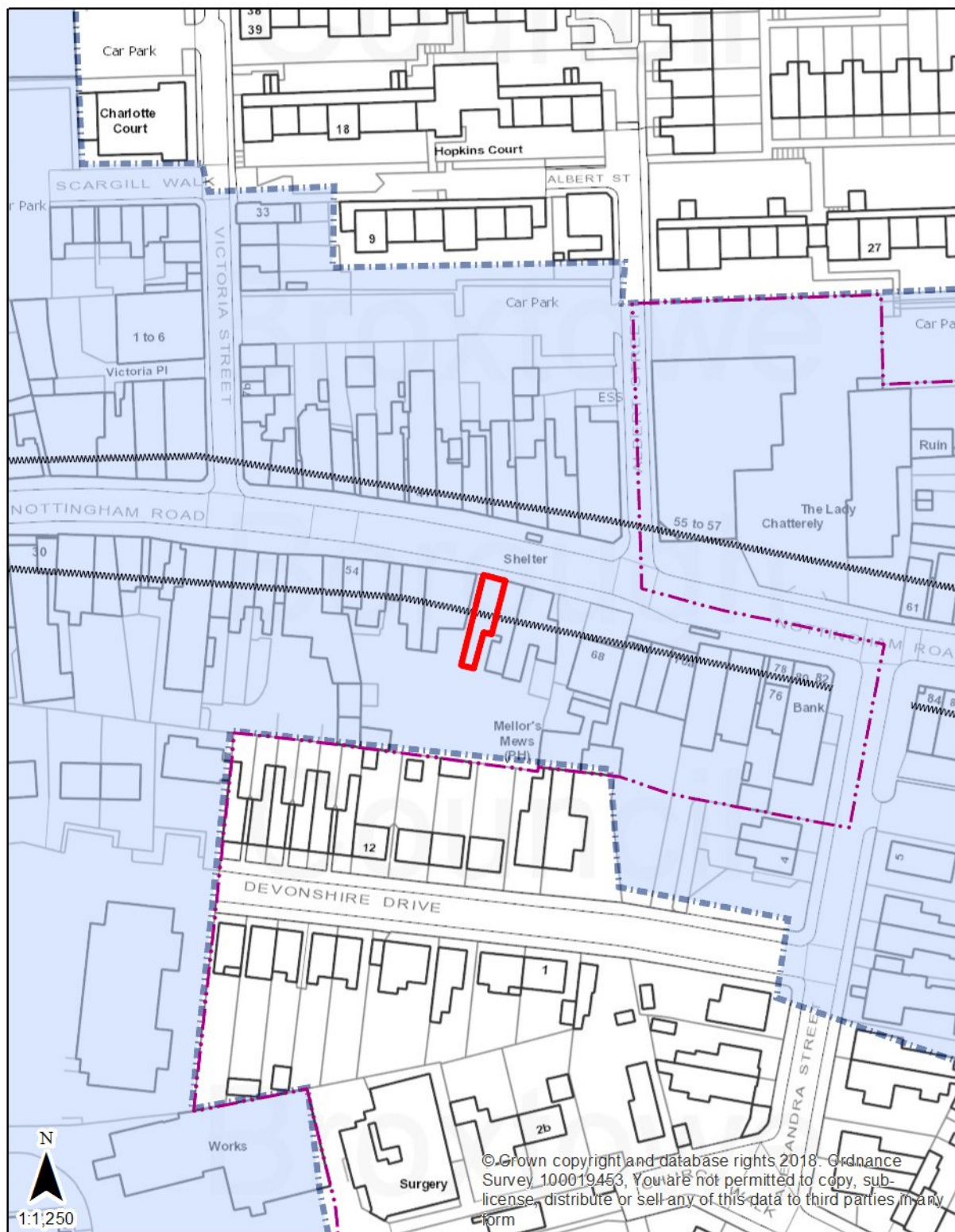
**Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect nearby residents from excessive operational noise.
4. To protect nearby residents from excessive amplified noise, in accordance with Policy E34 of the Local Plan 2004.

**Note to applicant**

The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course of the application.

Background papers  
Application case file



### Legend



Site



Prime shopping frontages



Conservation Areas (Local Plan)



Town centre

This page is intentionally left blank

## Report of the Chief Executive

**18/00236/FUL**

**RETAIN POLY TUNNEL**

**BABBINGTON HALL, WESTBY LANE, BABBINGTON VILLAGE,  
NOTTINGHAMSHIRE, NG16 2SS**

### 1 Details of the application

- 1.1 This planning application seeks to retain a poly tunnel at Babbington Hall. The poly tunnel is used in association with the dog rescue centre that is operated from the site and is used as a training space for rescue dogs. It is also used as general behaviour training for dogs not raised at the rescue centre. The poly tunnel has dimensions of 27.47m by 9.18m, with a maximum height of 3.73m.

### 2 Site and surroundings

- 2.1 The application site is set within the grounds of Babbington Hall, in the south corner of the site adjoining Westby Lane. It is positioned approximately 13.7m from the boundary adjoining Westby Lane, and approximately 6.6m from the south west boundary of the site. There is an existing vehicular access from Westby Lane along the south boundary of the site in close proximity to the poly tunnel. The poly tunnel is positioned on a relatively flat part of the site, although the land slopes up significantly to the north east to where Babbington Hall and the rescue centre is located.
- 2.2 The site is located entirely within the Nottinghamshire Green Belt and within a Mature Landscape Area. The surrounding area largely consists of agricultural land, including Westby House Farm which operates to the south side of Westby Lane. There are a small number of residential dwellings, mainly to the east of the site along Westby Lane.



Elevation facing Westby Lane.



North east side elevation.





Photo taken from the north east of the site close to Babbington Hall.



Babbington Hall and Rescue Centre.



Vehicular access to the site from Westby Lane.



Internal photograph of the poly tunnel.

### 3 Relevant Planning History

- 3.1 It is understood that the site has been used for kennelling dogs since 1962. The application site has a detailed planning history and the details of the most relevant historic applications are outlined below.
- 3.2 88/00289/FUL - In 1988, planning permission was granted to construct a purpose built cattery building.
- 3.3 92/00404/FUL – In 1993, planning permission was granted for the refurbishment of the existing dog pens and an extension to form new pens and a feed store.
- 3.4 99/00543/FUL – In 1999, planning permission was granted to extend the residential element of Babbington Hall.



- 3.5 04/00174/FUL – In 2004, planning permission was granted to erect timber stabling at the site. The stables were positioned in the more built up area of the application site, to the north east of Babbington Hall.
- 3.6 08/00286/FUL – In 2008, planning permission was granted to construct a new kennel block and to extend the curtilage of the kennelling operation including the change of use of land from agriculture. This application was determined by Planning Committee with the case for Very Special Circumstances being put forward due to the demand for the nature of the applicants work in housing rescue dogs, notably from a number of neighbouring authorities. In this case it was noted that the positioning of the extension to the kennels would not project significantly further into the open countryside when seen in context with the existing buildings on the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.
- 3.7 09/00095/FUL – In 2009, planning permission was granted by Planning Committee for the construction of a new building incorporating a reception, office, education centre and staff facilities. Whilst it was established that the development was inappropriate in the Green Belt, it was concluded that the requirement for the facilities in supporting an established kennelling facility represented very special circumstances which outweighed the harm to the Green Belt.
- 3.8 10/00752/FUL – In 2011, planning permission was granted by Planning Committee for a kennel block and run to replace a building of the same purpose. The proposal was once again established to be inappropriate development in the Green Belt, but it was concluded that very special circumstances existed by virtue of the fact that modern kennelling was required to provide appropriate facilities at the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.

#### 4 Policy Context

##### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Paragraph 143 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 144 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, although it does list a number of exceptions to this.

##### 4.2 **Broxtowe Aligned Core Strategy**

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 aims to ensure that development has regard to the local context and is assessed in terms of its impact on the amenity of neighbouring residents.

#### 4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E8: Development in the Green Belt states that planning permission will not be permitted in the Green Belt except where it constitutes appropriate development. Included in the list of appropriate development are essential facilities for outdoor sport and recreation.

4.3.3 Policy E14: Mature Landscape Areas states that development which would harm a Mature Landscape Area will not be permitted unless it can be demonstrated that the siting, scale and design of the proposals minimises the harm to the Mature Landscape Area; and the need for the proposals clearly outweighs the remaining harm to the special qualities for which the area was designated.

#### 4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. There were 10 representations on the plan in relation to Policy 8 and 41 representations in relation to Policy 17. Given that there remain outstanding objections to Policies 8 and 17 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.

4.4.2 Policy 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

### 5 Consultations

5.1 The Environmental Health Officer has not raised any objections to the proposal.

5.2 As there are no neighbouring dwellings directly adjoining the application site no letters of consultation were sent out relating to this application. A site notice was put up at the site on 3 July and remained in place for at least 21 days.

- 5.3 The Council has received 130 letters from members of the public in support of the application, most of which highlight the important nature of the work carried out at the site and the associated need for the poly tunnel.
- 5.4 The Council has received 7 letters from members of the public objecting to the application. Among the reasons highlighted in these letters of objection are:
- The development is an eyesore in a prominent position in the Green Belt.
  - It will encourage parking outside the site and increase traffic along what is already a very narrow lane.
  - It will result in increased noise pollution from dogs barking.
  - The development is not in keeping with the character of the surrounding area.
  - The poly tunnel may not be a suitable long-term structure and there is concern as to how it will look in a few years.
  - The development could be located further away from the road on land owned by the applicant.
  - Concerns with regards to its future commercial use if planning permission is granted.
  - No limitation on hours of use and it is lit up on dark nights and stands out like a beacon in the countryside.

## 6 Appraisal

- 6.1 The main issues to be considered with this application are the impact on neighbouring amenity, the design and appearance of the development and whether or not the development constitutes appropriate development in the Green Belt and if not, whether very special circumstances exist that would outweigh the harm of the development.

### 6.2 Amenity

- 6.2.1 The development is positioned in the south corner of the site and is not in close proximity to any residential dwellings. The nearest structures are the farm buildings at Babbington House Farm, approximately 25m away to the south of Westby Lane. Therefore it is not considered that the proposal will result in an unacceptable impact on any neighbouring properties with regards to a sense of enclosure or loss of privacy.
- 6.2.2 Concerns have been raised with regards to noise at the site. Babbington Hall has been run as a kennels for more than 40 years and therefore the use has long been established. The poly tunnel is situated some distance from the existing kennels at the site; however, this is positioned further from most nearby residential dwellings than the existing kennels. Furthermore the poly tunnel is not proposed for the long-term occupancy by the resident dogs, only for use in association with training and behavioural classes which are likely to last for no more than a few hours at a time. Therefore, it is not considered that the development will have any further noise impact than the existing use at the site and is not considered unacceptable in this regard.

### 6.3 Design and appearance

- 6.3.1 The poly tunnel is of a standard design for this type of development, which is ordinarily found in association with agricultural uses to help extend the growing season for crops. As it is often associated with agricultural use it is not uncharacteristic to find a building such as this in the open countryside where it might be considered as appropriate development as a building for agriculture. However, in these scenarios it is likely that the poly tunnel would be in closer proximity to other agricultural buildings.
- 6.3.2 Taking into account the agricultural surroundings, including the working farm to the south of the application site with a number of large agricultural barns in close proximity to the road, it is not considered that the design of the development is itself out of character with the surrounding area and there is a good chance that if the poly tunnel was to be used for agricultural purposes it would be considered appropriate development and therefore acceptable.

### 6.4 Green Belt

- 6.4.1 Notwithstanding the above, the poly tunnel is not proposed to be used in connection with agriculture. The proposed use of the development is to provide a space that in bad weather can be used to exercise rescued dogs to aid mental health and to assist owners of newly rescued dog to train their dogs once they have been adopted from the rescue centre. There is also provision for paying members of the public to use the facility for training their own dogs whether these are rescue dogs or not.
- 6.4.2 Taking into account the proposed use of the poly tunnel, it is not considered that it falls within any category of appropriate development as defined by paragraph 145 of the NPPF, or Policy E8 of the Broxtowe Local Plan (2004).
- 6.4.3 The application is accompanied by a good deal of supporting information from the applicant providing information relating to the company that runs from the site and the impact of having the poly tunnel against the consequences of not having the poly tunnel.
- 6.4.4 According to the information supplied, Babbington Rescue is a Community Interest Company (CIC) as opposed to a full charity. The Rescue was converted to a not for profit CIC in 2007 on advice from the charities commission because they fund over 85% of the rescue themselves from the boarding kennels and the shop onsite. The applicants have operated at Babbington Hall for 14 years and at their peak in 2012/13 were dealing with in excess of 1300 dogs per year, of which 95% came in through the local councils of Broxtowe, Erewash, Amber Valley, Gedling and Nottingham City. They now deal with 700 to 800 dogs per year on a controlled basis.
- 6.4.5 The poly tunnel is used as a space to exercise the rescued dogs at the centre to help avoid them from going kennel crazy which often results in the dogs being put to sleep. The applicant claims that the use of the poly tunnel in the early part of this year helped to reduce the rate of dogs being put to sleep from one every six weeks to only one in the first part of this year to August.

- 6.4.6 The applicant has raised concerns that if they were not allowed to retain the poly tunnel it will be a step backwards in terms of the care they are able to provide, and as a result could lead to them closing the centre due to the distress of having to have dogs put down at a more regular rate.
- 6.4.7 With regards to the positioning of the poly tunnel, it is claimed by the applicant that it needs to be positioned away from the noise of the kennels to enable them to work with the dogs in the space. Flat ground is also required and therefore this is the only area within the site that can be used. There are no existing spaces of a more permanent form within the existing site that can be used for this work.
- 6.4.8 Whilst the poly tunnel does stand out in its current surroundings the applicant would be willing to spray the material dark green and/or erect a dark green netting around the structure to help it blend in with the surrounding area. It is considered that should permission be granted it would be appropriate to condition that this is carried out within three months of the date of the decision.
- 6.4.9 Overall it is considered that the poly tunnel is an important facility for the established rescue centre in which it will be operated in accordance with. Whilst it is positioned on the edge of the site and in clear view from the public realm there are no other suitable locations within the site for such a facility. Taking the above into account it is considered in this instance that "Very Special Circumstances" exist that clearly outweigh the harm to the Green Belt.

### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be retained in accordance with the Block Plan (1:500) received on 3 April 2018 and the Floor Plan and Elevation Plan (1:100); received by the Local Planning Authority on 11 April 2018.**
- 2. The poly tunnel hereby permitted shall be sprayed dark green within 3 months of the date of this decision, and shall thereafter be retained this colour for the lifetime of the development.**

### **Reasons**

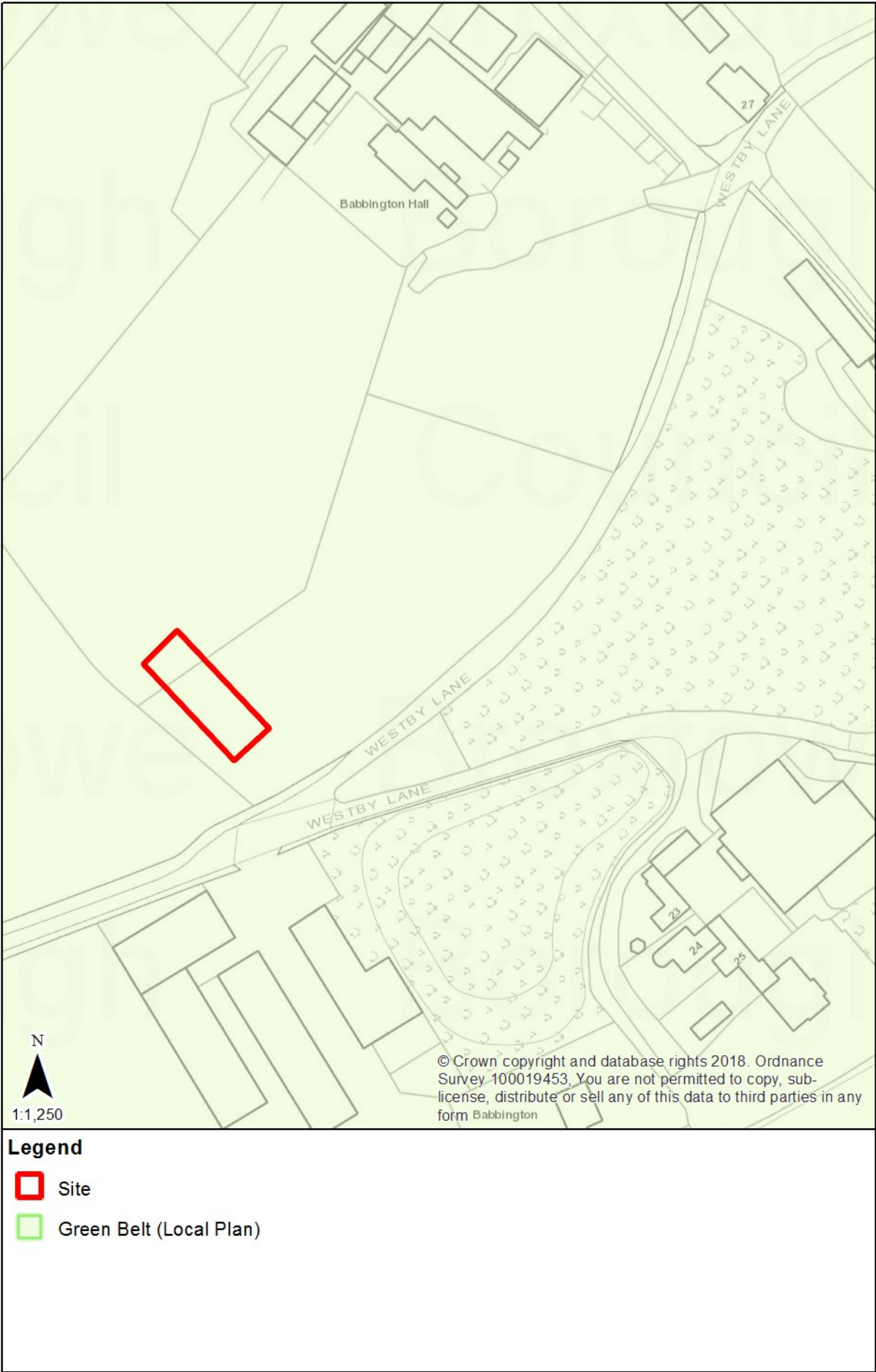
- 1. For the avoidance of doubt.**
- 2. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan.**

**Note to applicant**

**The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.**

Background papers

Application case file



This page is intentionally left blank



## Report of the Chief Executive

**18/00295/FUL**

### **CONSTRUCT SINGLE AND TWO STOREY REAR EXTENSION 5 HUMBER ROAD BEESTON NOTTINGHAM NG9 2EF**

#### 1. Reason for report

1.1 This report relates to a planning application which was deferred at the Planning Committee on 20 June 2018 and withdrawn from the Planning Committee on 25 July 2018. Members deferred determination of the application to allow for discussion about omitting the first floor side extension due to concern about the detrimental impact on the amenity of the occupants of no. 7 Humber Road. The application was withdrawn from the Planning Committee on 25 July 2018 due to the late submission of amended plans.

1.2 The original report to the Planning Committee on 20 June 2018 is attached as an appendix to this report.

#### 2. Applicant's response

2.1 The applicant has removed the first floor side extension from the proposal. The rear single and two storey extension is now proposed to extend 4m from the rear elevation, which is an increase of 0.9m from the original proposal. A first floor rear window has also been changed from a single window to a two-light window.

2.2 The height of the existing garage is proposed to increase by 0.3m, which is considered to be permitted development. A new two-light window with top openers is proposed on the first floor south west (side) elevation of the original dwelling, and two new obscurely glazed windows (one with a top opener) are proposed on the first floor north west side elevation of the original dwelling. These windows are considered to be permitted development.

#### 3. Neighbour responses

3.1 Three objections have been received in relation to the amended plans. One objects to loss of light from the larger extension now proposed and the second objects to loss of privacy and the design of the extension. The third objects due to loss of privacy and the large scale of the two storey extension.

#### 4. Appraisal

4.1 The proposed single and two storey side extension would extend 4m from the original rear elevation, 0.9m further than the 3.1m extension originally proposed. The single storey extension would be 2.6m wide and would be located on the south side of the rear elevation. It would have a flat roof with a height of 2.9m. It would have a two light window on the rear elevation. The side elevation would be blank.

