



Monday, 31 December 2018

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 9 January 2019 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, in the	G Marshall
	Chair)	J K Marsters
	D Bagshaw	P J Owen
	J S Briggs	R S Robinson
	T P Brindley	P D Simpson
	M Brown	

## AGENDA

1. APOLOGIES

To receive any apologies and notification of substitutes.

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 - 10

The Committee is asked to confirm as a correct record the

Town Hall, Foster Avenue, Beeston, Nottingham, NG9 1AB

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minutes of the meeting held on 5 December 2018.

4. NOTIFICATION OF LOBBYING

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

5. LOCAL PLAN PART 2 UPDATE

The Head of Neighbourhoods and Prosperity will give the Committee a verbal update as to the progress of the Local Plan Part 2.

6. DEVELOPMENT CONTROL

6.1 18/00268/FUL PAGES 11 - 46

Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping  
Myford Ltd, Wilmot Lane, Beeston

6.2 18/00607/FUL PAGES 47 - 64

Change of use of 28 flats (Class C3) to student accommodation (17 cluster flats) and construction of 3 cluster flats (providing 83 bed spaces in total)  
Neville Sadler Court, Beeston, Nottinghamshire, NG9 2EW

6.3 18/00729/FUL PAGES 65 - 76

Construct two dwellings  
Land to the rear of 53 Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

6.4 18/00695/FUL PAGES 77 - 86

Construct new detached masonry double garage  
Temple Lake House, 53a Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

- 6.5      18/00709/FUL      PAGES 87 - 96
- Change of use from shop (Class A1) to a ballet school  
(Class D2)  
96 Derby Road, Stapleford, Nottinghamshire, NG9 7AD
- 6.6      18/00516/FUL      PAGES 97 - 112
- Erect 10 one bedroom apartments  
147 - 151 Queens Road, Beeston, Nottinghamshire, NG9  
2FE
7.      INFORMATION ITEMS
- 7.1      Appeal Statistics
- 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.**
- 7.2      Delegated Decisions      PAGES 113 - 120
8.      VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY      PAGES 121 - 124
- Variations are proposed to the Section 106 Agreement which deviate from the decision taken by members of Planning Committee and therefore require the approval of the Members.
9.      EXCLUSION OF PUBLIC AND PRESS
- The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of the Act.**
10.      VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY      PAGES 125 - 128

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## PLANNING COMMITTEE

5 DECEMBER 2018

Present: Councillor M Handley, Chair

Councillors:	D Bagshaw	G Marshall
	L A Ball BEM	J K Marsters
	J S Briggs	M Radulovic MBE
	T P Brindley	R S Robinson
	M Brown	R D MacRae
	R I Jackson	P D Simpson
	W J Longdon	

An apology for absence was received from Councillor P J Owen.

### 32. DECLARATIONS OF INTEREST

Councillor D Bagshaw declared a non-pecuniary interest in item 5.3, as a family member was employed by the nursery, minute number 35.3 refers.

Councillor G Marshall declared a non-pecuniary interest in item 5.5 as he was acquainted by the applicant, though he noted that they had not discussed their application with him. Minute number 35.5 refers

Councillor M Radulovic MBE declared a non-pecuniary interest in item 6.2 as he was predetermined, minute number 35.6 refers.

### 33. MINUTES

The minutes of the meeting held on 7 November 2018 were confirmed and signed with some minor amendments to the wording of minute number 31.1 concerning application 18/00538/FUL, The Raven Group, Ellis Grove, Beeston, NG9 1EP, which were agreed by the Chair and the Head of Neighbourhoods and Prosperity after the minutes were published with the agenda. The changes are underlined.

31.1 a condition be added to require the lower section of **all first and second floor** windows and Juliet balconies in the rear elevation to be obscurely glazed

**13. Notwithstanding the details shown on drawing numbers 456 003 Rev B (proposed elevations) and 456 002 Rev D (proposed floor plans) the lower sections of the first and second floor windows and the Juliet balconies on 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) and retained in this form for the lifetime of the development.**

34. NOTIFICATION OF LOBBYING

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

35. DEVELOPMENT CONTROL

35.1 18/00268/FUL

Construct 75 bed care facility; 30 supported living apartments (Class C2); bistro; gym/spa; hairdressers; bin, cycle and scooter stores; emergency generator; substation, car parking and landscaping  
Myford Ltd, Wilmot Lane, Beeston NG9 1EP

Councillor J C Patrick requested that this application be determined by the Committee.