4.2 The two storey extension would extend 4m from the rear elevation and would have a width of 6.4m. It would have a hipped roof with an eaves height of 5.2m

and a ridge height of 7.7m. The rear elevation would have glazed doors and a two light window on the ground floor, and two two-light windows on the first floor. The side elevations would be blank.

- 4.3 The single storey rear extension would have a flat roof to match the existing garage and the two storey extension would have a hipped roof which would match the original hipped roof. Having a single storey section with a flat roof on the rear extension reduces the scale of the development and ensures it remains subservient to the main dwelling. It is considered that the design of the rear extensions is acceptable.
- 4.4 It is considered that removing the first floor side extension from the proposal reduces the impact of the proposal on the north west (side) elevation windows of the neighbouring property at no. 7. The two storey rear extension would be 2.7m from the boundary with no. 7 and the single storey rear extension would be on the boundary. It is considered that given the extensions have blank side elevations, the single storey extension would have a flat roof, and the two storey extension would have a hipped roof, there would be no significant impact on the amenity of the occupants of no. 7 Humber Road.
- 4.5 The rear extensions would be 9m from the rear boundary with no. 1 Coventry Road. The two storey rear extension would bring two first floor bedroom windows 4m closer to the rear boundary with no. 1. No. 1 is located to the east of the application site and has a 26m long rear garden which is overlooked by the first floor windows of nos. 5, 7 and 9 Humber Road. It is considered that although the rear extension would bring two first floor windows closer to the rear boundary, because there would be a 9m separation distance, and the windows would not look directly into the house, there would be no significant negative impact on the amenity of the occupants of no. 1 Coventry Road.
- 4.6 The rear extensions would be 1m from the boundary with no. 3 Humber Road. The proposed two storey rear extension would have a blank north west side elevation and would result in the first floor of the application property being 1m further back than the rear elevation of no. 3. It is considered there would be some loss of privacy to the garden of no. 3 as the closest window in the extension would serve a bedroom, but this is not significant enough to warrant a refusal.

## 5. Conclusions

- 5.1 Following the receipt of amended plans, the recommendation for approval remains.

### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

2. The development hereby permitted shall be carried out in accordance with the Location Plan at scale 1:1250 received by the Local Planning Authority on 25 April 2018, the 'Existing and Proposed Block Plan' (SG/18/03/16/03 Rev B) received by the Local Planning Authority on 24 July 2018 and the 'Proposed Plans and Elevations' (SG/18/03/16/02 Rev C) received by the Local Planning Authority on 14 August 2018.
3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the original building.

#### **Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

#### **Note to applicant**

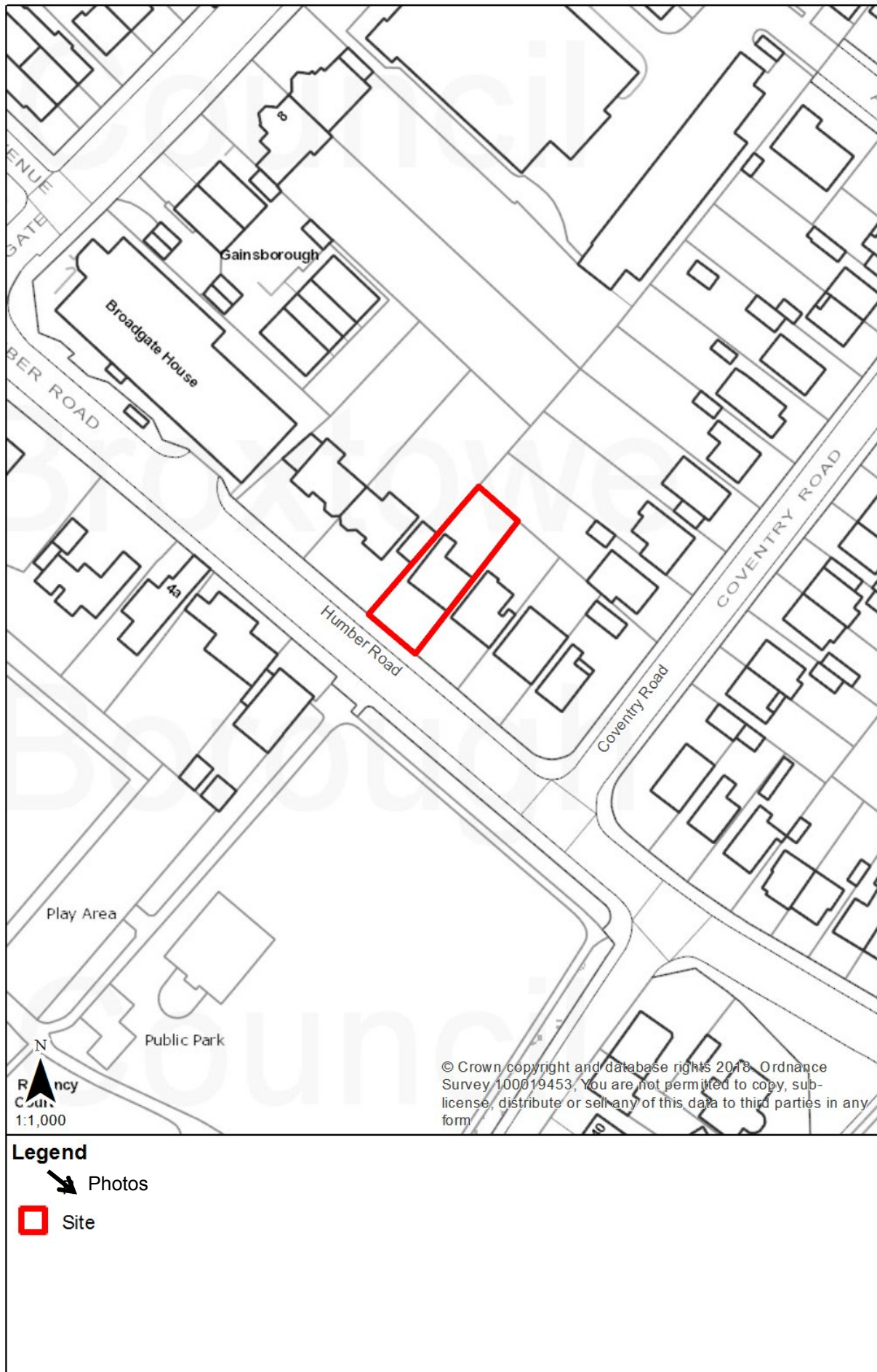
1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

#### **Appendix**

Report to Planning Committee 20 June 2018.

#### **Background papers**

Application case file



## APPENDIX

## Report of the Chief Executive

**18/00295/FUL****CONSTRUCT FIRST FLOOR SIDE EXTENSION, SINGLE AND TWO STOREY REAR EXTENSION AND LEAN-TO GARAGE ROOF  
5 HUMBER ROAD BEESTON NOTTINGHAM NG9 2EF**

Councillor P Lally has requested this application be determined by the Committee.

1 Details of the Application

- 1.1 The application seeks permission to construct a first floor side extension and a single/two storey rear extension.
- 1.2 The first floor side extension would be set back 0.5m from the front elevation. It would have a width of 2.6m and extend back by 4.5m. A lean-to roof would be placed on the front and rear section of the existing garage, and the roof of the first floor extension would be hipped and set down 0.7m from the original ridge. The side extension would be on the boundary with no. 7.
- 1.3 The rear extension would have a ground floor that extends from the rear of the existing side garage by 3.1m and would extend for the entire width of the dwelling (9.1m) and would encompass the existing single storey rear kitchen element. The first floor of the rear extension would extend 3.1m from the rear elevation and would extend for a width of 6.4m. The single storey extension, and the rear of the existing garage, would have a lean-to roof with an eaves height of 2.6m and a ridge height of 3.8m. The first floor rear extension would have a hipped roof with the same eaves and ridge heights as the existing house. The north west (side) elevation of the proposed two storey rear extension would be 1m from the boundary with no. 3.
- 1.4 The front elevation of the first floor side extension would have a window. The rear extension would have two ground floor windows and glazed doors with side lights and the first floor would have two windows. The side elevations of the extensions would be blank. The new first floor windows in both side elevations of the original dwelling are considered to be permitted development as they are proposed to be obscurely glazed with opening elements 1.7m above floor level.
- 1.5 The first floor side extension would be used as a new bedroom. The rear extensions would be used as a prayer room, an extended kitchen and living room, a bedroom and bathroom.
- 1.6 The plans have been amended to reduce the scale of the first floor side extension. The depth of the extension has been reduced by 2.9m, the ridge height reduced by 0.7m and the rear window omitted. In addition, a lean to roof is now proposed on the section of garage which is to the rear of the proposed side extension.



2 Site and Surroundings



Front elevation.



Rear elevation.



Looking west towards no. 3.



Looking south towards no. 7.



Looking south west towards boundary with no. 7.



Looking north west from no. 7's kitchen window towards existing side garage of application property.



Looking south west from garden of no. 1 Coventry Road towards rear of application property.

- 2.1 The application property is a detached hipped roof two storey house with an original single storey rear element with a gable roof which projects 3.1m. There is a flat roofed single storey side extension which is used as a garage. The front elevation is red brick with a double height bay window and a mock Tudor gable. The side elevations are red brick and the rear is red brick with cream painted brick on the ground floor. The roof tiles are red/brown plain tiles. There is space for three cars to park on the frontage.
- 2.2 The boundary with 3 Humber Road is a 2.2m high wall which becomes a 1.3m high wall towards the rear of the boundary. There is some vegetation on the boundary with no. 3. No. 3 is taller than the application property and has a ground and a first floor south east side window towards the front of the property. No. 3 has a side garage beside the boundary with the application property. The rear boundary is a 1.7m high fence that adjoins the rear garden of no.1 Coventry Road.
- 2.3 The boundary with 7 Humber Road is a 1.8m high fence and the application property's garage. No. 7 has a rear conservatory and an obscurely glazed door in the rear elevation of the single storey element beside the boundary with the application property. It has two rear first floor windows, one of which is obscurely glazed. The north west (side) elevation has two ground floor windows; one obscurely glazed window serves a store cupboard and the other serves the kitchen. The first floor side elevation has two obscurely glazed windows, one for the stairway and the other for a bathroom.
- 2.4 The site is relatively flat, with two steps down from the rear paved patio to the rear lawn. Humber Road is a one-way street with residential dwellings of different designs. No. 3 is a Victorian semi-detached property and nos. 7, 9 and 11 are of a similar design to the application property. No. 9 has a single storey side and rear extension (11/00702/FUL) and no. 1 Coventry Road has a single storey rear extension (97/00286/FUL).

### 3 Relevant Planning History

- 3.1 The application site has no planning history.

#### 4. Policy Context

##### 4.1 National policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured, and developments should be located in sustainable locations.

##### 4.2 Broxtowe Aligned Core Strategy (2014)

- 4.2.1 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents.

##### 4.3 Saved Policy of the Broxtowe Local Plan (2004)

- 4.3.1 Policy H9 'Domestic Extensions' states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene, do not create a terraced or cramped effect and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

##### 4.4 Draft Part 2 Local Plan (2017)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.
- 4.4.2 Policy 17 'Place-Making, Design and Amenity' states that householder developments should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

#### 5 Consultations

- 5.1 Two objections have been received. The objections are that the proposed extensions would overlook neighbouring properties and cause loss of sunlight.



6 Appraisal

- 6.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.
- 6.2 The first floor side extension would have a hipped roof, with a front lean-to roof. The 0.5m first floor setback and the ridge set down would prevent a terracing effect and will be in keeping with the design of the existing property. Matching brickwork and roof tiles are proposed. The use of matching materials will be conditioned. Accordingly, it is considered that the extension will not have a significant impact on the street scene.
- 6.3 The single storey rear extension would have a lean-to roof and the two storey extension would have a hipped roof which would match the original hipped roof. Having a single storey section with a lean-to roof on the rear extension reduces the scale of the development and ensures it remains subservient to the main dwelling. It is considered that the design of the rear extensions is acceptable.
- 6.4 The front elevation of no. 8 Humber Road is 26m from the proposed first floor side extension. It is considered that due to this distance, and the intervening road, there will not be a significant impact on the amenity of the occupants of no. 8.
- 6.5 The rear extensions would be 10.5m from the rear boundary with no. 1 Coventry Road. The two storey rear extension would bring a bedroom and bathroom window 3.2m closer to the rear boundary with no. 1. No. 1 is located to the east of the application site and has a 26m long rear garden which is overlooked by the first floor windows of nos. 5, 7 and 9 Humber Road. It is considered that although the rear extension would bring two first floor windows closer to the rear boundary, because there would be a 10.5m separation distance, and the windows would not look directly into the house, there would be no significant negative impact on the amenity of the occupants of no. 1 Coventry Road.
- 6.6 The rear extensions would be 1m from the boundary with no. 3 Humber Road. The proposed two storey rear extension would have a blank north west side elevation and would result in the first floor of the application property being in line with the rear elevation of no. 3. It is considered that given this alignment, and as the closest window would serve a bathroom, there would not be a significant negative impact on the amenity of the occupants of no. 3.
- 6.7 No. 7 Humber Road is a detached property located to the south east of the application site. The first floor side extension and ground floor rear extension would be on the boundary with no. 7. The two storey rear extension would be 2.6m from the boundary with no. 7. It is considered that because the first floor rear elevation already has two windows, the two storey rear extension has a projection of only 3.2m and the single storey rear extension and new garage roof have an eaves height of 2.6m beside the boundary, with the roof sloping away from the boundary up to a ridge height of 3.8m, there would be no significant impact on no. 7's amenity from the rear extensions and new garage roof. No. 7's north west (side) elevation has two ground floor windows, one of which is obscurely glazed, and two first floor windows, both obscurely glazed. The non-obscurely glazed ground floor window is the only kitchen window. The kitchen

window is already largely obscured by the existing garage at the application property. This garage was built under permitted development rights (did not require planning permission). The plans have been amended to reduce the depth of the first floor side extension, which means the first floor side extension would not be adjacent to no. 7's kitchen window. It is considered that the first floor side extension and new garage roof would cause some loss of light to no. 7's side windows. However, given the side windows are solely reliant on light from across the application site, as the plans have been amended to reduce the scale of the first floor side extension, and as the kitchen window is already largely obscured by the garage, it is considered this impact is not significant enough to warrant a refusal.

## 7 Conclusion

- 7.1 In conclusion, it is considered that the development is not harmful to neighbour amenity and is an acceptable design. The proposal therefore accords with Broxtowe Local Plan Policy H9, with Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

## Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Location Plan at scale 1:1250 received by the Local Planning Authority on 25 April 2018, the 'Existing and Proposed Block Plan' (SG/18/03/16/03 Rev A) received by the Local Planning Authority on 30 May 2018 and the 'Proposed Plans and Elevations' (SG/18/03/16/02 Rev A) received by the Local Planning Authority on 7 June 2018.**
- 3. The extensions shall be constructed using materials of a type, texture and colour so as to match those of the original building.**

## Reasons

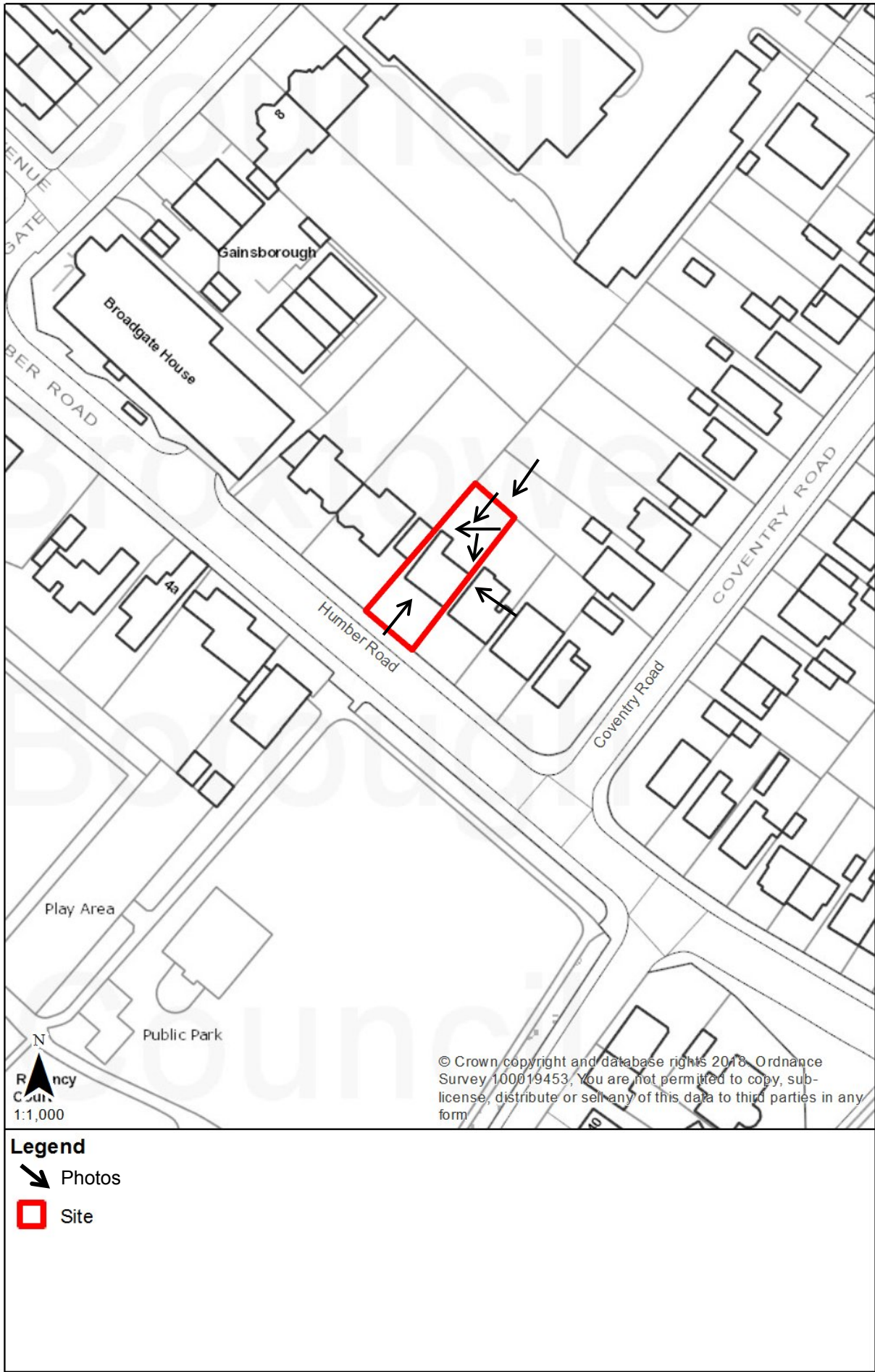
- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).**

## Note to applicant

1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by working to determine this application within the eight week determination timescale.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

Background papers

Application case file



## Report of the Chief Executive

**18/00237/FUL**

### **CONSTRUCT FIRST FLOOR SIDE AND SINGLE STOREY REAR EXTENSIONS**

**4 WHITTON CLOSE, CHILWELL, NOTTINGHAMSHIRE, NG9 6PB**

#### 1. Details of the application

1.1 The application was first brought before Planning Committee on 25 July 2018 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application due to concerns regarding the impact on the amenity of the occupants no. 105 Haddon Crescent. It was recommended for the design to be amended so as to reflect the extension at no. 5 Whitton Close.

1.2 The applicant has considered the issues raised by the Planning Committee and has made the following changes:

- Hipped roof
- Ridge height reduced by 0.5m
- Extension is flush with front elevation of main property.

#### 2. Re-consultations

2.1 Amended plans were submitted and a further 7 day consultation has been undertaken with the occupants of neighbouring properties. Amended plans were also sent to Councillor Harvey.

2.2 Two consultation responses were received which raised no objection.

#### 3. Assessment of amended proposals

3.1 Since this application was considered at Committee on 25 July, the Part 2 Local Plan has been submitted for examination. Given that there remains outstanding objection to Policy 17 this Policy can still be afforded only limited weight.

3.2 The reduction in ridge height and change from a gable to hipped roof means the impact of the extension is considered to be less overbearing for the occupants of no. 105 Haddon Crescent. The hipped roof reduces the mass of the extension by sloping away from the boundary with no. 105 Haddon Crescent and reducing the expanse of brick.

3.3 As the extension will no longer have a first floor setback, it is considered necessary to condition the provision of material samples in order to ensure they closely match the main property due to the extensions visibility from Whitton Close.

#### 4. Conclusions

- 4.1 Having regard to the comments made by Members at the meeting on 25 July, it is considered that the applicant has attempted to address the issues raised by neighbours through the submission of amended plans. A reduction in the ridge height and inclusion of a hipped roof is considered to reduce the impact of the extension on the neighbours at no. 105 Haddon Crescent whilst still retaining an acceptable design. The proposal therefore accords with Policy H9 of the Broxtowe Local Plan, Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

#### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 4 April 2018, Proposed Block Plan (1:200) received by the Local Planning Authority on 5 April 2018 and drawing number: M0318.02 received by the Local Planning Authority on 9 August 2018.**
- 3. No building operations shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**

#### **Reasons**

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. No such details were specified with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of the development commencing to ensure that the details are satisfactory in the interests of the appearance of the development and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

#### **Note to applicant:**

**The Council has acted positively and proactively in the determination of this application by working to determine this application within the agreed determination timescale.**

Appendix

Report to Planning Committee 25 July 2018

Background papers

Application Case File

This page is intentionally left blank



## APPENDIX

## Report of the Chief Executive

**18/00237/FUL  
CONSTRUCT FIRST FLOOR SIDE & SINGLE STOREY REAR  
EXTENSIONS  
4 WHITTON CLOSE, CHILWELL, NOTTINGHAMSHIRE, NG9 6PB**

Councillor Harvey has requested this application be determined by Planning Committee.

1 Details of the application

- 1.1 The application seeks permission to construct a first floor side extension and single storey rear extension.
- 1.2 The first floor side extension will have a gable roof, a height to eaves of 5m and height to ridge of 7.1m. It will be set down 0.2m from the main ridge and set back 0.7m from the south (front) elevation. The extension will have a first floor window in the south (front) elevation and north (rear) elevation and will have a blank east (side) elevation.
- 1.3 The single storey rear extension will have a gable roof, a height to eaves of 2.3m and height to ridge of 3.7m. It will project 3.9m and have a width of 2.8m. It will be 1.1m from the boundary with no. 107 Haddon Crescent, 8m from the rear boundary and 6.2m from the boundary with no. 3. The extension will have a roof light in each roof slope, a window in the north (rear) elevation, bifolding doors in the west (side) elevation and a blank east (side) elevation.

2 Site and surroundings

- 2.1 The application property is a detached dwelling positioned at the end of a cul-de-sac. A 1.8m high fence extends across the boundaries with the neighbouring properties. Deciduous trees and deciduous and coniferous vegetation (in the rear garden of no. 107 Haddon Crescent) is positioned along the eastern boundary. No. 105 Haddon Crescent has an outbuilding next to the rear boundary adjoining the application property.
- 2.2 Whitton Close is a cul-de-sac formed of detached dwellings and there is no significant change in level. No. 5 has a first floor side extension.



South (front) elevation



North (rear) elevation



View from rear garden of no. 105  
Haddon Crescent



View from rear garden of no. 107  
Haddon Crescent

### 3. Relevant planning history

- 3.1.1 An outline application (92/00074/OUT) for residential development received permission in March 1992.
- 3.1.2 A reserved matters application (92/00484/REM) for an internal road network including location of open space received permission in October 1992.
- 3.1.3 A reserved matters application (92/00651/REM) for 89 dwellings with associated roads and sewers received permission in April 1993.

### 4. Policy context

#### 4.1 National Policy

- 4.1.1 The National Planning Policy Framework (NPPF) March 2012, outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and high quality design should be sought.

#### 4.2 Broxtowe Aligned Core Strategy

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' - reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

#### 4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy H9 'Domestic Extensions' - states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

#### 4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

4.4.2 Policy 17 'Place-Making, Design and Amenity' - states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

#### 5. Consultations

5.1 There have been three objections received and these can be summarised as follows:

- Loss of daylight/ sunlight.
- West facing garden would mean extension compromises evening sun.
- Garden feels smaller and extensions dominate rear gardens of Haddon Crescent.
- Unsightly, imposing and create a sense of enclosure.
- Originally objected to properties on Whitton Close as overlooked playing fields before they were built.
- Original plans for application property showed garage on the opposite side but were changed due to being too imposing for residents on Haddon Crescent.

6. Appraisal

6.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.

6.2 Amenity, design and parking

6.2.1 Amended plans were received during the course of the application which include minor changes to the single storey rear extension. These include changing the positioning of the roof lights, enlarging the window in the north (rear) elevation and changing the window and door to bifolding doors in the west (side) elevation. It was considered unnecessary to reconsult on these plans as the changes were minor.

6.2.2 Whitton Close is a street formed of detached dwellings with relatively the same character. A number of properties in the area have had permission for single/two storey extensions in the area. These include no. 5 which has had permission for a first floor side extension, no. 41 Newall Drive has had permission for a two storey side and rear extension and no. 103 Haddon Crescent has had permission for a single storey front and side extension.

6.2.3 The proposed single storey rear extension will be 1.1m from the eastern boundary with Haddon Crescent and will have a blank east (side) elevation. It will not exceed a height of 3.7m and is considered to be a relatively modest size. The proposed roof lights are high level and therefore are considered to be acceptable that they will not cause any adverse overlooking. It is considered the single storey extension would not have a significant impact on the amenity of the adjoining neighbours due to its size and proximity to the adjoining boundaries. It should be noted that a single storey extension of this size could be constructed under permitted development rights.

6.3.4 The proposed two storey side extension will not increase the footprint of the property. It is considered to be a reasonable size in regards to its width and height in relation to the main property. It is acknowledged that the extension will mean the property is closer to the properties adjoining the eastern boundary on Haddon Crescent. However, the view currently from these properties is the blank east (side) elevation of the application property. Therefore, it is considered the change to outlook from the Haddon Crescent properties is minimal and it would not appear imposing or cause a sense of enclosure. The application property is positioned to the west of the properties on Haddon Crescent and therefore will already cause a loss of evening sunlight. Therefore, an extension positioned to the east of the property is considered to be acceptable that the difference in impact on sunlight to these gardens would be minimal.

6.3.5 Specific concerns raised in the consultation process relate to historic plans which sited the garage projecting from the west elevation of the application property and being changed to the east elevation to reduce the impact on the adjoining neighbours of Haddon Crescent. Whilst it is understood this may have been considered with a previous planning application, this planning application will be assessed independently, and the impact on the amenity judged against current guidelines and planning policy. The extension proposed, is considered to not

adversely impact on the amenity of neighbouring properties, due to its massing and location (as detailed above).

- 6.3.6 It is considered the proposed extensions are a sufficient distance from the boundaries with nos. 3, 5 and 6 and no. 60 Newall Drive that they will not have a detrimental impact on their amenity.
- 6.3.7 The design of the extensions are considered to be appropriate for this domestic property and relatively in keeping with other extensions in the area. As the plans do not state the materials proposed, they will be conditioned to ensure they match the main property. The first floor side extension will be set down 0.2m from the main ridge and 0.7m from the front elevation, which creates a subservient appearance and ensures a shadowing effect is created between the extension and main property. The roof and window style of both extensions will match the main property. Overall, it is considered the extensions achieve an acceptable level of design and are in keeping with the main property and surrounding properties on Whitton Close.
- 6.3.8 As the first floor side extension will not increase the footprint of the property, three car parking spaces (two spaces on the driveway and one in the garage) will be retained. This is considered sufficient for this sized property, including the extensions.

## 7. Conclusion

- 7.1 In conclusion, it is considered that the extensions would be in keeping with the original property in terms of style and proportion, and will not have a detrimental impact on the street scene of Whitton Close. It is considered the extension would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Policy H9 of the Broxtowe Local Plan, Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

## Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 4 April 2018, Proposed Block Plan (1:200) received by the Local Planning Authority on 5 April 2018 and drawing number: M0318.02 received by the Local Planning Authority on 15 May 2018.**
- 3. The extensions shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing house.**

**Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

**Note to Applicant:**

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework by working to determine this application within the agreed determination timescale.

Background papers  
Application Case File





This page is intentionally left blank



## Report of the Chief Executive

**18/00414/FUL**

**CONSTRUCT TWO STOREY SIDE EXTENSION**

**59 PELHAM CRESCENT, BEESTON, NOTTINGHAMSHIRE, NG9 2ER**

Councillor P Lally has requested this application be determined by Planning Committee.

### 1 Details of the application

- 1.1 The application seeks permission to construct a two storey side extension. The existing garage will be demolished.
- 1.2 The two storey side extension will have a hipped roof, a maximum height to eaves of 6.1m and maximum height to ridge of 7.7m. It will be set down 0.3m from the main ridge and set back 0.5m from the north west (front) elevation. It will project a maximum of 3.6m in width and extend 7.4m in length. The extension will be approximately 4m from the rear boundary, approximately 4m from the boundary with no. 28 Queens Road East and approximately 3m from the boundary with no. 57 Pelham Crescent. The extension will have a ground and first floor bay window in the north west (front) elevation, a first floor window and ground floor patio doors with small adjoining windows in the south east (rear) elevation and a blank north east (side) elevation.
- 1.3 The extension will serve three bedrooms, a bathroom, shower room and dining room. The existing dining room will be converted into a living room and one bedroom will be converted to a study. One car parking space is available at the front of the property. The property as extended is shown to have five bedrooms.

### 2 Site and surroundings

- 2.1 The application property is a detached dwelling positioned at the end of a cul-de-sac. A 1.8m high fence extends across the boundary with nos. 63 and 65 Pelham Crescent. Deciduous and coniferous vegetation and a deciduous tree extend across the rear boundary. A detached flat roof garage, belonging to application property, is located adjacent to the northern boundary and to the rear of the garage is a 1.5m high fence covered in climbing vegetation. No. 57 has a two storey side and single storey rear extension. The land to the north east (side) and south east (rear) is approximately 1m lower than the main property.
- 2.2 Pelham Crescent is a cul-de-sac formed of semi-detached and detached dwellings. A number of the properties have had permission for two storey side extensions, including nos. 43, 45, 53, 57 and 63 Pelham Crescent.



North west (front) elevation



View of no. 57 from rear garden of site



South east (rear) elevation



View of application property from street scene

### 3. Relevant planning history

- 3.1 A planning application (76/00346/FUL) for a brick garage received permission in June 1976.

### 4. Policy context

#### 4.1 **National Policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

#### 4.2 **Broxtowe Aligned Core Strategy**

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

- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.2.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

#### 4.3 **Saved Policy of the Broxtowe Local Plan**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policy is as follows:

- 4.3.2 Policy H9 'Domestic Extensions' - states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

#### 4.4 **Part 2 Local Plan (Draft)**

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included 11 representations in relation to Policy 17. Given that there remains outstanding objections to Policy 17 that will need to be considered through the Local Plan process, this policy can be afforded only limited weight.

- 4.4.2 Policy 17 'Place-Making, Design and Amenity' - states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

#### 5. Consultations

- 5.1 Nottinghamshire County Council as Highways Authority: no objection to one parking space if the property is converted into a House in Multiple Occupancy (HMO). If the property remains as a residential home, there would be a preference for an additional car parking space but no objection would be made if this couldn't be provided.

- 5.2 Nottingham Express Transit (NET): no objection.

- 5.3 Environmental Health: no objection but have raised observations in regards to the room size, fire protection and detection measures and the requirement for a license if the property is converted into a HMO.

- 5.4 There have been eight objections received which can be summarised as follows:

- Planning permission refused for nos. 51 and 53 Pelham Crescent after local MP became involved which still stand unoccupied after extensive building work.
- Nos. 53, 57 and 63 Pelham Crescent have been extended to six bedroom properties for students.

- Potential for a sixth bedroom from converting a living/dining room.
- Pelham Crescent has limited space and has been subject to large extensions, street was not designed to accommodate this density.
- Overdevelopment as the property was originally intended for a family. Catering to a transient population who do not invest in the area.
- Conversion of family homes into student lets is devastating the community and amenity of the area.
- Amended plans still constitute overdevelopment.
- Not in keeping with the character of the area.
- Increase in traffic and parking which could be unsafe for children.
- Noise and disruption from building works.
- Benefit is weighted towards local developers.
- Article 4 direction by Nottingham City Council has increased student rental properties in Beeston.

6. Appraisal

- 6.1 The main issues to consider with this application are the impact on neighbour amenity, the design of the extension and parking.
- 6.2 Specific concerns raised in the consultation responses relate to an increase in traffic and parking problems, noise, overdevelopment, out of character with the area and the type of occupants. These concerns will be addressed below.
- 6.3 Pelham Crescent is a street formed of semi-detached and detached dwellings with a slight varying character. A number of the houses have received permission for extensions which include two storey side extensions; these include nos. 43, 45, 53, 57 and 63 Pelham Crescent.
- 6.4 The proposed two storey side extension will be at least 3.2m from all adjoining boundaries and will have a blank north east (side) elevation. Amended plans were received during the course of the application which reduced the width of the extension by 1.1m and, reduced the ridge height by 0.3m. It is considered the extension is a sufficient distance from adjoining neighbours that it will not have a detrimental impact on their amenity. Due to the positioning of the extension and it projecting to the north east, it is considered the extension will have minimal impact on the amenity of the occupants of nos. 61, 63 and 65 Pelham Crescent. Due to the deciduous and coniferous vegetation and a deciduous tree extending across the rear boundary, the extension will be partially obscured from view and therefore it is considered it will not have a detrimental impact on the amenity of nos. 28, 30, 32 and 34 Queens Road East. Due to the separation distance and blank north east (side) elevation, it is considered the proposed extension will have minimal impact on the amenity of the occupants of no. 26 Queens Road East. Due to the separation distance and intervening road, it is considered the proposed extension will have minimal impact on nos. 51, 53 and 55 Pelham Crescent. It is acknowledged that the extension will be close to the boundary with no. 57. However, the extension will be a minimum of 3.2m from the boundary with no. 57 and due to the orientation of the application property, the mass of the extension will not extend parallel to this boundary. No windows in the extension will directly overlook the primary amenity space of no. 57 and as it is an

acceptable distance from the boundary, it is considered it will not have a detrimental impact on the amenity of these occupants.

- 6.5 A degree of noise and disturbance is to be expected from construction works. Anything that is considered to be excessive will be dealt with by the Environmental Health Department.
- 6.6 The main concern raised relates to the type of occupants that could potentially be living in the property. The agent has stated that the applicant does not intend for the property to be converted into a House in Multiple Occupancy (HMO). It is acknowledged that due to the location of Pelham Crescent being close to The University of Nottingham's campus and the Article 4 direction imposed from Nottingham City Council, family homes have been and are being developed into student houses within Beeston. There are no planning restrictions to prevent a House in Multiple Occupation (HMO) (up to and including six bedrooms). It is considered the proposed extension would be acceptable in terms of its design and size, irrespective of the type of tenant and retains a 'family home' appearance that is in keeping with the character of Pelham Crescent.
- 6.7 Once extended, the house would have five bedrooms. As the property is not proposed to be used by more than six residents, no change of use planning application is required. If the property is left in an unacceptably untidy state which is harmful to the amenity of the area, or if the occupants of the property cause an undue noise nuisance, then action can be taken under Planning or Environmental Health legislation.
- 6.8 In regards to the standard of amenity for the future occupiers (whether the rooms be let individually or occupied by a family), it is considered the proposed rooms are an adequate size and a satisfactory amount of internal living space with access to appropriate facilities has been provided.
- 6.9 Once extended, the property will have three ground floor rooms, in addition to the kitchen (a living room, lounge and dining room). One of these rooms could be converted into a bedroom without the need for planning permission which would result in the property having six bedrooms. It would be the duty of the property owner to inform the licensing department if bedrooms are to be let individually.
- 6.10 It is considered the proposed extension achieves an acceptable level of design. The ridge is set down 0.3m and the extension is set back 0.5m from the front elevation which is considered to represent a subservient appearance to the main property. The proposed bay windows add interest to the front elevation and reflect a degree of symmetry with the existing bay windows. The 3.6m width of the extension is considered to be proportionate to the main property and it does not appear overbearing. It is considered the extension reflects the style of the main property and immediate surrounding properties and therefore is in keeping with the character of Pelham Crescent. As the plans do not state the materials proposed, these will be conditioned to ensure they match the main property.
- 6.11 It is acknowledged the site has provision for one car parking space only. However, it is considered that the proposed extension will not generate significant additional demand for parking. There is space to park on the street and there are

frequent bus and tram links within walking distance of the property. It is considered the addition of two extra bedrooms to the property will not be likely to cause a significant parking issue on Pelham Crescent or to have a detrimental impact on highway safety.

- 6.12 The site is located within Flood Zone 2. A flood risk assessment has been submitted which confirms that floor levels will be set no lower than existing levels. It is considered that flood risk issues have been adequately considered and that the development will not increase flood risk.

## 7. Conclusion

- 7.1 In conclusion, it is considered that the extension would be in keeping with the original property in terms of style and proportion and will not have a detrimental impact on the street scene of Pelham Crescent. It is considered the extension would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Policy H9 of the Broxtowe Local Plan, Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

## Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing number:** *SC/DB/07/06/18/02 REVE/23/07/2018 received by the Local Planning Authority on 23 July 2018.*
- 3. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing house.**

## Reasons

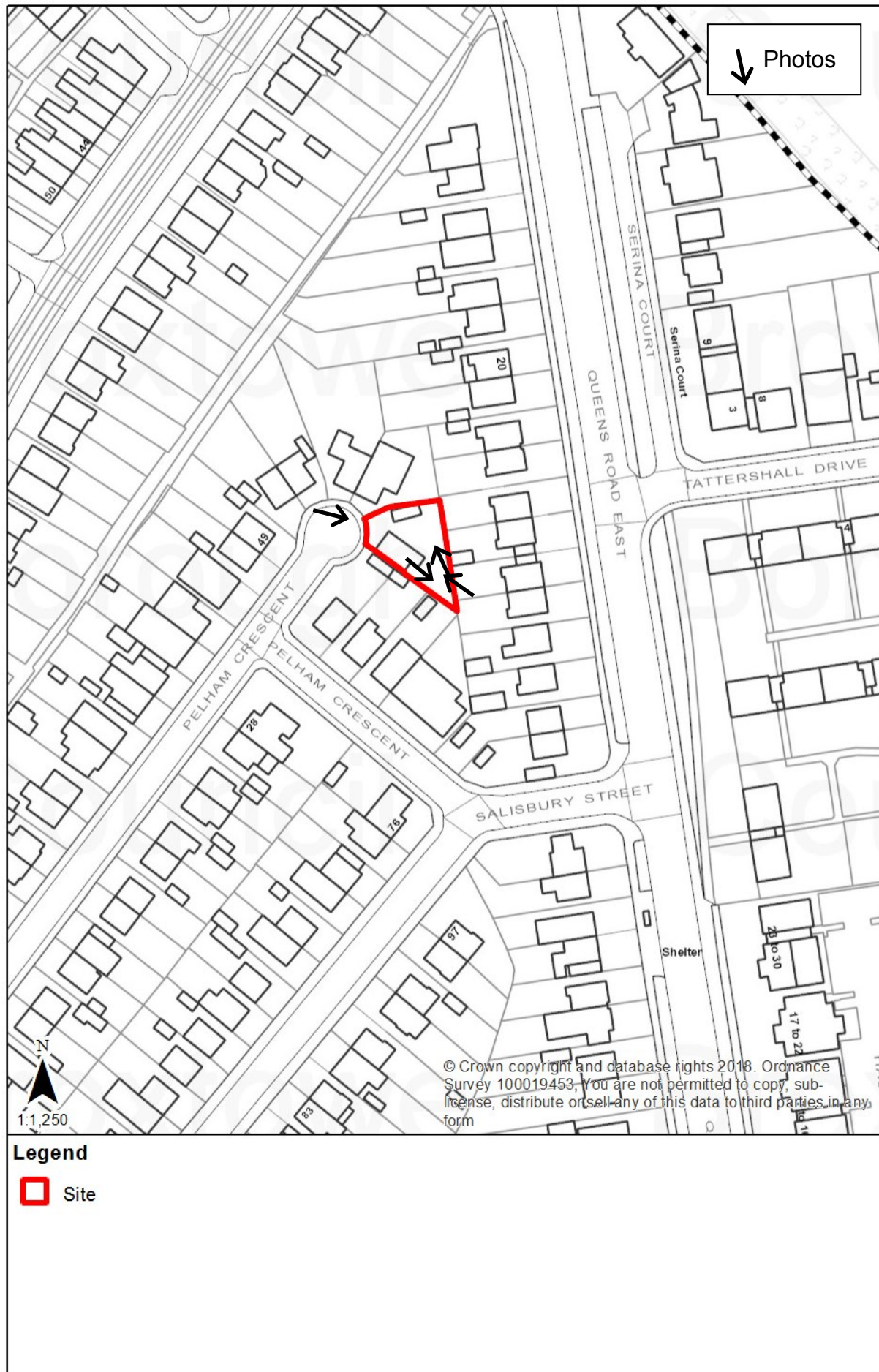
- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).**

**Note to applicant:**

**The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**

Background papers  
Application Case File





## Report of the Chief Executive

**18/00439/FUL**

### **CONSTRUCT TWO STOREY SIDE EXTENSION AND ALTERATIONS TO SINGLE STOREY REAR EXTENSION**

**2 DENEWOOD AVENUE, BRAMCOTE, NOTTINGHAMSHIRE, NG9 3EU**

Councillor J C Goold has requested this application be determined by Planning Committee.