The Committee noted there were a number of late items including a change to planning conditions 2,15, 19 and 20. It was also noted that a viability assessment had concluded that the scheme would not be viable with any affordable housing contribution and that the Council's Estates Manager had advised that the assessment appeared to be reasonable.

Ms Margaret Metcalfe, objecting, Mr John Roddy, the applicant and Councillor J C Patrick, Ward Member, addressed the Committee prior to the general debate.

During the ensuing debate the need for developments such as the one proposed was acknowledged, though there were concerns about car parking, traffic and loss of neighbour amenity, with particular reference to daylight. There was concern that 42 spaces would be inadequate for 30 supported living apartments in addition to the need for staff and health worker access to the complex. The community aspect of the application was praised, though there was concern that the bistro and other public facilities would cause further traffic and parking problems.

Discussion moved on to the design of the building. It was noted that there were brickwork elements designed to break up the façade of the building and darker brickwork at the top of the building to reduce the sense of height.

It was proposed by Councillor R I Jackson and seconded by Councillor M Radulovic MBE that a decision on the application be deferred so that the applicant could be consulted further on car parking spaces and nominating a contact to liaise with the local community. On being put to the meeting the motion was carried.

**RESOLVED that the application be deferred.**

## Reason

To allow discussions with the applicants regarding parking provision within the site and identify a lead contact for the developer who will liaise with local residents during the course of the construction process.

### 35.2 18/00508/FUL

Construct single storey rear and  
two storey rear and side extensions  
138 Nottingham Road, Nuthall, Nottinghamshire  
NG16 1AB

Councillor P J Owen had asked that this matter be determined by the Committee.

There were no late items and no public speakers regarding this application.

It was noted that the application had been brought before Committee because it had been proposed that two dormer window be installed in the roof. Now that the applicant had changed these to Velux windows there were no objections to the application.

**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 23 July 2018, Proposed Plans and Elevations, SG/18/05/02A and Proposed Block Plan, SG/18/05/03A received by the Local Planning Authority on 04 October 2018.**
- 3. The extension shall be constructed using materials of a type, texture and colour so as to match those of the existing 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:**

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

**35.3 18/00624/FUL**

**Amended access to garden centre, demolition and replacement of number 123 with a dormer bungalow and the erection of one additional dormer bungalow  
123 Moorgreen, Newthorpe, Nottinghamshire NG16 2FF**

Councillor M Brown had brought this application before the Planning Committee.

There were no public speakers. The late item, an email from the agent, was given due consideration.

There was support for widening the access, which was considered to be hazardous, and the replacement of the existing bungalow. Debate centred on the additional bungalow, with discussion as to whether in-filling in villages should be welcomed or whether a like for like replacement was the only appropriate development.

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

**The construction of a materially larger replacement dwelling and a new dwelling would constitute inappropriate development in the Green Belt and there are no very special circumstances demonstrated that clearly outweigh both the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework 2018 and there are no other material considerations that justify treating this proposal as an exception.**

**Note to Applicant:**

**The Council has tried to act positively and proactively in the determination of this application, however it was not considered that there were any minor alterations which could be made to the scheme to make the proposal acceptable.**

35.4 18/00384/FUL

Erect portable building to create public café facility with decking  
R G Services Site, Gin Close Way, Awsworth,  
Nottinghamshire NG16 2TA

Councillor L A Ball BEM had requested that this application be determined by the Committee.

There were no late items for this application.

Ms Susan Wilson, objecting, addressed the Committee prior to the general debate.

The Committee noted the prominent position of the site at the gateway into Awsworth and considered that it was scruffy and detrimental to the visual amenity of the area. There was concern regarding the positioning of the business and the potential for an increase in traffic to the site in an already congested area, causing a hazard to road users. There was also concern about a breach of condition regarding the screening and general appearance of the site.

**RESOLVED that planning permission be refused, with the precise wording of the refusal to be delegated to the Chair of the Planning Committee and the Head of Neighbourhoods and Prosperity.**

Reason

There was concern about highway safety and an increase in traffic in an already busy location.

35.5 18/00720/FUL

Change of use from retail (Class A1) to café incorporating a bakery (Class A3)  
109 Central Avenue, Beeston, Nottinghamshire NG9 2QS

The request for this item to be considered by the Committee had been received from Councillor S J Carr.