#### 1 Details of the application

- 1.1 The application seeks permission to construct a two storey side extension. The existing garage will be demolished and the single storey rear extension will be retained.
- 1.2 The two storey side extension will have a hipped roof, a height to eaves of 5m and height to ridge of 7.1m. It will be set down 0.3m from the main ridge. The main property has an existing two storey front projection. The south east (front) elevation of the extension will align with this element at ground floor level and will be set back 1m at first floor level. The extension will have a lean-to roof above the ground floor level in the south east (front) elevation. The two storey side extension will extend to align with the north west (rear) elevation of the property. The extension will be approximately 6.6m from Denewood Avenue and built up to the boundary with no. 4. The extension will have a ground and first floor window in the south east (front) elevation, a blank south west (side) elevation and two first floor windows in the north west (rear) elevation.
- 1.3 The plans do not state what the extension will serve at ground floor level. At first floor level the extension will serve a bedroom with en-suite.
- 1.4 Alterations proposed to the single storey rear extension include the addition of three roof lights in the lean-to roof, blocking up the underpass and changing a window to bifolding doors.

#### 2 Site and surroundings

- 2.1 The application property is a detached dwelling with a single storey flat roof, attached garage and single storey rear extension with lean-to roof. The garage is built up to the boundary with no. 4 and adjoins a 1.8m high fence which extends to the rear of the garden. A 2m high coniferous hedge extends across the rear boundary and a 1.8m high fence extends across the boundary with no. 9 Rivergreen Crescent.
- 2.2 Denewood Avenue is a street formed of mainly detached dwellings. The rear patio steps down to the garden by approximately 0.75m and there is a gradual slope of approximately 0.3m from south west to north east along Denewood Avenue. A number of the properties have had permission for two storey extensions, including nos. 4, 6, 11, 16 and 23 Denewood Avenue.



View of south east (front) elevation and boundary with no. 4



View from rear garden of no. 4



View of rear/side boundary with no. 4



View of north west (rear) elevation

### 3. Relevant planning history

- 3.1 An application (79/00406/FUL) for extensions and alterations received permission in May 1979.
- 3.2 An application (83/00729/FUL) for an extension to form a kitchen and dining room received permission in February 1984.

### 4. Policy context

#### 4.1 **National Policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

#### 4.2 **Broxtowe Aligned Core Strategy**

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



4.2.2 Policy A 'Presumption in Favour of Sustainable Development' - reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

#### 4.3 **Saved Policy of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policy is as follows:

4.3.2 Policy H9 'Domestic Extensions' - states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

#### 4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included 11 representations in relation to Policy 17. Given that there remain outstanding objections to Policy 17 that will need to be considered through the Local Plan process, this policy can be afforded only limited weight.

4.4.2 Policy 17 'Place-Making, Design and Amenity' - states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

#### 5. Consultations

5.1 There has been one objection received which can be summarised as follows:

- Loss of daylight/ sunlight
- Loss of privacy
- Sense of enclosure
- Inaccuracies within plans.

#### 6. Appraisal

6.1 The main issues to consider with this application are the design of the extension and the impact on neighbour amenity.

- 6.2 Amended plans were received during the course of the application which include the hipped roof matching the pitch of the main roof, obscurely glazing the first floor rear window closest to the boundary with no. 4 and relocating the bathroom from the middle of the bedroom to the corner so it is served by the obscurely glazed window.
- 6.3 Denewood Avenue is a street formed of mainly detached dwellings with a slight variance in character. A number of properties have had permission for two storey extensions in the area. Some of these include no. 4, which has had permission for a two storey side extension and single storey rear extension, no. 6 has had permission for a two storey side and single storey rear extension (not yet built) and no. 11 has had permission for a two storey side, single storey front and rear extensions.
- 6.4 The design of the extension is considered to be appropriate for this domestic property and will be in keeping with other extensions in the area. As the plans do not state the materials proposed, they will be conditioned to ensure they match the main property. The extension will be set down 0.3m from the main ridge and set back 1m at first floor level, which creates a subservient appearance and ensures a shadowing effect is created between the extension and main property. It is considered the insertion of three roof lights, blocking up an underpass and changing a window to bi-folding doors in the single storey rear extension are modest, acceptable changes. Overall, it is considered the extension and alterations to the existing single storey rear extension achieve an acceptable level of design and are in keeping with the main property and surrounding properties on Denewood Avenue.
- 6.5 The proposed two storey side extension will not increase the footprint of the property and will not extend beyond the front or rear elevation of the main property. The eaves height will match the eaves of the main roof and the ridge will be set down 0.3m from the main ridge. It is considered the extension is a reasonable size in regards to its width and height in relation to the main property. The extension has a blank south west (side) elevation and the roof is hipped roof which is considered to reduce the impact for the occupants of no. 4. It is acknowledged that extension will be closer to the boundary with no. 4 and there will be some loss of light to no. 4's windows in the north east (side) elevation. However, the strip of land to the side of no. 4 is not primary amenity space and the side windows do not serve primary rooms. Therefore, it is considered the loss of light is not detrimental to this property. It is acknowledged there will be some loss of light to the occupants of no. 4 but as no. 4 is positioned to the south west of the application property and has a north west facing garden, the position of proposed extension will not have a significant impact on a loss of light or daylight to their rear garden. No. 4 has a single storey rear extension with two roof lanterns. The first floor (rear) window next to the en-suite window will serve a dressing area to the bedroom. The first floor (rear) window closest to the boundary with no. 4 will serve an en-suite and will be conditioned to be obscurely glazed due to having a partial view into the roof lantern of the single storey rear extension of no. 4. It is considered conditioning this window to be obscurely glazed is sufficient in maintaining privacy for the occupants of no. 4. It is considered the extension is of an acceptable size and scale that it will not appear imposing or cause a sense of enclosure to no. 4 or surrounding neighbours.

- 6.6 As the extension projects to the south west of the property it will be mainly obscured from view and therefore, it is considered it will have minimal impact on the amenity of the occupants of no. 9 Rivergreen Crescent. Due to the separation distance, it is considered the proposed extension will have minimal impact on the amenity of the occupants of no. 11 Rivergreen Crescent. Due to the intervening road and separation distance, it is considered the proposed extension will have minimal impact on the amenity of the occupants of nos. 3, 5 and 7 Denewood Avenue. The proposed alterations to the single storey rear extension are of a modest scale and therefore it is considered there will be minimal impact on the amenity of the surrounding neighbours.
- 6.7 Specific concerns were raised in the consultation process in relation to the block plan being incorrect. The block plan shows the proposed footprint of the extension accurately. It is acknowledged the block plan does not reflect up to date extensions of neighbouring properties but this is not a requirement of a valid planning application. A site visit was carried out from no. 4 and the application property which in line with what has been submitted, is considered sufficient to make an informed assessment.
- 6.8 It is acknowledged the garage will be removed meaning there will only be space for one car for the application property. It is considered this is sufficient and that any further cars parked on the road in association with this property would not be at the detriment of highway safety.
7. Conclusion
- 7.1 In conclusion, it is considered that the extension and alterations to the single storey rear extension are in keeping with the original property in terms of style and proportion, and will not have a detrimental impact on the street scene of Denewood Avenue. It is considered the extension would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Policy H9 of the Broxtowe Local Plan, Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

### **Recommendation**

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and Proposed Ground and First Floor Plans received by the Local Planning Authority on 25 June 2018 and Proposed Block Plan (1:500) and Proposed Elevations received by the Local Planning Authority on 11 July 2018.**

3. The extension shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing house.
4. The first floor window in the north west (rear) elevation, closest to the boundary with 4 Denewood Avenue, 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 life time of the development.

**Reasons**

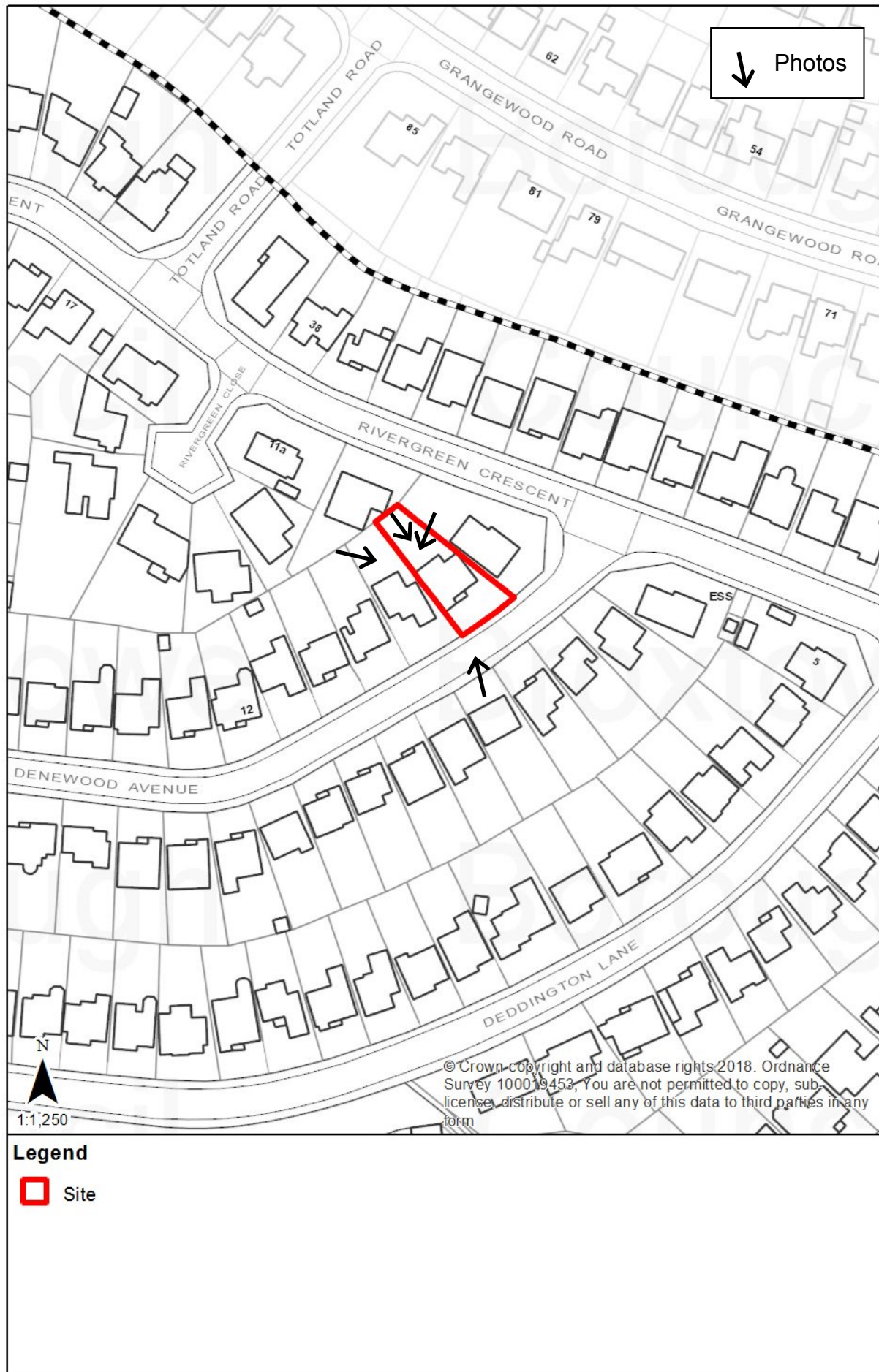
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
4. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

**Note to applicant:**

The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.

Background papers  
Application Case File





This page is intentionally left blank

## Report of the Chief Executive

**18/00308/FUL**

**CONSTRUCT 6 INDUSTRIAL UNITS (CLASS B2) AND BIN STORE AND CREATE VEHICULAR ACCESS FROM DERBY ROAD (PART REVISED SCHEME)**

**FORMER DYEWORKS SITE, WEST END STREET, STAPLEFORD, NG9 7DA**

Councillor John McGrath has requested this application be determined by the Committee.

### 1 Details of the Application

- 1.1 The application seeks permission to construct six industrial units within Use Class B2 (General Industry), a separate bin store and a new access from Derby Road which would then connect to West End Street. A one way system would be in operation with the access from Derby Road and the egress onto West End Street. The industrial units would comprise a single building and would be single storey with a maximum height of 6m. The front elevation of each unit, facing towards the main access road, would include a door and a window. The main goods entrance would be to the rear of each unit and accessed from the car park area. The buildings will be constructed in facing brickwork and plastic coated steel cladding. The bin store would be a close boarded timber enclosure with a height of 2m and would be located to the rear of 1 West End Street. The proposed boundary treatments are identified on the plan, with a 2m brick wall retained to the residential properties on West End Street.
- 1.2 This is a revised planning application. Planning permission was previously granted for seven industrial units and an office block (reference 13/00609/FUL). The additional industrial unit and office block are along the northern section of the site but these buildings are not subject to this revised application as no changes are proposed to these elements. The changes to the six units relate to reducing the size of the units, moving the units and the access road further away from the western boundary and moving the main goods entrance and parking area to the rear of the building. The amendments have been made due to a covenant on part of the site which prevents it from being built upon and to move the development further away from land which will form part of the HS2 railway line.

### 2 Site and Surroundings

- 2.1 The site is predominantly open with the exception of the north east corner where there is a two storey building. The site rises from north to south and the site is currently accessed from West End Street. The site was historically used as a dye works and the Palace Cinema (now demolished) fronted onto Derby Road.
- 2.2 Beyond the north boundary there is a vacant site which was previously used for industry. The building has since been demolished. To the west of the site there is the railway line and to the south is Derby Road. To the east of the site there are a mixture of residential properties and commercial properties. The rear gardens of a

number of these properties face directly towards the application site. It is also noted that 242 to 254 Derby Road is currently subject to a separate planning application to form 11 apartments (reference 18/00288/FUL).

- 2.3 The northern part of the site lies within Flood Zone 3 (high probability of flooding). The central part of the site lies within Flood Zone 2 (medium probability of flooding) and the southern part of the site lies within Flood Zone 1 (low probability of flooding).
- 2.4 The north western corner of the site is within the HS2 Safeguarding Zone.



### 3 Relevant planning history

- 3.1 Planning permission (reference 13/00609/FUL) was granted in 2014 to construct 7 industrial units (Class B2), an office block, 2 bin stores and a new access to Derby Road.
- 3.2 A Certificate of Lawfulness (reference 17/00523/CLUE) was subsequently issued to confirm that the planning permission had been implemented.

## 4 Policy Context

### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018 states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.1.2 Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 4.1.3 Paragraph 108 states in assessing applications for development, it should be ensured that any significant impacts from the development on the transport network can be cost effectively mitigated to an acceptable degree.
- 4.1.4 Paragraph 109 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.
- 4.1.5 Paragraph 118 states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 4.1.6 Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.1.7 Paragraph 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.1.8 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

### 4.2 **Broxtowe Aligned Core Strategy (2014)**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 Policy A 'Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.2.3 Policy 1 'Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents or occupiers.
- 4.2.5 Policy 15 'Transport Infrastructure Priorities' states that any development permitted in or adjacent to the proposed strategic location for growth at Toton shall allow for adequate provision for the construction of the HS2 route, the station and vehicle access to it.

#### 4.3 **Saved Policies of the Broxtowe Local Plan (2004)**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E29 'Contaminated Land' states development of land which may be contaminated will not be permitted unless a site investigation (using a method agreed in writing with the Council) has been carried out; details of remedial measures have been approved by the local planning authority and the relevant consultation bodies; there will be no significant risk to the health and safety of occupants of the development and there will be no contamination of any surface water, ground water or adjacent land.
- 4.3.3 Policy E34 'Control of Noise Nuisance' states that planning permission will not be granted for development if the noise created would expose occupants of housing or other noise sensitive uses to significant noise disturbance.
- 4.3.4 Policy EM1 'New Employment Sites' identifies new employment sites which includes the application site. The policy states that development will be limited to Class B1 uses and proposals will need to include details of investigations of possible contamination of the land and measures to deal with contamination.
- 4.3.5 Policy T11 'Guidance for Parking Provision' and appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

#### 4.4 **Part 2 Local Plan (Draft)**

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The draft plan has been submitted for Examination, anticipated to take place toward the end of this year. Due to the current stage of the plan preparation and that representations have been made on all relevant Part 2 Local Plan policies only limited weight can be attached to the policies listed below.

- 4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.
- 4.4.3 Policy 9 'Retention of good quality existing employment sites' states that permission will be granted for the expansion, conversion or redevelopment of land and premises for employment purposes on allocated and protected employment sites provided: the employment use is within Use Class B1 – B8 or sui generis use of a similar nature; and the redevelopment provides the necessary quality of design, landscaping, parking and amenity in accordance with other policies in this Local Plan, having regard to the local environment and in particular the amenity of nearby and adjoining occupiers. The application site is identified within the supporting text as a viable employment site for B Class employment uses which should be retained for this purpose.
- 4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.5 Policy 19 'Pollution, Hazardous Substances and Ground Conditions' states that permission will not be granted for development which would result in an unacceptable level of pollution, or is likely to result in unacceptable exposure to sources of pollution or risks to safety, and that proposals must identify potential nuisance issues arising from the nature of the proposal and address impacts on that development from existing land uses.

## 5 Consultations

- 5.1 HS2 Ltd objects to the application as a substantial part of the site is located within land subject to the Safeguarding Directions for Phase 2b of HS2. The Safeguarding Directions have been issued by the Secretary of State for Transport to protect the entire preferred Phase 2b route of HS2 from conflicting development. HS2 Ltd considers that the revisions made from the 2013 scheme are not sufficient to allow HS2 to undertake the required works in the area and HS2 Ltd engineers have concluded that it would not be possible to relocate the development outside of the safeguarded area. The proposed development would therefore prejudice the ability to build and operate HS2 which is a project of national importance and therefore the application should be refused. HS2 Ltd highlights that if the Council is minded to grant planning permission contrary to their advice, the application must be first referred to the Secretary of State. The applicant is advised to contact the HS2 property team regarding compensation.
- 5.2 The Environment Agency has no objection subject to conditions requiring finished floor levels to be set no lower than 37.3m above Ordnance Datum (AOD), the submission of a remediation strategy to deal with contamination risks, the submission of a verification report to show any remediation works have been



completed, the halting of development if unidentified contamination is found and the need to submit a scheme for surface water disposal.

- 5.3 Nottinghamshire County Council as Highways Authority recommends that conditions included in the previous scheme (reference 13/00609/FUL) are repeated, should planning permission be granted.
- 5.4 Broxtowe Borough Council's Environmental Health Department objects to the application. This is due to the revised scheme proposing to locate parking, delivery points and main points of access to the rear, adjacent to the residential dwellings. Given the scope of B2 use, the proximity to residential dwellings and the proposed orientation, it is considered that the development is likely to give rise to unacceptable operational noise which could not be restricted by conditions.
- 5.5 58 properties, either adjoining the site, opposite or those who commented on the 2013 planning application were consulted. One letter stating objections and one letter stating observations were received. The following points were raised:
- Concerns regarding noise and smell arising from the development in addition to existing disturbance from the railway line and scrap yard.
  - The access would be dangerous.
  - Queries the height and design of the bin store, what will be stored in the bins, and how often they will be emptied.
  - Query regarding the height of the boundary fence to properties on West End Street.

## 6 Appraisal

- 6.1 The main considerations relate to whether the principle of the development is acceptable, with particular regard to the impact on the HS2 safeguarded zone, if there will be an unacceptable loss of amenity to any neighbours, if an acceptable design has been achieved and if there will be any unacceptable highways impacts as a result of the development.

### **Principle**

- 6.2 Planning permission (reference 13/00609/FUL) was previously granted for a similar scheme to the one now proposed. The changes mainly relate to a reduction in the size of six of the industrial units and moving the building further away from the western boundary. The 2013 planning permission has also already been implemented and therefore could be constructed in full. As part of the previous planning application, HS2 Ltd did not object as a decision regarding the route had not been finalised. However, they did highlight that the site may in future be required by HS2 Ltd to construct and/or operate the railway.
- 6.3 It should also be acknowledged that the site was allocated for an employment use within the Broxtowe Local Plan (2004) and is identified as a viable employment site for B Class employment uses within Policy 9 the Part 2 Local Plan.
- 6.4 Due to the extant planning permission, it is considered that the principle of the mix of industrial and office use would usually be acceptable. However, significant

weight must now be given to the objection from HS2 Ltd due to part of the site falling within the safeguarded area. Following receipt of the objection, there were discussions with HS2 Ltd about whether amendments to the scheme could overcome the objection. However, engineers working for HS2 Ltd considered that this would not be possible. HS2 Ltd also highlighted that the applicant will be entitled to compensation from the development as they have an existing planning permission which has been implemented.

- 6.5 Policy 15 of the Aligned Core Strategy refers to any development allowing for adequate provision for the construction of the HS2 route and the NPPF refers to the need for any significant impacts from the development on the transport network being able to be mitigated to an acceptable degree. It is considered that the development could not provide suitable mitigation and could have a significant impact on the delivery of HS2, contrary to both Policy 15 and the NPPF. Therefore, the development would be unacceptable and the conflict with the HS2 safeguarded area outweighs any potential 'fall back' position in respect of the implemented planning permission.

### **Amenity**

- 6.6 The six industrial units would be constructed to the west of houses on West End Street and to the north of properties on Derby Road. In this revised scheme, the buffer between the units and the houses has been increased (the minimum distance from the units to 7 West End Street is now 5m rather than 2m) which would reduce the impact compared to the approved scheme. The units are also single storey and the height (6m) is the same as the approved scheme. Based on the relationship, it is considered the development would not be overbearing or cause unacceptable overshadowing to the occupiers of neighbouring properties. The proposed boundary treatments are identified on the plan, with a 2m brick wall retained to the residential properties on West End Street. The office block and unit 7 do not form part of this application although the relationship was judged to be acceptable as part of the previous approval.
- 6.7 A bin store is proposed to the rear of 1 West End Street. The approved scheme also included a bin store in this location and the store will not exceed 2m in height. It is considered that there will be no additional impact compared to the approved scheme.
- 6.8 A significant change from the previous approval is the relocation of the main goods entrances from the front of the units to the rear. Environmental Health has objected to this change, stating that the scope of B2 use, the proximity to residential dwellings and the proposed orientation, will give rise to unacceptable operational noise which could not be restricted or controlled by conditions. Based on these comments, it is considered that the proposed development would expose occupants of the neighbouring residential dwellings on West End Street to significant noise disturbance which would result in an unacceptable loss of amenity and would be contrary to Policy E34 of the Broxtowe Local Plan, Policy 10 of the Aligned Core Strategy and Part 2 Local Plan Policy 19.

**Design**

- 6.9 The units subject to this application would have an industrial appearance but would be set back from Derby Road and from West End Street. The design would be appropriate for an industrial site and it is considered that it would not harm the overall character of the area. Therefore, the proposal would accord with Aligned Core Strategy Policy 10 in respect of design.

**Highways**

- 6.10 The Highways Authority has no objection subject to the conditions included within the extant planning permission being repeated. This would include conditions requiring the accesses to be constructed prior to buildings being occupied and including adequate drainage. It is also considered that there would be sufficient parking within the site to serve the development and that the revisions made to the proposal would not result in any additional highways impacts above those arising from the extant scheme.

**Other Issues**

- 6.11 Parts of the site lie within Flood Zones 2 and 3. The Environment Agency has no objection subject to the inclusion of conditions relating to setting the height of finished floor levels, the submission of a remediation strategy and verification report to deal with contamination risks, and the need to submit a scheme for surface water disposal. With the inclusion of these conditions, it is considered the application would be acceptable in respect of flood risk.
- 6.12 A neighbour response raises concerns regarding potential smell from the development. It is considered that it is unlikely that odour from the development would be at an unacceptable level and if there were issues this could be dealt with by Environmental Health.

**7 Conclusion**

- 7.1 Whilst the site has an extant planning permission, significant weight must now be given to the objection from HS2 Ltd due to part of the site falling within the safeguarded area. It is considered that the development would be unacceptable due to the conflict with the HS2 line and this would be contrary to Policy 15 of the Aligned Core Strategy (2014) which requires development to allow for the delivery of the HS2 route and to the guidance contained with the NPPF which seeks to prevent development having an unacceptable impact on the transport network.
- 7.2 The proximity to residential dwellings and the proposed orientation of the units, with the main goods entrances and parking areas to the rear, would expose occupants of the neighbouring residential dwellings to significant noise disturbance resulting in an unacceptable loss of amenity. It is considered that conditions could not adequately mitigate this impact. The development would therefore be contrary to Policy E34 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the emerging Policy 19 of Part 2 Local Plan.

**Recommendation**

The Committee is asked to **RESOLVE** that planning permission be refused for the following reasons:

1. The proposed development would conflict with the HS2 safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is a project of national importance. It is considered that revised proposals or mitigation measures could not overcome these fundamental issues. The proposal is therefore contrary to the National Planning Policy Framework (NPPF) and Policy 15 of the Broxtowe Aligned Core Strategy (2014).
2. The proposed development would expose occupants of the neighbouring residential dwellings to unacceptable noise disturbance from the Class B2 uses due to the orientation of the units and the position of the main goods entrances facing towards residential properties on West End Street. This will result in an unacceptable loss of amenity to occupiers of the residential properties which would be contrary to Policy E34 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and the emerging Policy 19 of Part 2 Local Plan (Draft).

**Note to Applicant**

The Council has tried to act positively and proactively in the determination of this application. However, the Council concluded that the fundamental issues associated with the development could not be overcome by amendments.

Background papers  
Application case file



## Report of the Chief Executive

### 18/00306/FUL

### CONSTRUCT SINGLE/TWO STOREY REAR EXTENSION, HIP TO GABLE ROOF EXTENSION, BIN STORE, INSERT WINDOWS IN THE SIDE ELEVATION AND CONVERT SINGLE DWELLING TO 4 APARTMENTS

65 DOVECOTE LANE, BEESTON, NOTTINGHAMSHIRE, NG9 1HU

Councillor P Lally has requested this application be determined by the Committee.

#### 1 Details of the Application

- 1.1 The application seeks planning permission to construct an extension to the rear, a hip to gable roof extension and to convert the existing property into four apartments. The two storey element of the rear extension would project 4m from the rear elevation with the single storey element projecting an additional 1m. A small set-back from the original side wall has been included and the roof is set down by 2.2m from the main ridgeline. Matching facing bricks and grey 'Duo Edgemere' concrete roof tiles are proposed. Within the extension there would be a two bedroom apartment which would be accessed from a new entrance to the rear. The existing part of the house would be converted into three apartments. The ground and first floor apartments would have two bedrooms. The second floor apartment would have a single bedroom and would require the existing hipped roof to be extended to form a gable. Roof lights are proposed in the front and rear roof slopes. To the rear, an outbuilding would be demolished and replaced by a bin storage area which would be enclosed by a 1.8m timber fence and gates.
- 1.2 During the course of the application amendments were made which include raising the finished floor level within the extension, adding brick detailing along the side gable, and removing a window and obscuring glazing a window in the rear elevation of the extension.

#### 2 Site and Surroundings

- 2.1 The application property is semi-detached and is a single dwelling with five bedrooms. To the rear of the property, there is a driveway, accessed from Queens Road, and a small garden/ courtyard area.
- 2.2 The property is positioned on the corner between Dovecote Lane and Queens Road. The adjoining property, 63 Dovecote Lane, is a five bedroom house. Directly opposite the site lies Dovecote Lane Recreation Ground. To the rear lies 310 Queens Road which was formerly a hotel until planning permission was granted in 2012 (reference 12/00414/FUL) for the building to be used as a large house in multiple occupation. To the south east of the site, on Queens Road lies The Hylands Hotel. The wider area is predominantly residential.
- 2.3 The site lies within Flood Zone 3 (high probability of flooding).





### 3 Relevant Planning History

- 3.1 There is no recent relevant planning history associated with the application property.

### 4 Policy Context

#### 4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018 states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means that development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.1.2 Paragraph 59 outlines the Government's objective of significantly boosting the supply of homes.
- 4.1.3 Paragraph 109 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.
- 4.1.4 Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character and history, including the surrounding built environment and landscape setting.



- 4.1.5 Paragraph 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

#### **4.2 Broxtowe Aligned Core Strategy (2014)**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014 and the overall strategy of this document is “urban concentration with regeneration”.
- 4.2.2 ‘Policy A: Presumption in Favour of Sustainable Development’ reflects the presumption in favour of sustainable development contained in the NPPF. It states the Council will work proactively with applicants to approve proposals wherever possible and to secure development that improves the economic, social and environmental conditions in the area. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 ‘Policy 1: Climate Change’ advises that development proposals are expected to mitigate against and adapt to climate change. With regard to flooding, the policy states that development will be supported which adopts the precautionary principle that avoids areas of current or future risk, does not increase flooding elsewhere and where possible reduces flood risk.
- 4.2.4 ‘Policy 2: The Spatial Strategy’ sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.5 ‘Policy 8: Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures.
- 4.2.6 ‘Policy 10: Design and Enhancing Local Identity’ sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. It states that development will be assessed in terms of its treatment of materials, architectural style and detailing.

#### **4.3 Saved Policies of the Broxtowe Local Plan (2004)**

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 ‘Policy H7: Land Not Allocated for Housing Purposes’ states that residential development in built up areas will be permitted providing there is no significant impact on the amenity of nearby residents and that the occupiers of the new dwellings would have a satisfactory degree of privacy and amenity. The development should not have an adverse impact on the character or appearance

of the area and satisfactory arrangements for parking and access need to be made.

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

#### 4.4 **Part 2 Local Plan (Draft)**

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for examination, with examination hearing sessions anticipated to take place toward the end of this year. Due to the current stage of the plan preparation, only limited weight can be attached to the policies as representations were received in relation to Policy 1 and Policy 17.

- 4.4.2 'Policy 1: Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included. The justification for the policy is that within Beeston and Attenborough there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites are on previously-developed land and some may bring the opportunity to provide affordable housing in areas of substantial need. Whilst the sequential test must still be applied, the minimisation of development in the Green Belt in Broxtowe will be treated as a 'sustainability benefit' and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'.

- 4.4.3 'Policy 17 Place-making, design and amenity' states that permission will be granted for development which integrates into its surroundings, creates well defined streets and places, provides adequate amenity space, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

#### 5 Consultations

- 5.1 The Environment Agency initially objected due to the absence of an acceptable Flood Risk Assessment. Following the submission of an updated Flood Risk Assessment, the Environment Agency has removed their objection providing a condition is included setting the finished floor levels within the new extension no lower than 27.56m AOD and implementing flood resilience measures as stated on page 8 of the Flood Risk Assessment.
- 5.2 Nottinghamshire County Council, as Highways Authority, states that there are no highways observations to make as the property will use an existing access point.

- 5.3 Broxtowe Borough Council's Private Sector Housing Officer highlights that the conversion will need to comply with building regulations and the relevant fire safety standards.
- 5.4 Broxtowe Borough Council's Environment Health Department states no objection subject to note to applicants relating to the inclusion of sound insulation to limit the transmission of noise between each property and advice that contractors should limit noisy works to between 08:00 and 18:00 hours Monday to Friday; 08:00 and 13:00 on Saturdays and at no times on Sundays and Bank Holidays. There should also be no bonfires at any time.
- 5.5 Broxtowe Borough Council's Waste and Recycling Officer outlines that the developer will need to purchase bins and states the required number of bins.
- 5.6 Three neighbours were consulted and a site notice was displayed. One letter of objection and three letters of observations have been received. The following issues were raised within the consultation responses:
- The proposed roof conversion will 'disfigure' the semi-detached Victorian villa which should be restored more sympathetically.
  - The development will remove another house from the market for families.
  - The apartments are too small.
  - Two parking spaces are too many due to the position and the size of the access.
  - Insufficient parking is proposed which will result in additional demand for parking on Dovecote Lane.
  - Concern that there will be additional noise from flats compared to a single home. Would seek assurances that there will be adequate sound proofing.
  - The access and parking to number 63 should not be affected.

## 6 Assessment

- 6.1 The main issues to assess in respect of this application relate to the principle of the development, whether an acceptable standard of design has been achieved, whether a loss of amenity will occur to neighbouring properties, if sufficient parking has been provided and if the development is acceptable in respect of flood risk.

### **Principle**

- 6.2 It is considered that the principle of providing four apartments would be acceptable. The development would provide additional residential units within the existing built up area and in a sustainable location. Whilst it is acknowledged that there is concern regarding the loss of a family house, the proposed development will add to the existing housing mix and it is noted that there are still a number of large residential properties within the area, including along Dovecote Lane. This includes four houses recently completed at the site of the former John Clifford Memorial Baptist Church (reference 14/00579/FUL).

### **Design**

- 6.3 The extension would be constructed to the rear of the existing building. A small set back from the existing side elevation has been incorporated and the roof of the extension has been set down from the main roof to allow for the extension to appear subservient to the original building. A number of design features also mirror those used on the existing building including reconstituted stone headers and cills, the window style and the brick detailing below the eaves. It is considered that the design of the extension is sympathetic to the original building and achieves an acceptable standard of design in accordance with Policy 10 of the Aligned Core Strategy. To ensure that the bricks and tiles are a suitable match, a condition will be included so that samples can be viewed and approved prior to works commencing.
- 6.4 The existing hipped roof would be extended to form a gable. This would lose the symmetry when viewed alongside the adjoining property. However, it should be noted that hip-to-gable extensions can be constructed under permitted development. There are also numerous examples of gable roofs along Dovecote Lane and Queens Road. Based on the above, it is considered that a gable roof would not appear out of character with the area. The plans include brick detailing along the side gable to provide a break between the existing brickwork and the new brickwork and with the inclusion of this detailing, it is considered that the gable roof would be acceptable in respect of design.
- 6.5 The bins would be enclosed by a 1.8m timber fence and gates which would provide an adequate enclosure and would not be particularly dominant when viewed from the street or from neighbouring properties.

### **Amenity**

- 6.6 The rear extension would be constructed alongside the boundary with 63 Dovecote Lane. Number 63 has an existing single storey extension along the boundary. The closest first floor window is a bathroom window which is obscurely glazed. The two storey part of the extension would project 4m beyond the original rear wall. It is considered that, due to the existing extensions at number 63 and the layout, there would be a suitable buffer between the extension and any habitable rooms and the garden area of number 63 which will prevent an unacceptable loss of amenity occurring. There are no windows facing directly towards number 63 and roof lights within the extension would be at a height which would not allow direct views towards the neighbour.
- 6.7 Beyond the rear boundary lies 310 Queens Road. There would be a distance of 4m from the ground floor rear elevation of the extension to the boundary with number 310 and a 5m buffer from the first floor element. There are a number of windows in the side elevation of 310 Queens Road including bedroom windows. These bedroom windows will still maintain some outlook due to their positioning and it is considered that a sufficient distance is maintained to prevent the development from being overbearing or resulting in unacceptable levels of overshadowing. Within the rear elevation of the extension a window has been removed and one has been obscurely glazed which will prevent a loss of privacy occurring. A condition will be included to ensure this window and a landing window are obscurely glazed to a satisfactory level.

- 6.8 Queens Road acts as a buffer from the development to the hotel to the south east. It is considered that there will not be any other properties unacceptably affected by the development.
- 6.9 Local Plan Policy H7 states that the occupiers of the new dwellings should have a satisfactory degree of privacy and amenity. The apartments are compact but it is considered that this does not constitute over intensive development with each apartment having sufficient internal space to provide living rooms and kitchen areas and good sized bedrooms, a number of which would have en-suites. No outdoor space is proposed but the residents have access to Dovecote Lane Recreation Ground which is immediately opposite the site.

**Parking**

- 6.10 Two parking spaces are proposed. The Highways Authority has not raised any concerns regarding the proposal and the property is within a short walking distance of both the railway station and Beeston town centre. Due to the sustainable location, it is considered that the two parking spaces proposed are sufficient. The access and parking arrangements for neighbouring properties would not be affected by the development.

**Flood Risk**

- 6.11 The Environment Agency initially objected due to the submission of an insufficient Flood Risk Assessment (FRA). A revised assessment was subsequently submitted and the finished floor levels within the extension were raised. The EA withdrew their objection providing a condition is imposed to secure raised floor levels and mitigation as outlined in the revised FRA.
- 6.12 A sequential test has also been submitted which concludes that there are no sites within lower flood risk areas which are suitable or available. Some weight can be attached to Part 2 Local Plan Policy 1 which acknowledges that sites protected by the Nottingham Trent Left Bank Flood Alleviation Scheme bring the opportunity to provide affordable housing in areas of substantial need and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'. Based on the above, it is considered that the development passes the requirements of the sequential test.

**Other Issues**

- 6.13 The Council's Environmental Health Department has no objection but has recommended notes to applicant including adequate noise insulation, not undertaking works outside of normal working hours and not having bonfires. These can be included as notes to applicant although it is noted noise insulation will also be dealt with under building regulations.
- 6.14 The Council's Private Sector Housing Department has no objection but has highlighted the need to comply with fire regulations which can also be included as a note to applicant.

- 6.15 A note to applicant can also be included to highlight the need for the developer to contact the Council's Waste and Recycling Department in respect of purchasing bins.

## 7 Conclusion

- 7.1 The development would provide an additional three residential units within an existing urban area and would also add to the housing mix in the area. It is considered that an acceptable standard of design has been achieved, sufficient parking provision has been made, flooding issues have been adequately addressed and an unacceptable loss of amenity will not occur to any neighbours.