Miss Choulia Mola, applicant, addressed the Committee prior to the general debate.

It was considered that the new bakery would be an asset to the Beeston Fields Estate and that it would provide a space for people to socialise within their local area.

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

- 1. The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority**

on 25 October 2018 and proposed floor plan received by the Local Planning Authority on 30 October 2018.

2. Within one month of the date of this decision, details of ventilation and filtration equipment shall have been submitted to the Local Planning Authority. Once approved in writing by the Local Planning Authority, the equipment shall be installed and in full working order within three months of the date of approval and shall be effectively operated and maintained in accordance with the manufacturer's instructions for the life of the development.
3. The use hereby permitted shall not be open to customers outside the hours of 8am to 10pm Monday to Saturday, and 10am to 10pm on Sundays, Bank or other Public Holidays.

**Reasons:**

3. For the avoidance of doubt.
2. No such details were submitted and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).
3. In the interests of the amenities of nearby residents and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).

**Notes to Applicant:**

1. The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course 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: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

**35.6 18/00339/FUL**

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

The application had been considered by the Committee on 12 September 2018 and was deferred by members to allow further consultation between the applicant and the neighbouring school.

There were no late items and no public speakers.

The Committee noted that a letter had been received from the Headmaster to confirm that there were no objections to the application from the school.

**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 drawing numbers: Site Location Plan 1:1250, 18/461/05 received by the Local Planning Authority on 16 May 2018, Proposed Second Floor Plans, Sections and Elevations, 18/461/03b received m by the Local Planning Authority on 1 July 2018, Proposed Garage Plans, Sections and Floor Plans, 18/461/06 received by the Local Planning Authority on 21 May 2018, Proposed Site Plan, 1: 500, 18/461/04a received by the Local Planning Authority on the 22 August 2018, Proposed Floor Plans and Elevations, 18/461/02b, Proposed Second Floor Plans, Sections and Elevations, 18/461/03b received by the Local Planning Authority on 30 October 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 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 residential amenities of the area and to accord with Policy H9 of the Broxtowe Local Plan 2004.

**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 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@nottsc.gov.uk](mailto:hdcsouth@nottsc.gov.uk)

Having declared himself pre-determined on this application Councillor M Radulovic MBE left the meeting and did not vote thereon. Councillor G Marshall also left the meeting and did not vote.

35.7 18/00670/REG3

Construct two storey rear extension, insert first floor side window and retain ramp  
6 Hetley Road, Beeston NG9 2QL

The application had been brought before the Committee as it was a Broxtowe Borough Council application.

There were no late items and no public speakers.

**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 retained and carried out in accordance with the Location Plan at scale 1:1250 received by the Local Planning Authority on 4 October 2018, the amended 'Site Plan' (CW19.004/01) and the amended 'Proposed Elevations' (CW19.004/07) received by the Local Planning authority on 14 November 2018, the amended 'Proposed First Floor' plan (CW19.004/05) and the amended 'Roof Plan' (CW.19.004/08) received by the Local Planning Authority on 20 November 2018 and the amended 'Proposed Ground Floor' plan (CW19.004/04) received by the Local Planning Authority on 22 November 2018.
3. The external walls of the extension hereby approved shall be rendered so as to match the type, texture and colour of the render on the existing building.
4. The first floor south west (side) elevation window of the extension hereby approved and the north east facing part of the box bay window to be inserted in the north east (side) 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) and fixed shut and retained in this form for the lifetime of the development. The north east facing part of the bay window to be inserted on the north eastern elevation shall be obscure glazed to Pilkington 4 or 5.

**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).
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).

**Notes to Applicant:**

1. The Council has acted positively and proactively in the determination of this application by seeking positive amendments 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: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

Having stated that he had a prior engagement, Councillor R S Robinson left the meeting.

**35.8 14/00334/OUT and 14/0035/OUT**

Affordable housing contribution with regard to planning applications – west and east of  
Newmanleys Road, Eastwood

Due to the possible variation within the original Cabinet decision for section 106 funding allocation for this development, it was deemed necessary that this issue be brought before the Planning Committee.

There were no late items and no public speakers on this item.

Consideration was given to the nomination rights for seven houses in place of a section 106 contribution. The Committee noted that the Council would not own the seven houses and would not be the landlord, though they would be occupied by tenants from the housing list in perpetuity. There was concern that there was no financial benefit to the Council from the arrangement. An argument was put forward that the development would be comprised entirely of affordable housing, making the need for a contribution unnecessary and the seven nominations a bonus.