## Recommendation

**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered: 002 Revision F 'Proposed Floor Plans, Site Block Plan & OS Plan' and 003 Revision F 'Proposed Elevations, Roof Plan, Site Block Plan & OS Plan' received by the Local Planning Authority on 30 July 2018.**
- 3. No above ground works shall commence until samples of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.**
- 4. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (SCC Consulting Engineering) received on 30th July 2018. The finished floor levels in the extension shall be set no lower than 27.56m above Ordnance Datum (AOD) and the flood resilience measures shall be implemented in accordance with page 8 of the Flood Risk Assessment.**
- 5. The first floor windows in Flat 4 for bedroom 2 and the landing in the rear elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) before the respective apartments are first occupied and thereafter retained in this form for the lifetime of the development.**

## Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. No such details were submitted and to ensure the details are satisfactory, in the interests of the appearance of the area and in accordance with the aims**

of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

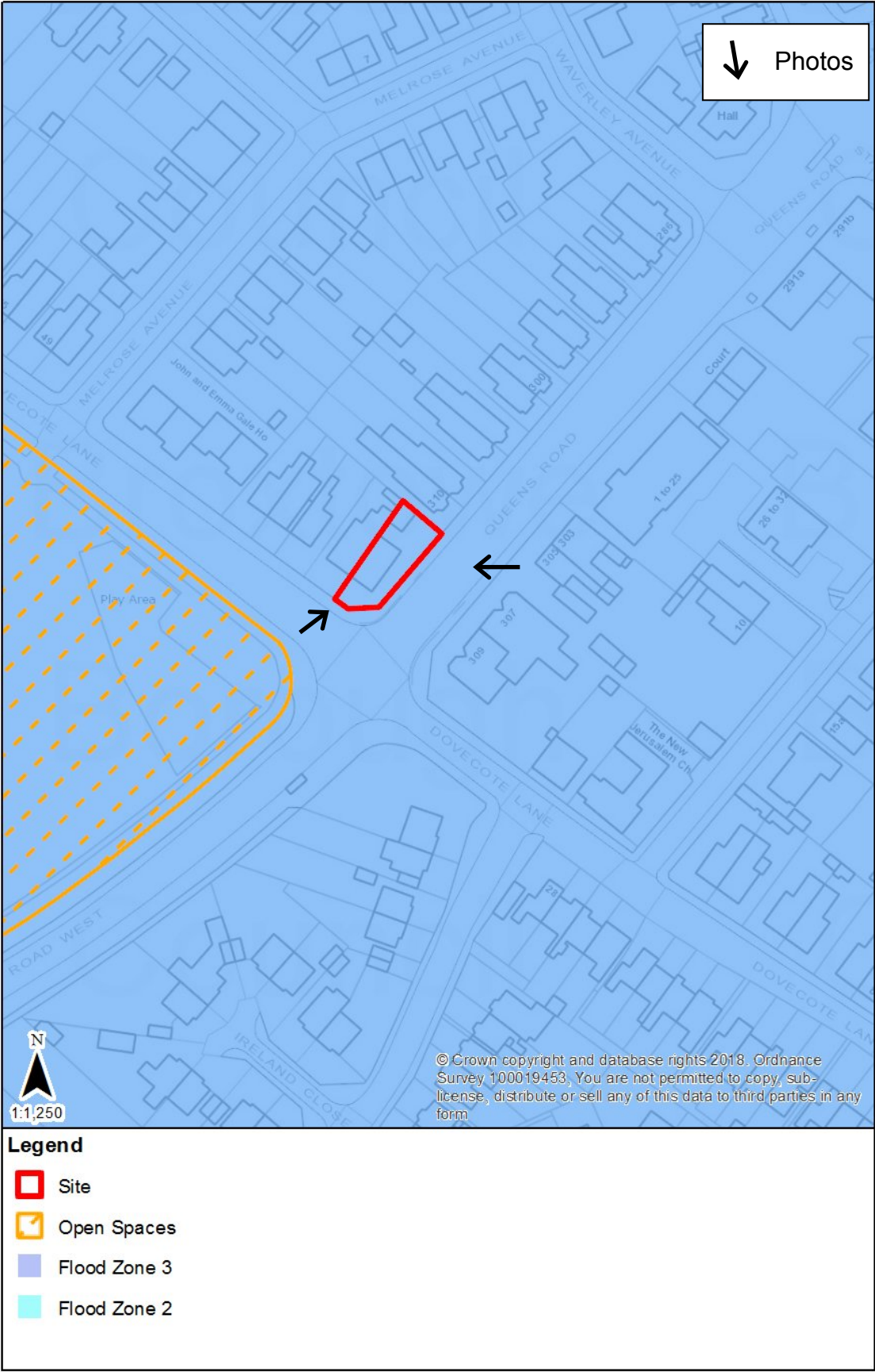
4. To reduce the risk of flooding to the proposed development and future occupants, to ensure safe access and egress from and to the site in the event of a flood and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).
5. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### **NOTES TO APPLICANT**

1. The Council has acted positively and proactively in determination of this application, with positive amendments having actively been sought during the consideration of the application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <http://www.broxtowe.gov.uk/index.aspx?articleid=16928>
3. Best practicable means should be used during construction to ensure that disturbance from dust and noise is kept to a minimum. Given the proximity to residential properties, it is advised that contractors limit noisy works to between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays and no noisy works on Sundays and bank holidays. There should also be no bonfires on site at any time to prevent nuisance to neighbours.
4. The applicant should ensure that any works comply with current British standards for fire safety, fire separation and noise insulation.
5. The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.

Background papers  
Application case file





## Report of the Chief Executive

### 18/00339/FUL

### **2 STOREY AND SINGLE STOREY SIDE/REAR EXTENSIONS, RAISE RIDGE HEIGHT, REAR DORMER WINDOW AND DETACHED GARAGE ASSARTS LODGE TEMPLE DRIVE NUTHALL NOTTINGHAMSHIRE NG16 1BH**

Councillor P Owen has requested this application be determined by Planning Committee.

#### 1 Details of the Application

- 1.1 This is a full planning application for alterations to an existing domestic residential dwelling incorporating the provision of a loft conversion with a rear dormer window and raising of the ridge height, a two storey side and rear extension, single storey side extension and a detached garage.
- 1.2 Planning permission was granted in 2016 under reference number 16/00411/FUL for a similar development to construct a two storey side extension, first floor rear extension and detached double garage. To date this planning permission has not been implemented.

#### 2 Site and Surroundings

- 2.1 The application property is a detached two storey dwelling set back from the end of Temple Drive. Access to the site is via Temple Drive where there is no kerb or road signage to signify the end of the cul-de-sac.
- 2.2 Beyond the eastern boundary there is a footpath which links the residential Horsendale estate to the north with the newer Mornington estate to the south. High hedges/bushes over 3 metres high enclose the application site from the footpath.
- 2.3 Around the main dwelling beyond the north, west and south boundaries are the playgrounds/trim trails within the Mornington Primary School site. The curtilage boundaries with the school are secured by 2 metre high welded wire fencing, whilst vegetation including hedges and bushes over 2 metres high encloses the application site and restricts direct views into the school.



Front/Side Elevation from driveway.



Front elevation.



Rear Elevation.



Existing rear roof view.



Proposed location of garage.



Vehicle access point and location of proposed garage fence.

### 3 Relevant Planning History

- 3.1 16/00411/FUL – in 2016 planning permission was granted for the construction of a two storey side extension, first floor rear extension and a detached double garage.



#### 4 Policy Context

##### 4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

4.1.2 Section 12 of the NPPF 2018, Achieving well-designed places, paragraph 127 states that decisions should ensure that developments will function well and to the overall quality of the area, are visually attractive as a result of good architecture and create a high standard of amenity for existing and future users.

##### 4.2 **Broxtowe Aligned Core Strategy**

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

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

##### 4.3 **Saved Policies of the Broxtowe Local Plan**

4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policy is as follows:

4.3.2 Policy H9 'Domestic Extensions' - states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

##### 4.4 **Part 2 Local Plan (Draft)**

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policy 17 that will need to be considered through the Local Plan examination process, this policy can be afforded only limited weight.

- 4.4.2 Policy 17 'Place-Making, Design and Amenity' - states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

#### 4.5 Nuthall Neighbourhood Plan

- 4.5.1 The submission version of the Nuthall Neighbourhood Plan was published on Monday 26 February, with the consultation period running until Friday 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

#### 5 Consultations

- 5.1 Nuthall Parish Council raise no objections to the application.
- 5.2 3 neighbouring properties were consulted on the application. During the course of the application, 1 letter has been received raising concerns in respect of overlooking issues.
- 5.3 Nottinghamshire County Council Highways – No objections subject to conditions relating to the location of bollards and the surface of the access driveway being in a bound material prior to the development being brought into use.

#### 6 Appraisal

- 6.1 The main issues relating to this application are the design of the extension, the impact on residential amenity and highway safety.
- 6.2 Visual Amenity
- 6.2.1 The application site currently consists of a detached two storey dwelling with a driveway located to the south, rear garden area to the west and garden land to the north and east. The site is secluded and does not form part of a street scene facing a highway.
- 6.2.2 The application proposes the provision of a two storey extension to the south of the existing dwelling to be located on part of the existing driveway. This extension will also continue to the rear of the dwelling and will extend for the entire length of the existing side and rear elevations. The overall height of the extensions will measure 5.35m to the eaves and due to the ridge height being raised by approximately 2.3m, the overall height of the roof will measure 9.685m. Along with the two storey side and rear extensions, a single storey extension is proposed to the north in the form of an attached garage, which will have a pitched roof with a gable end. A dormer window is also proposed within the rear section of the roof, which will be set comfortably within the roof of the main dwelling, down from the ridge and up off the eaves. The extensions are considered to be sympathetic to the design of the main dwelling, with the provision of the two storey side extension, allowing the existing two storey gable ended section to the

front of the dwelling to be situated centrally to the front of the dwelling. The dwelling is currently rendered and the use of matching render material is proposed to be used on the external elevations of the proposed extensions, along with matching concrete interlocking tiles.

6.2.3 Along with the extensions to the main dwelling, a detached garage is proposed to be sited within the far northern corner of the application site adjacent the boundary of number 64 Temple Drive, sited approximately 20m from the main dwelling. The proposed garage will measure 6.4m wide and 6.1m in length, with an eaves height of 2.565m and an overall height to the pitch of the roof of 4.405m. The use of render and concrete tiles is proposed to match the main dwelling. A new vehicle access located towards the end of the footpath adjacent Temple Drive is proposed. Within the site, a driveway is also proposed leading up to the main dwelling, with a turning /parking area proposed to the front of the proposed attached single storey garage.

6.2.4 Due to the location of the application site and the design of the proposed extensions and detached garage, it is not considered that the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

### 6.3 Residential Amenity

6.3.1 Assarts Lodge is not in close proximity to any surrounding buildings whilst a reasonable gap would be maintained between the proposed detached garage and No.64 Temple Drive. The garage also features a hipped roof which would slope away from No.64. As a result it is considered that there would be no significant loss in daylight/sunlight to the occupants of the neighbouring properties.

6.3.2 Within the proposed rear elevation there are two windows proposed, one serving a bathroom and one serving a bedroom. Within the existing rear elevation there are three windows with outlooks towards the boundary with the school serving a bathroom, bedroom and landing area. The number of openings at first floor level facing this boundary has therefore been reduced. Although the windows would be closer to the west boundary by 4m, a 5 metre gap would still remain. Within the rear section of the roof a dormer window is proposed. Concerns have been raised in respect of potential overlooking from the rear dormer window onto the school playground. The dormer window is proposed to serve a games room. To overcome any potential overlooking issues, the plans have been amended in order to take account of the relationship to the neighbouring school site to provide obscure glazing, with openings sited at a height of 1.7m above the internal floor level. This is identified on the submitted plans and it is considered the amendments would mitigate any potential overlooking issues.

6.3.3 Due to the design of the proposed extensions, the proposal is not considered to have an adverse impact upon the residential amenity of the immediate neighbouring properties in respect of overlooking, overbearing or noise impacts.

6.3.4 The impact upon all other adjacent neighbours is considered acceptable due to the siting and distance of the proposed extensions to the neighbouring properties.

#### 6.4.1 Highway Safety

6.4.2 Assarts Lodge would appear to be related to the historic former farm use of the surrounding area on which the housing estate and primary school was later developed. The application site has always retained access via a lane and over time this lane has become a footpath/cycleway which links the two residential estates and provides an entrance into the school. This path is not a public right of way but is actually adopted highway, part of the highway network. Assarts Lodge has retained access rights over this path leading down from Temple Drive to the north. It is understood that the current situation is that the occupiers or visitors can freely drive vehicles down the footpath to reach the existing garages and driveway to the front of the dwelling.

6.4.3 The detached garage would be positioned towards the northern corner of the site with neighbouring No.64 Temple Drive beyond the north boundary. This is close to the location where the footpath starts from Temple Drive. A driveway is also proposed directly to the front of the existing dwelling and the new attached garage. The existing driveway would be removed for the provision of the two storey side extension.

6.4.4 The Highway Authority offer no objections to the proposal subject to a condition requiring a bollard type feature to be installed along the footpath which would stop vehicles driving into Assarts Lodge. Vehicle parking would be within the new detached garage and driveway at the end of Temple Drive and to the front of the main dwelling. Whilst the provision of the bollards would remove vehicle movements away from the footway, there is already a driveway directly to the side of the dwelling. This existing driveway to the side of the dwelling is proposed to be removed, with the proposed two storey extension being built on part of it, hence the requirement for the new driveway to the front of the dwelling. Given the distance of the detached garage away from the main dwelling (approximately 25m), it is not considered unreasonable for the occupants of the property to require a driveway closer to the dwelling. Given the nature of the application site being served by a residential dwelling, the siting of the detached garage close to the entrance of the footway and the new driveway replacing an existing driveway, it is considered that a specific planning condition requiring the bollard feature to be installed would be unreasonable, as the situation would not be of any significant detriment to highway safety than the existing situation.

## 7 Conclusion

7.1. Overall, it is considered that the proposal would not be harmful to the visual and residential amenity of the area, would provide adequate off-street parking provision and will have no impact on highway safety. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this.



**Recommendation**

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with drawing numbers: Site Location Plan 1:1250, 18/461/05 received by the Local Planning Authority on 16 May 2018, Proposed Floor Plans and Elevations, 18/461/02a, Proposed Second Floor Plans, Sections and Elevations, 18/461/03a received 01 July 2018, Proposed Garage Plans, Sections and Floor Plans, 18/461/06 received by the Local Planning Authority 21 May 2018, and Proposed Site Plan, 1: 500, 18/461/04a received by the Local Planning Authority on 22 August 2018.
3. The garage shall not be first brought into use until the driveway access to the front of the garage door is surfaced in a hard bound material (not loose gravel) and shall be drained to prevent the unregulated discharge of surface water onto the public highway.
4. The dormer window located in the west elevation of the roof shall be glazed in obscure glass to Pilkington Level 4 or 5 and shall be non-opening below a height of 1.7 metres, measured from the internal finished floor level. The window shall be retained in accordance with these details for the life of the development.

**Reasons**

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. In the interests of highway safety.
4. To safeguard the amenity of neighbouring properties and to accord with Policy H9 of the Broxtowe Local Plan 2004.

**Note to applicant**

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order for the works to be undertaken please contact: [hdcsouth@nottsccl.gov.uk](mailto:hdcsouth@nottsccl.gov.uk)



**Legend**



## Report of the Chief Executive

**18/00158/ENF**

**BIN STORE NOT BUILT IN ACCORDANCE WITH THE APPROVED PLANS (16/00646/FUL)**

**FORMER VICTORY CLUB, WALKER STREET, EASTWOOD, NOTTINGHAMSHIRE, NG16 3EN**

### 1. Background

- 1.1 This matter was initially brought to the Council's attention in early June 2018. A visit to the site on 4 June 2018 confirmed that the compound initially proposed to house the bin store had not been constructed in accordance with the plans which were approved under condition 4 of planning reference 16/00646/FUL.
- 1.2 The developers agent was made aware of the situation on 12 June 2018 and questioned whether there was anything they could do to the design of the structure which would mean that relocation to its approved position was not necessary. They were advised on 18 June that the Council considered that its current location was not acceptable for a bin store for a number of reasons including noise, disturbance and smells.
- 1.3 The developers submitted a statement on 6 August 2018 highlighting the cost of moving the structure due to the drainage already installed and the problems associated with access due to the scheme being largely complete. They also suggested alterations to the bin store to make it a locked compound to improve security.
- 1.4 On 23 August the Head of Neighbourhoods and Prosperity met the developers on site to discuss the issue. He also met with the occupant of no. 145 Nottingham Road.
- 1.5 A compromise put forward by the developers has been to retain the enclosure as constructed, but make this the cycle store and put 4 fixed hoops in the area for secure bike storage. The bin store could then be relocated to the north of this, 4.5 meters from the boundary with the neighbour at no.145 Nottingham Road and screened by the cycle store.

### 2. Relevant Policies

- 2.1 Policy 10 of the Aligned Core Strategy 2014 states that all new developments should create a safe, attractive environment and that their impact on nearby residents should be assessed.
- 2.2 Policy H7 of the Broxtowe Local Plan 2004 states that the development should not have an unacceptable effect on the privacy and amenity of nearby properties.

- 2.3 The Part 2 Local Plan 2018 includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. There were 41 representations in relation to Policy 17. Given that there remain outstanding objections to Policy 17 that will need to be considered through the Local Plan examination process, this policy can be afforded only limited weight.
- 2.4 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

3. Appraisal

- 3.1 The development was approved by Planning Committee on 22 March 2017 and consists of 16 dwellings including semi-detached properties and a block of 4 maisonettes. The development is largely complete, in that all properties are constructed, but it is understood that there is currently no one occupying the properties.
- 3.2 A number of conditions were placed on the permission, one of which required details of the proposed bin store to the rear of the block of maisonettes to be submitted to and approved by the Local Planning Authority.
- 3.3 As required by the condition this detail was submitted and after consideration was approved in November 2017. This showed the bin store set in 2.3m from the boundary with no.145 Nottingham Road.
- 3.4 In June 2018 a complaint was received that the bin store had been erected in the incorrect location, which a site visit confirmed. It was also noted that its design differed from the approved detail of a 1.5 metre high timber hit and miss style fence. At this time the surfacing in the store area was concrete. The approved plans show that this should be laid in contrasting paving slabs. To the north of this would be an unenclosed bike store area with 4 hoops fixed in the ground.
- 3.5 The compound now proposed as a cycle store is located up to the boundary fence at no. 145 Nottingham Road, with a minimal gap between the two structures. The approved location for the bin store is 2.3 metres from this boundary.
- 3.6 It is considered that had the bin store been retained in the location adjacent to the boundary this would offer the opportunity for people to use the bins to climb over the fence and gain access into the rear gardens of a number of properties on Nottingham Road. In addition it is considered that had the bin store been retained in this position noise and disturbance, with use by the occupants of 4 dwellings and smells would be increased to the detriment of the amenity of the existing neighbouring properties.

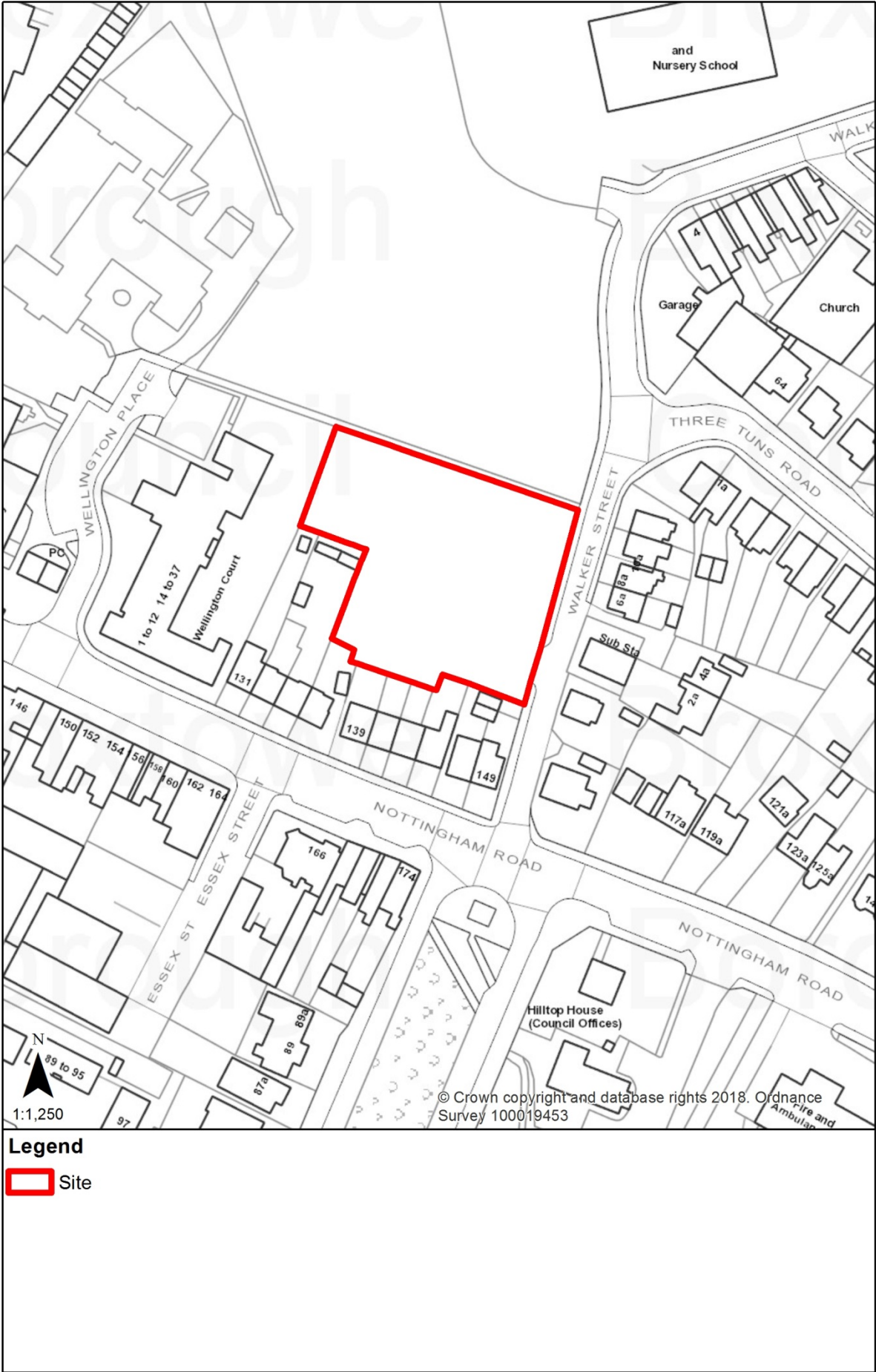
- 3.7 It is considered that these potential issues have been addressed with the proposal to have the cycle store adjacent to the boundary and the bin store 4.5m away.
- 3.8 It is considered that whilst the design of the cycle store (as now proposed) is not in accordance with the approved details in light of its location, with minimal views from public vantage points it would not be expedient to take enforcement action in relation to these matters.
- 3.9 it is considered to be an acceptable compromise to retain the enclosure as constructed, but make this the cycle store and put 4 fixed hoops in the area for secure bike storage. These are relatively low fixtures and it would be more difficult to use these to climb over the fence with no.145 Nottingham Road.
- 3.10 The bin store could then be relocated to the north of this, 4.5 meters from the boundary with the neighbour at no.145 Nottingham Road, 2 metres further away than approved. This would reduce any impact on noise, smells and disturbance and the additional enclosure around the cycle store area would act as a further buffer.
- 3.11 The Head of Neighbourhoods and Prosperity met with the occupier of no. 145 Nottingham Road and it is understood that she is content with this proposal as her main concern related to smells and disturbance, associated with the proximity of the bin store.