**RESOLVED that the recommendation that the S106 Agreement be amended to enable the affordable housing requirement to be met by way of nomination rights for seven houses not be agreed.**

36. INFORMATION ITEMS

36.1 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.

36.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 20 October to 16 November 2018.

## Report of the Chief Executive

**18/00268/FUL**

**CONSTRUCT 75 BED CARE FACILITY; 30 SUPPORTED LIVING APARTMENTS (CLASS C2); BISTRO; GYM/SPA; HAIRDRESSERS; BIN, CYCLE AND SCOOTER STORES; EMERGENCY GENERATOR; SUBSTATION, CAR PARKING AND LANDSCAPING  
MYFORD LTD, WILMOT LANE, BEESTON**

### 1. Background

1.1 At Planning Committee on 5 December 2018, members deferred the application to allow further consideration to be given to parking provision and the establishment of a point of contact for residents during construction works.

1.2 The applicant has submitted further information to address these two issues, including amended plans showing two additional parking spaces so 44 spaces will be provided in total. The additional information provided is summarised below:

- None of residents in the 75 bed care facility require a car. Typically, the average age of household residents is greater than 86.
- A review of other Belong Care Villages reveals that the average age of apartment residents is greater than 83. The analysis shows that typically there would be a demand for three parking spaces for the proposed 30 apartments.
- In the region of 140 staff will be employed at the site. At any one time, there would typically be 30-33 staff on site during the day but significantly less at night. There is 24 hour/7 day a week cover.
- As set out in the application supporting documents, it is anticipated that the majority of staff will live locally, with many walking or cycling to work or using the tram/bus.
- The tram runs from approximately 6am until midnight and typical shift patterns are:
  - 08:00 - 15:00
  - 15:00 - 22:00
  - 22:00 - 08:00

Hence no shifts end or start between midnight and 6am so all staff will be in a position to use the tram should they desire.

- An assessment of other Belong Villages shows a range of parking/accommodation ratios. The average car parking provision across the Belong portfolio is 1 space per 2.7 housing units (an average of 35.3 spaces), compared to Beeston with 1 space per 2.4 units i.e. Beeston has an average of 19% more spaces than a typical Belong village.
- No other site in the Belong Portfolio is served by a tram system. The site is unique in terms of its connectivity and access to a range of public transport.
- Belong is committed to promoting sustainable development. It will encourage employees to use public transport. Condition 18 requires the submission of a Travel Plan Statement.

- The Highway Authority has no objections in respect of all highway matters, including on-site parking provision.
  - The proposed car parking provision, the nature/age profile of Belong's customers and the site's excellent location with regard to public transport will ensure that the use will not create parking difficulties.
  - During the construction phase, the community contact will be Belong's Property Manager. Once work commences, a telephone number will be made available to the Local Authority.
- 1.3 The original report to the Planning Committee on 5 December 2018 is attached as an appendix to this report. A correction is needed to paragraph 5.10 – 22 responses have been received of which 18 are objections.
- 1.4 Following publication of the December committee report, a viability assessment was submitted (received 27.11.18) which concludes that the scheme is not viable with any affordable housing contribution. The Council's Estates Manager has advised that the assessment appears to be reasonable.
- 1.5 Since the December committee meeting, a resident has requested clarification about the extent of the proposed Ellis Grove Traffic Regulation Order (TRO). County Highways have advised that they are unable to confirm the extent of the TRO as it will be subject to consultation.
2. Appraisal
- 2.1 It is considered that the provision of the additional information and the two additional parking spaces addresses the concerns raised by members at the December committee meeting. Sufficient parking has been proposed for this building given the site is located in a highly sustainable location beside the tram line and several frequent bus routes. As discussed at the December committee, the trams do not run between approximately midnight and 6am but no shift will end or start during such times. In addition, car ownership of residents is highly likely to be very low and a proportion of the employees are likely to use public transport, walk or cycle. These assumptions are supported by the additional information provided by the applicant. Based on the figures provided by the applicant, if every staff member on shift drives (maximum of 33) and the estimated number of apartment owners have a car (three), that would mean a total of 36 parking spaces being used. Eight spaces would therefore remain for visitors which is considered to be more than sufficient.
- 2.2 Based on the submitted viability assessment, no affordable housing contribution is considered to be required.
- 2.3 Conditions 2, 15, 19 and 20 have been amended following concerns being raised about the wording by the applicant and clarification that the windows in the north east elevation (see paragraph 6.3.3 of the December report). These are not windows but Automatic Opening Vents (AOVs) which only open in the event of a fire. An additional condition requiring the construction of the access has been included at the request of the County Council as Highway Authority. It is therefore recommended that the application be approved subject to these revised/additional conditions.