#### 4. Conclusion

- 4.1 Having considered this suggested alternative location and the potential impact on the existing neighbouring properties it is not considered expedient to take enforcement action, but instead to invite amended plans which reflect the position set out above. It is considered this would be in accordance with Policy H7 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014 and Policy 17 of the Broxtowe Part 2 Local Plan 2018.

**Recommendation**

The committee is asked to **RESOLVE** that enforcement action not be taken in respect of the current breach of planning control and that amended plans should be sought and approved which reflects the alternative position set out in the report as proposed by the developer.





This page is intentionally left blank

## Report of the Chief Executive

### APPEAL DECISION

Reference Number : **17/00690/ROC**  
 Applicant/Agent : **Mrs L Wilde**  
 Site Address : **Orchard House, 6 Brown's Flats, Kimberley, NG16 2JU**  
 Proposal : **Removal of condition 1 (The first floor windows to the north west elevations serving bedroom 2 shall be obscurely glazed....) of planning ref: 12/00322/FUL (NMA).**

### APPEAL DISMISSED

The application sought to remove a condition attached to 12/00322/FUL by way of a non-material amendment which required the first floor windows in the north-west elevation to be obscurely glazed and fixed shut.

This was refused under delegated powers on 24 October 2017 for the following reasons;

*The Condition, requiring the northwest facing, first floor windows to Bedroom 2 to be permanently closed and obscurely glazed, was imposed to safeguard the privacy and amenity of the occupants of the two adjoining residential properties at 21 Edgwood Road and 5 Browns Flats. It is not considered that there has been any convincing evidence put forward to demonstrate that there has been a material change in the site circumstances, which would result in the privacy of the occupants of these neighbouring properties being protected, should this Condition to be removed'.*

The Inspector considered the main issue to be whether the condition is necessary/reasonable in order to preserve the living conditions of the occupiers of No.5 Brown's Flats and No.21 Edgwood Road.

In dismissing the appeal, the Inspector considered that whilst views to both neighbouring properties affected would be oblique rather than direct the occupiers of these properties would be conscious of being overlooked which would affect their sense of privacy. He considered that the bedroom affected was sufficiently lit by an existing dormer window and the obscure glazing allowed diffused light into the room. Whilst he acknowledges that there will always be a certain amount of inter-visibility between windows in urban areas such as the appeal site, there is a balance between what is reasonable and what is excessive and in this case he considers the condition necessary to safeguard the privacy of the adjoining neighbours at 5 Brown's Flats and 21 Edgwood Road.



Reference Number : **17/00486/FUL**  
Proposal : **Construct workshop following demolition of garages and workshop**  
Site Address : **54A Carrfield Avenue, Toton, Nottinghamshire, NG9 6FB**  
Applicant : **Mr Steve Wheatley**

### **APPEAL ALLOWED**

The proposal was to replace a number of existing buildings with a purpose built workshop which would be used for car repairs.

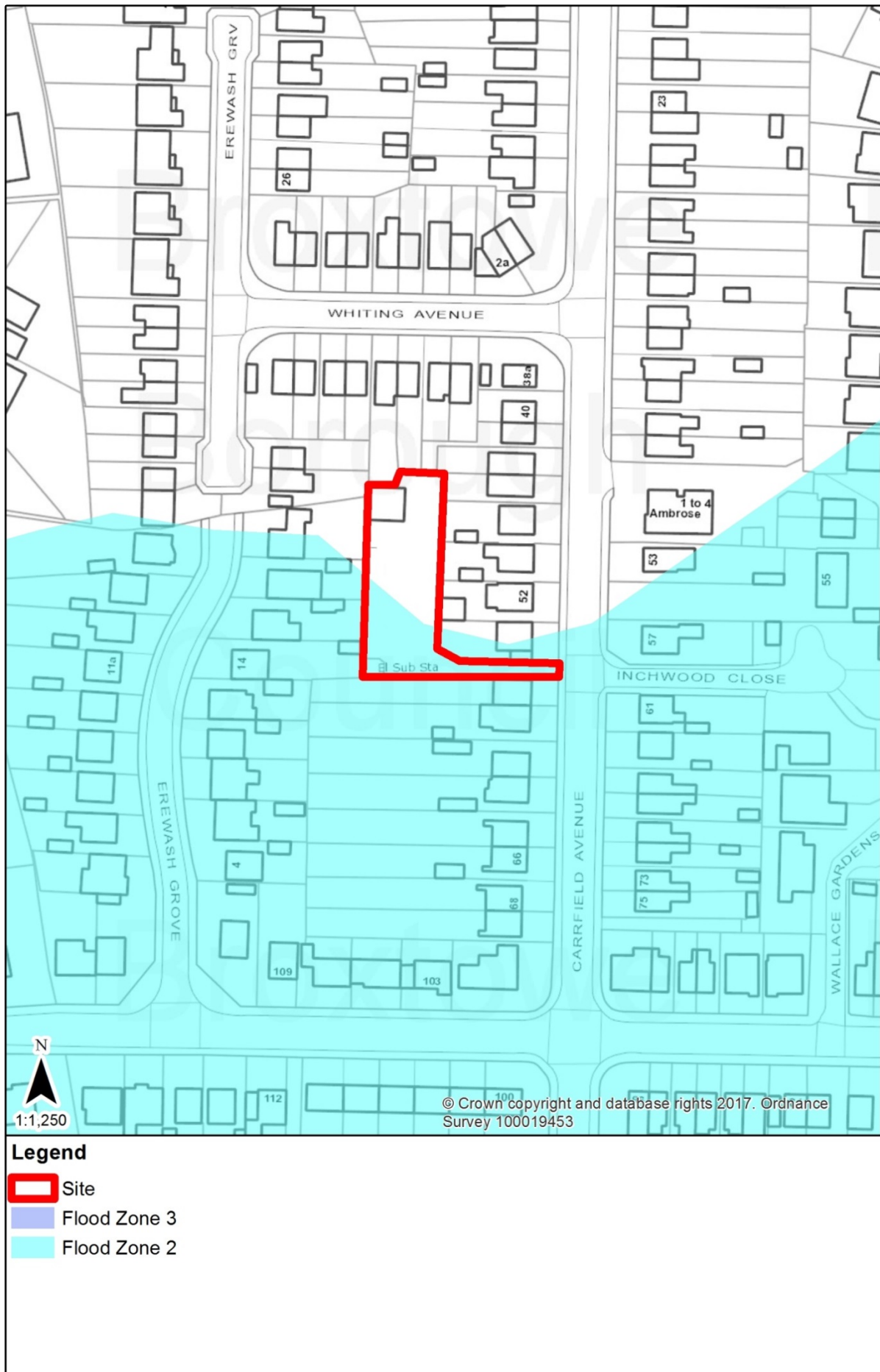
The application was refused by Planning Committee on the 14 February 2018 due to concerns that the scale and materials of the proposed building would result in an adverse impact on the amenity of occupiers of neighbouring properties.

The Inspector considered that the main issue was the effect of the proposal on the living conditions of the occupiers of nearby dwellings with reference to noise, other disturbance, and outlook.

The Inspector concluded that the development would result in a purpose-built building of modern materials in contrast to the “makeshift and somewhat dilapidated” existing buildings and that it would not result in any significant noise disturbance over and above current levels and that the residential amenity of nearby residents would be protected. With regards to the proposed materials, the Inspector considered that, unlike the existing situation, the building could be insulated to meet current standards which could be secured by condition.

In respect of outlook, the Inspector considered that the increase in height compared with the existing building would be modest and the setting back of the main workshop building from the boundary with the Carrfield Avenue properties affords a buffer which would help to mitigate its impact. The Inspector concluded that the development would not be unacceptably overbearing or dominant in terms of the outlook from the rear facing windows and gardens of the affected properties on Carrfield Avenue and Erewash Grove.

The appeal was allowed with the Inspector being satisfied that the development would amount to a sustainable form of development which would accord with policies of the development plan and the National Planning Policy Framework when taken as a whole. Conditions were included to control the hours of working, to prevent body repair work, to prevent outside storage, to require the approval of a noise insulation scheme and to require the approval of the materials to be used.



Reference Number : **17/00154/FUL**  
Proposal : **Construct apartment block consisting of 8 flats following demolition of existing bungalow**  
Site Address : **2A Lily Grove, Beeston, Nottingham, NG9 1QL**  
Applicant : **Mr Ian Upton**

### **APPEAL DISMISSED**

The proposed development was to demolish the existing bungalow and construct a three-storey building comprising 8 apartments. The application was refused by Planning Committee on the 8 November 2017 as the development was considered to be over intensive development, resulting in an adverse impact on neighbouring amenity through overlooking and overbearing impacts on residential properties to the side and rear of the site. It was also considered that substandard parking provision would lead to on-street parking and harm to highway safety.

The Inspector considered that the two main issues were the effect of the proposal on the living conditions of nearby properties and whether the proposal would be harmful to highway safety.

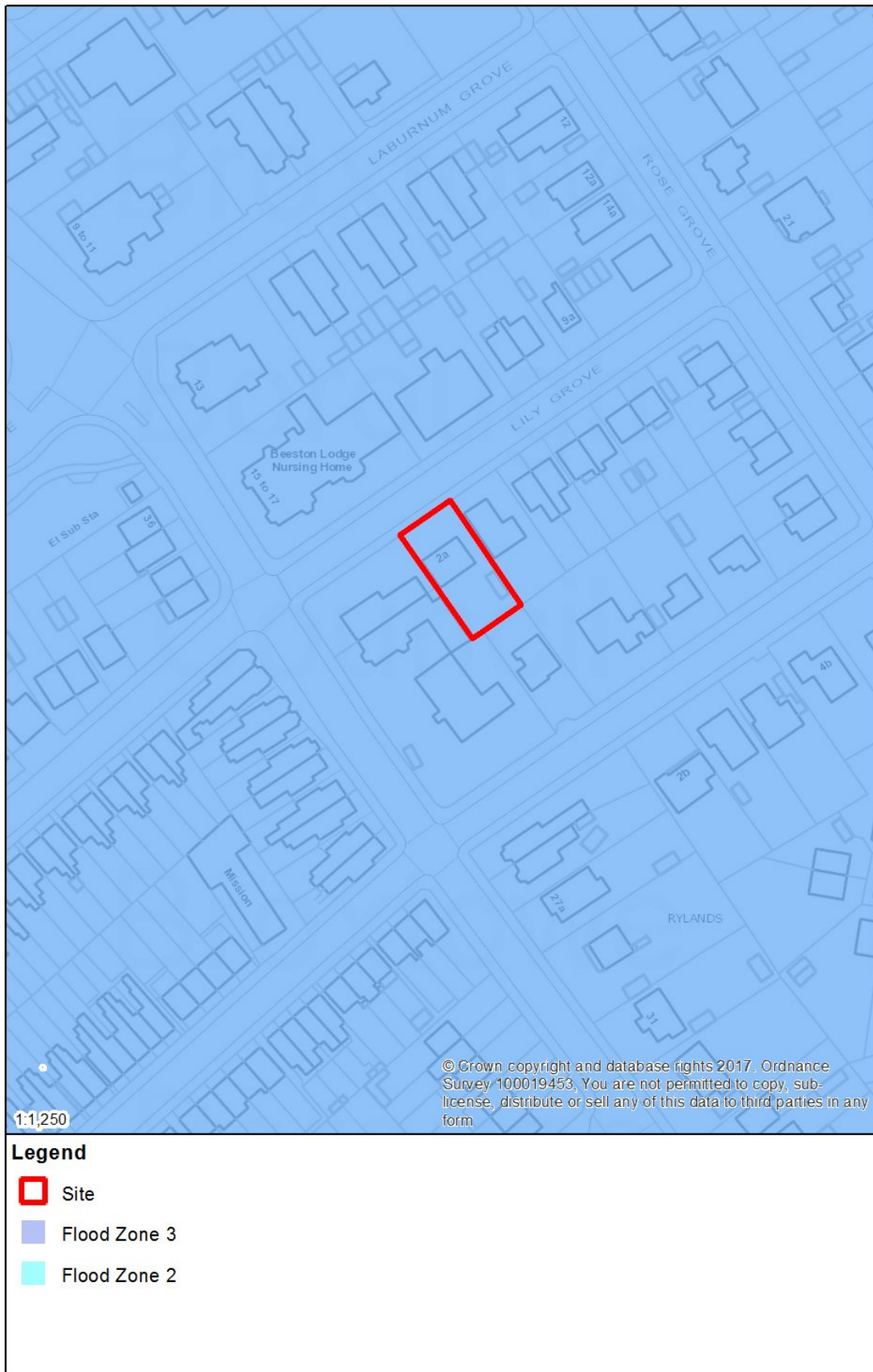
The Inspector concluded that the development would be visually dominant, overbearing, and oppressive as a consequence of the height, depth and bulk of the building, its position very close to the boundary with 2 Lily Grove, and its projection beyond the rear elevation of number 2. Due the location of the proposed building on the south-west side there would also be some reduction of light to existing roof light windows and part of the rear garden.

Due to its height and bulk, the Inspector considered that the development would appear unacceptably overbearing and would dominate the outlook from the rear facing windows and garden of 1 Lavender Grove. He also considered that it would not be satisfactory in terms of the living conditions of future occupiers for the bedroom windows of the second floor flats to be both high-level and obscure-glazed. The development would also be oppressive and unacceptably affect the outlook from bedroom windows in the Fairhaven Hotel.

With regards to parking, the Inspector accepted that there will be additional parking pressures arising from the development but identified the site was within close proximity to the railway station, was well-served served by public transport and that the size and nature of the flats would be unattractive to family occupiers with children. He concluded that the proposal would not significantly increase demand for parking in the surrounding area and there would be no material harm to road safety.

The Inspector concluded that that the adverse impacts of granting approval (the harm to residents living conditions) would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.







Reference Number : **17/00285/FUL**  
Applicant/Agent : **Mr M Copeland**  
Site Address : **Land to rear of 51a & 51b Mill Road, Newthorpe,  
Nottinghamshire, NG16 3QG**  
Proposal : **Construct dwelling**

## **APPEAL ALLOWED**

The application sought planning permission to construct a detached dwelling on garden land to the rear of 51a and 51b Mill Road. The application was refused by Planning Committee on 21 June 2017 for the following reason:

*The proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).*

The Inspector considered that the main issue in the determination of the appeal was the effect the proposal would have on the living conditions of the occupiers of neighbouring properties in respect of their privacy and outlook. Although the Inspector considered that the dwelling would be clearly visible from number 53 Mill Road, given the considerable gap between the two dwellings and the majority of the built form being hidden behind the boundary fence, the dwelling was not considered overdominant to the extent that the outlook from number 53 would be unacceptably harmed. Furthermore, it was considered there would be no material impact on the privacy of the occupiers of number 11 Kirkby Close given the design and the raised land levels of number 11. Overall the proposal was considered to be in accordance with Policy H7 of the Broxtowe Local Plan and Policy 10 of the Aligned Core Strategy, which both aim to ensure development protects the amenity of the occupiers of nearby properties. The appeal was allowed.

### Application for Costs

An application for costs was made by the appellant on procedural and substantive grounds.

The applicant considered that the Council had behaved unreasonably due to the Planning Committee refusing the planning application, causing unnecessary and wasted expense in the appeal process. The Inspector noted that although all four proposals were recommended for approval by officers and that the applicant had received positive informal advice from officers throughout, the Council's repeated refusal of the applications illustrated a difference in opinion between officers and members, and it was not unreasonable for members to reach a different view to officers. In summary, the Inspector did not consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance had been demonstrated and the award of costs was refused.

## Report of the Chief Executive

[Darren Ottewell]

**APPEAL DECISION**

Reference Number : **17/00649/FUL**  
Applicant/Agent : **Mr M Copeland**  
Site Address : **Land to rear of 51a & 51b Mill Road, Newthorpe, Nottinghamshire, NG16 3QG**  
Proposal : **Construct dwelling (revised scheme)**

**APPEAL DISMISSED**

The application sought planning permission to construct a detached dwelling on garden land to the rear of 51a and 51b Mill Road. The application was refused by Planning Committee on 06 December 2017 for the following reason:

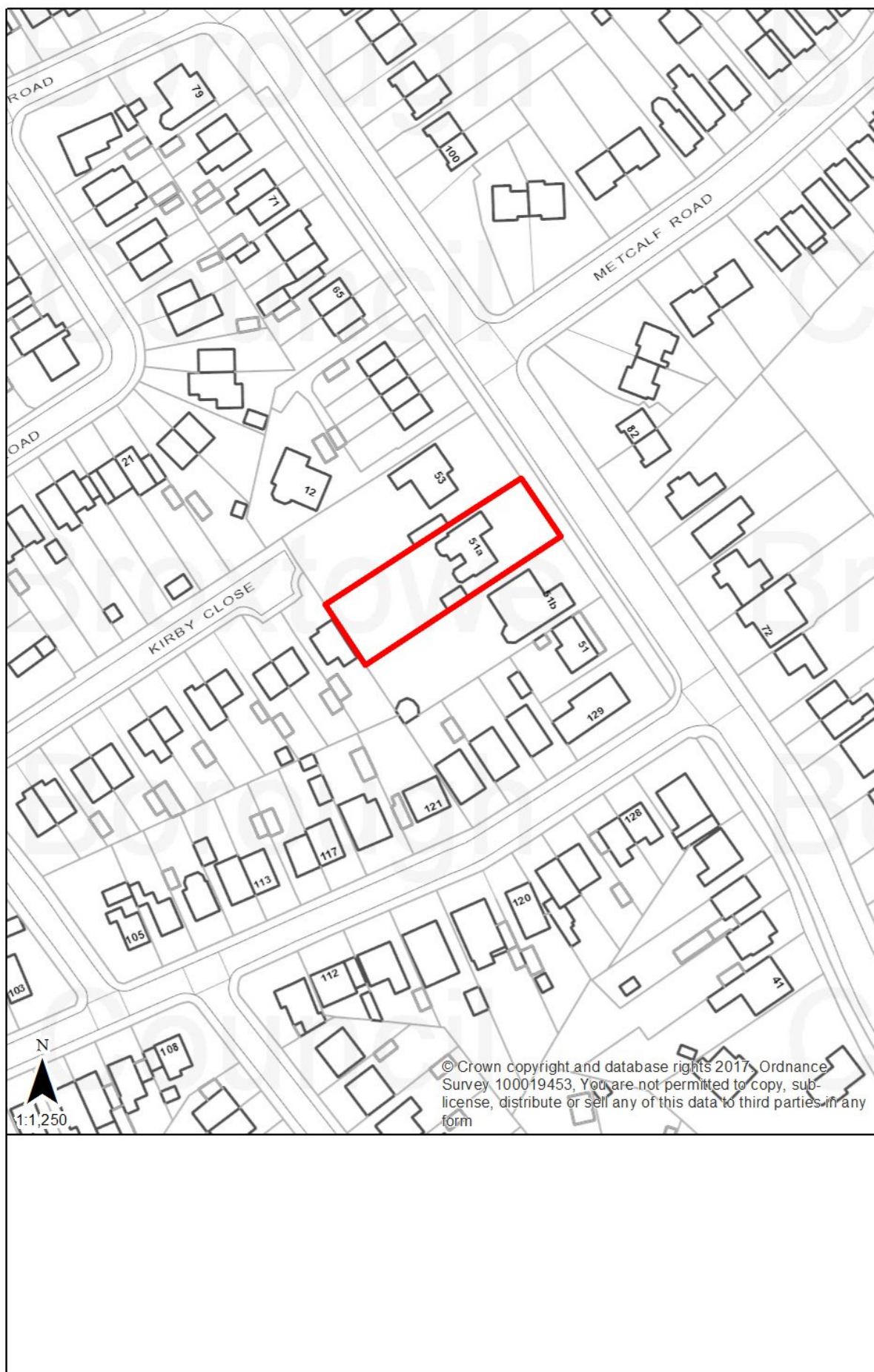
*The proposed development, by virtue of its massing, scale, proportions and siting would have an unacceptable impact on neighbouring amenity, through loss of privacy and an overbearing impact, contrary to Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).*

The Inspector considered that the main issue in the determination of the appeal was the effect the proposal would have on the living conditions of the occupiers of neighbouring properties in respect of their privacy and outlook. The Inspector noted that the dwelling would measure over 6.5m in height to ridge and, due to the topography, would appear taller than number 53. Accordingly, the Inspector considered the proposal would appear overdominant when viewed from number 53, such that outlook would be significantly harmed. Furthermore, the degree of overlooking from the proposal would lead to a loss of privacy for the neighbouring occupiers. The proposal was considered contrary to Policy H7 of the Broxtowe Local Plan and Policy 10 of the Aligned Core Strategy, which both aim to ensure development protects the amenity of the occupiers of nearby properties. The appeal was dismissed.

Application for Costs

An application for costs was made by the appellant on procedural and substantive grounds.

The applicant considered that the Council had behaved unreasonably due to the Planning Committee refusing the planning application, causing unnecessary and wasted expense in the appeal process. The Inspector noted that although all four proposals were recommended for approval by officers and that the applicant had received positive informal advice from officers throughout, the Council's repeated refusal of the applications illustrated a difference in opinion between officers and members, and it was not unreasonable for members to reach a different view to officers. In summary, the Inspector did not consider that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance had been demonstrated and the award of costs was refused.



This page is intentionally left blank

## **BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY**

---

**PLANNING APPLICATIONS DEALT WITH FROM  
7 July 2018 TO 10 August 2018**

---

### **CONTENTS**

Planning applications dealt with under Delegated Powers

Please note: This list is now prepared in WARD order (alphabetically)

# BROXTOWE BOROUGH COUNCIL

## DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

### P L A N N I N G   A P P L I C A T I O N S   D E T E R M I N E D   B Y D E V E L O P M E N T   C O N T R O L

#### ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Mr & Mrs Youd	18/00228/FUL
Site Address	:	106 Bramcote Lane Chilwell Nottinghamshire NG9 4ES	
Proposal	:	<b>Construct two storey rear extension, single storey side extension and raised patio</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Barry Sloan	18/00342/FUL
Site Address	:	3 Forge Hill Chilwell Nottingham NG9 5DW	
Proposal	:	<b>Construct single storey rear extension and first floor front extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Tomasso Faccio	18/00392/FUL
Site Address	:	30 Hurts Croft Chilwell Nottingham NG9 5DE	
Proposal	:	<b>Construct two storey side extension and alterations to rear patio</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr D Allcock	18/00396/FUL
Site Address	:	6 Clarkes Lane Chilwell Nottinghamshire NG9 5BG	
Proposal	:	<b>Retain single storey rear extension and new pitched roof to front and side</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr A Crompton	18/00476/PNH
Site Address	:	36 Clumber Avenue Chilwell Nottinghamshire NG9 4BJ	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the dwelling by 4 metres, with a maximum height of 3.2 metres, and an eaves height of 2.4 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

#### AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Mr & Mrs O'Sullivan	18/00273/FUL
Site Address	:	74 Newtons Lane Cossall Nottinghamshire NG16 2SJ	
Proposal	:	<b>Construct two storey front and single storey rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr J Lane	18/00354/FUL
Site Address	:	28 Newtons Lane Cossall Nottingham NG16 2SF	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Ms Josie Mulligan	18/00374/FUL
Site Address	:	The Spinney Track From Nottingham Road To The M1 Trowell NG9 3PQ	
Proposal	:	<b>Construct rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

#### BEESTON CENTRAL WARD

Applicant	:	Mr Brendan Dowling Whiterock Strategies Ltd	17/00734/FUL
Site Address	:	Rockaway Hotel 209 Station Road Beeston NG9 2AB	
Proposal	:	<b>Convert hotel (Class C1) and external alterations to create seven apartments (Class C3)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr K Simpson	18/00144/FUL
Site Address	:	51 Windsor Street Beeston Nottinghamshire NG9 2BW	
Proposal	:	<b>Retain rear dormer</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Sheila Rathour	18/00226/FUL
Site Address	:	1 Windsor Street Beeston Nottinghamshire NG9 2BW	
Proposal	:	<b>Construct single/two storey extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Dennis Booth	18/00336/FUL
Site Address	:	53 King Street Beeston Nottinghamshire NG9 2DL	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Singh	18/00345/FUL
Site Address	:	9 Lower Road Beeston Nottinghamshire NG9 2GT	
Proposal	:	<b>Construct single storey rear extension, rear dormer and hip to gable roof extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Jan Clark Notemachine UK Ltd	18/00362/FUL
Site Address	:	140 Queens Road Beeston Nottinghamshire NG9 2FF	
Proposal	:	<b>Retain ATM</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Jan Clark Notemachine UK Ltd	18/00363/ADV
Site Address	:	140 Queens Road Beeston Nottinghamshire NG9 2FF	
Proposal	:	<b>Retain illuminated ATM surround</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr H Karim	18/00437/FUL
Site Address	:	Unit 2 Humber Works Humber Road Beeston Nottinghamshire NG9 2ET	
Proposal	:	<b>Change of use to car body repairs and spray workshop</b>	
Decision	:	<b>File Closed</b>	
<b>BEESTON NORTH WARD</b>			
Applicant	:	Mr G Dex	18/00234/FUL
Site Address	:	94A Marlborough Road Beeston Nottinghamshire NG9 2HL	
Proposal	:	<b>Construct two storey front, side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Shakeel Ahmed	18/00257/FUL
Site Address	:	116 Marlborough Road Beeston Nottinghamshire NG9 2HN	
Proposal	:	<b>Construct single storey front and rear extension and two storey side and rear extension (revised scheme)</b>	
Decision	:	<b>Refusal</b>	
Applicant	:	North Sands Developments Ltd	18/00350/MMA
Site Address	:	Brethren Meeting Hall Hillside Road Beeston Nottinghamshire	
Proposal	:	<b>Minor material amendment to planning permission 17/00234/FUL (Construct 7 detached dwellings and 1 detached garage) to vary condition 2 (substitute plans for those previously approved to enable amendments to the windows)</b>	
Decision	:	<b>Conditional Permission</b>	



Applicant	:	Mr & Mrs Chris and Victoria Clarke	18/00371/FUL
Site Address	:	94 Marlborough Road Beeston Nottingham NG9 2HL	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr A Klufio	18/00401/PNH
Site Address	:	14 Cyprus Avenue Beeston Nottinghamshire NG9 2PG	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.8 metres, with a maximum height of 3.63 metres, and an eaves height of 2.26 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
Applicant	:	Mrs A Infield	18/00425/FUL
Site Address	:	1A Middleton Crescent Beeston Nottingham NG9 2TH	
Proposal	:	<b>Construct single storey side extension</b>	
Decision	:	<b>File Closed</b>	
<b>BEESTON RYLANDS WARD</b>			
Applicant	:	Mr & Mrs D & H Tongue	18/00357/FUL
Site Address	:	8 Acaster Close Beeston Nottingham NG9 1NF	
Proposal	:	<b>Construct single storey side and rear extension and rear decking</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Debbie Gilbert	18/00457/PNH
Site Address	:	5 Grenville Road Beeston Nottinghamshire NG9 1LN	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.1 metres, with a maximum height of 3.8 metres, and an eaves height of 2.6 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
<b>BEESTON WEST WARD</b>			
Applicant	:	Explore Learning Ltd	18/00303/ADV
Site Address	:	33 - 34 The Square Beeston Nottinghamshire NG9 2JH	
Proposal	:	<b>Retain 3 internally illuminated signs</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Lee and Liliana Empringham & De Lillo	18/00317/FUL
Site Address	:	5 Cedar Road Chilwell Nottingham NG9 4DB	
Proposal	:	<b>Alterations to roof to form first floor accommodation and construct two storey side/rear extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs PARVEEN KUSAR	18/00323/FUL
Site Address	:	53 Enfield Street Beeston Nottingham NG9 1DL	
Proposal	:	<b>Construct single storey and two storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr M McCabe And Ms K Logan	18/00346/FUL
Site Address	:	68 Grove Avenue Chilwell Nottinghamshire NG9 4DX	
Proposal	:	<b>Construct garage and pergola, erect screen and gate and make alterations to driveway</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms Lois Plaistow	18/00415/FUL
Site Address	:	13 Enfield Street Beeston Nottinghamshire NG9 1AL	
Proposal	:	<b>Construct single storey side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Ian Conway	18/00423/FUL
Site Address	:	12 Ireton Street Beeston Nottinghamshire NG9 1FD	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

## BRAMCOTE WARD

Applicant	:	Mr & Mrs Gareth & Wendy Roberts	18/00289/FUL
Site Address	:	62 Arundel Drive Bramcote Nottinghamshire NG9 3FQ	
Proposal	:	<b>Construct garage</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Anthony Lowther	18/00331/FUL
Site Address	:	1 Arundel Drive Bramcote Nottingham NG9 3FX	
Proposal	:	<b>Construct side, rear and front extensions and alterations to roof including raising ridge height</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs Gathercole	18/00382/FUL
Site Address	:	66 Sandy Lane Bramcote Nottinghamshire NG9 3GS	
Proposal	:	<b>Construct two storey side, single storey front, first floor rear extensions and new porch canopy</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr A Bonner	18/00394/FUL
Site Address	:	1 Warrender Close Bramcote Nottinghamshire NG9 3EB	
Proposal	:	<b>Construct/ part retain boundary wall</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Ekpenyoung	18/00398/FUL
Site Address	:	28 Moor Lane Bramcote Nottingham NG9 3FH	
Proposal	:	<b>Orangery to rear of dwelling</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Mark Knowles	18/00418/FUL
Site Address	:	44 Sandy Lane Bramcote Nottinghamshire NG9 3GS	
Proposal	:	<b>Construct side and rear dormers</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr R Stark	18/00427/PNH
Site Address	:	72 Valmont Road Bramcote Nottinghamshire NG9 3JD	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6.0 metres, with a maximum height of 3.290 metres, and an eaves height of 2.550 metres</b>	
Decision	:	<b>Withdrawn</b>	

## CHILWELL WEST WARD

Applicant	:	Mr Wild & Mr Simons	18/00440/PNH
Site Address	:	83 Field Lane Chilwell Nottinghamshire NG9 5FF	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.25 metres, with a maximum height of 3.1 metres, and an eaves height of 2.25 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

## EASTWOOD HILLTOP WARD

Applicant	:	Mr R Clark	18/00325/FUL
Site Address	:	Rear Of 237 Nottingham Road Eastwood Nottinghamshire NG16 3GS	
Proposal	:	<b>Change of use to micro bar</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Miss T Ullrich	18/00413/PNH
Site Address	:	3 Robin Hood Close Eastwood Nottinghamshire NG16 3LW	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3 metres, with a maximum height of 2.6 metres and an eaves height of 2.6 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	
<b>EASTWOOD ST MARY'S WARD</b>			
Applicant	:	Mr Richard Hickman St Modwen Ltd	18/00329/REM
Site Address	:	Land Off Newmanleys Road Eastwood Nottinghamshire	
Proposal	:	<b>Erection of electricity substation and gas governor (approval of reserved matters relating to planning permission 14/00334/OUT)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Nicklaus Thorpe Sanctuary Fitness and Conditioning Limited	18/00340/FUL
Site Address	:	Martins Removals Essex Street Eastwood Nottinghamshire NG16 3RH	
Proposal	:	<b>Change of Use from car sales to gym (Class D2)</b>	
Decision	:	<b>Conditional Permission</b>	
<b>GREASLEY WARD</b>			
Applicant	:	Mr & Mrs Wood	18/00218/FUL
Site Address	:	Brook Breasting Cottage Narrow Lane Watnall Nottinghamshire NG16 1HW	
Proposal	:	<b>Change of use of land to residential curtilage and convert garage and stables to self contained annex with glazed linking lobby</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	St Modwen Properties PLC	18/00252/REM
Site Address	:	Beamlight Automotive Seating Ltd Tricom House Newmanleys Road Eastwood Nottinghamshire NG16 3JG	
Proposal	:	<b>Construct 30 dwellings (first phase)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr N Lee	18/00347/FUL
Site Address	:	139 Moorgreen Newthorpe Nottingham NG16 2FF	
Proposal	:	<b>Construct infill side extension</b>	
Decision	:	<b>Refusal</b>	
Applicant	:	Mr Carl Hallam	18/00335/FUL
Site Address	:	359 Nottingham Road Newthorpe Nottinghamshire NG16 2EB	
Proposal	:	<b>Construct dropped kerb</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Glibbrook Retail Park Nottingham Limited	18/00399/FUL
Site Address	:	Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire	
Proposal	:	<b>Site portakabin</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Ron Patel	18/00403/ROC
Site Address	:	493 Nottingham Road Giltbrook Nottinghamshire NG16 2GG	
Proposal	:	<b>Variation of conditions 2 (approved plans), 3 (Opening hours ) &amp; 7 (Use of external open areas...) of Planning Ref: 17/00443/FUL</b>	
Decision	:	<b>Refusal</b>	

Applicant	:	Mr Adam Jeakins Greasley Agricultural Estate	18/00420/AGR
Site Address	:	Oaks Farm Willey Lane Newthorpe Nottinghamshire NG16 3QW	
Proposal	:	<b>Application for Prior Notification of Agricultural Development - Proposed Road</b>	
Decision	:	<b>Prior Approval Required</b>	

## KIMBERLEY WARD

Applicant	:	Mr A Booth	18/00267/FUL
Site Address	:	Crabcroft Farm Awsworth Lane Awsworth Nottinghamshire NG16 2HG	
Proposal	:	<b>Extend and convert barn into a dwelling (Class C3) new access and fencing</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs H Nunn	18/00369/FUL
Site Address	:	15 Hardy Close Kimberley Nottingham NG16 2JW	
Proposal	:	<b>Construct single storey front extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Hoyland	18/00355/FUL
Site Address	:	2 The Court Yard Alma Hill Kimberley Nottinghamshire NG16 2JF	
Proposal	:	<b>Construct single storey rear extension and partial raising of the roof</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Miss Humphreys & Ellis	18/00361/FUL
Site Address	:	8 Clive Crescent Kimberley Nottinghamshire NG16 2QB	
Proposal	:	<b>Construct two storey side and single storey rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Miss Laura Coleman	18/00404/FUL
Site Address	:	81 Babbington Lane Kimberley Nottingham NG16 2PT	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Refusal</b>	

## NUTHALL EAST & STRELLEY WARD

Applicant	:	Mr R Oliver	18/00123/FUL
Site Address	:	Land North Of Home Farm Cottage And Park View Cottage Main Street Strelley Nottinghamshire	
Proposal	:	<b>Erect gates to two accesses</b>	
Decision	:	<b>Refusal</b>	

Applicant	:	Mr & Mrs S Eyre	18/00321/FUL
Site Address	:	68 Horsendale Avenue Nuthall Nottingham NG16 1AN	
Proposal	:	<b>Construct two storey side/front extension and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs I & S Foster	18/00324/FUL
Site Address	:	12 Knightsbridge Drive Nuthall Nottinghamshire NG16 1RD	
Proposal	:	<b>Construct single storey side/rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr G Singh Bhaker	18/00327/FUL
Site Address	:	8 Rochester Court Nuthall Nottinghamshire NG6 8WL	
Proposal	:	<b>Construct single storey front, side extension and attached garage to provide annexe accommodation (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Ian Scott	18/00385/FUL
Site Address	:	14 Drummond Drive Nuthall Nottinghamshire NG16 1BL	
Proposal	:	<b>Construct two storey side &amp; single storey rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr G Wedge	18/00407/FUL
Site Address	:	80 Cedarland Crescent Nuthall Nottinghamshire NG16 1AH	
Proposal	:	<b>Construct two storey rear extension, porch, demolition of garage and single storey side and rear extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

## STAPLEFORD SOUTH EAST WARD

Applicant	:	Mr Nicholas Blainey	18/00247/FUL
Site Address	:	11 Revill Crescent Stapleford Nottinghamshire NG9 8EH	
Proposal	:	<b>Retain alterations to granny annexe which form first floor accommodation</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr David Gilley	18/00259/LBC
Site Address	:	Cloud Villa 102 Nottingham Road Stapleford Nottinghamshire NG9 8AQ	
Proposal	:	<b>Listed Building Consent to install replacement flue on west elevation and install gas pipe on west and south elevation</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Damien McGrath Fubar Pub Company Ltd	18/00302/FUL
Site Address	:	41 Nottingham Road Stapleford Nottinghamshire NG9 8AD	
Proposal	:	<b>Retain single storey extension to ground floor apartment</b>	
Decision	:	<b>Conditional Permission</b>	

## STAPLEFORD SOUTH WEST WARD

Applicant	:	Mr Danny Green	18/00304/FUL
Site Address	:	4 Willow Avenue Stapleford Nottinghamshire NG9 7FZ	
Proposal	:	<b>Construct two storey rear and single storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	DPSK Ltd	18/00356/FUL
Site Address	:	109 Derby Road Stapleford Nottinghamshire NG9 7AS	
Proposal	:	<b>Change of use from retail (Class A1) to a hot food takeaway (Class A5), installation of extraction/ventilation equipment, external alterations and new shop front.</b>	
Decision	:	<b>Conditional Permission</b>	

## TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mr & Mrs Paul & Susan Thorpe	18/00344/FUL
Site Address	:	11 Epsom Road Toton Nottingham NG9 6HQ	
Proposal	:	<b>Construct first floor/two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr B Isaac	18/00348/FUL
Site Address	:	107B Stapleford Lane Toton Nottinghamshire NG9 6FZ	
Proposal	:	<b>Construct front/side extension and alterations to shop front</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Miss J EDWARDS	18/00351/FUL
Site Address	:	46 Carrfield Avenue Toton Nottingham NG9 6FB	
Proposal	:	<b>Construct rear conservatory</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Brian Williams	18/00388/FUL
Site Address	:	3 Orpean Way Toton Nottingham NG9 6LE	
Proposal	:	<b>Construct first floor side extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

## WATNALL & NUTHALL WEST WARD

Applicant : Mr P Clarke  
Site Address : 20 Watnall Road Nuthall Nottinghamshire NG16 1DU  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

---

18/00400/FUL

This page is intentionally left blank