- 2.4 In summary, two additional parking spaces are proposed and further information has been submitted to demonstrate why the proposed car park is of sufficient size for the development. A community contact will be established so that residents have a point of liaison with the applicant during construction. 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:**

- 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 P4693\_111 Planning – Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693\_001 Location Plan, P4693\_121 Rev A Planning – External Bin and Generator Store, P4693\_122 Rev A Planning – External Cycle and Buggy Store and P4693\_123 Planning – Substation Drawing received by the Local Planning Authority on 18 May 2018; P4693\_106 Planning – Proposed GA Elevations – Sheet 1, P4693\_108 Planning – Proposed GA Elevations – Sheet 3, P4693\_109 Planning – Proposed GA Elevations – Sheet 4, 1072\_003 Rev A Landscape Strategy and P4693\_112 Planning – Proposed Household Façade Details received by the Local Planning Authority on 21 May 2018; M2715(69)001 Rev P1 received by the Local Planning Authority on 2 July 2018; P4693\_SK112 Barrydale Avenue Boundary Sections received by the Local Planning Authority on 25 July 2018; P4693\_110 Rev A Planning – Proposed GA Elevations – Sheet 5 and P4693\_124 Rev A Planning – Car Park Sections received by the Local Planning Authority on 3 August 2018; P4693\_113 Rev B Planning – GA Sections received by the Local Planning Authority on 13 November 2018; P4693\_102 Rev B Planning – Proposed First Floor, P4693\_103 Rev B Planning – Proposed Second Floor, P4693\_104 Rev A Planning – Proposed Third Floor, P4693\_105 Rev A Planning – Proposed Roof Plan, P4693\_114 Rev C Planning – Proposed Street Elevations and P4693\_107 Rev A Planning – Proposed GA Elevations – Sheet 2 received by the Local Planning Authority on 4 December 2018 and P4693\_101 Rev B Planning – Proposed Ground Floor and P4693\_100 Rev D Planning – Proposed Site Plan received by the Local Planning Authority on 11 December 2018.**
- 3. No development shall commence until:**
  - (i) All necessary groundwater remedial measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) 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.**

4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number P4693\_100 Rev B has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
5. No development shall commence until details of the construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Construction access and parking shall take place in accordance with the agreed details.
6. No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods 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.
7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing 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) planting, seeding/turfing of other soft landscape areas,
  - (d) proposed boundary treatments including details of the gate access to the British Legion social club
  - (e) a timetable for implementation.

The approved scheme shall be carried out strictly in accordance with the approved details.
8. The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.
9. No building to be erected pursuant to this permission shall be occupied or brought into use until:

- (i) All necessary gas and vapour barrier and clean cover remediation measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;
- (ii) It has been certified to the satisfaction of the Local Planning Authority that the remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
10. No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.
11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.
12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.
13. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.
14. The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the Azymuth Acoustics UK report Ref AA0050, dated February 2018.
15. No part of the development hereby permitted shall be brought into use until an application for a Traffic Regulation Order to remove on-street parking along Ellis Grove has been made.
16. The development shall not be occupied until the redundant vehicular crossings on Ellis Grove have been removed and replaced with full kerbs and the footpath reinstated to the Highway Authority specification.
17. The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall

thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

18. The building shall not be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority.
19. The Automatic Opening Vents in the north east elevation of the apartments shall only be opened in the event of a fire and shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.
20. The hereby approved apartments shall not be occupied other than by persons who have attained the age of 55 years, together with the spouse or partner of such persons, including a widow or widower who may be under 55 years of age.
21. The building hereby approved shall be first occupied by Belong Limited.
22. The site access shall be provided in accordance with the approved drawings before the development is first occupied.

**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. The development cannot proceed satisfactorily without the remedial measures being undertaken in advance of development commencing, in the interests of protecting groundwater and in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004).
4. No such 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 retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. No such 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 highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).



6. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
10. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
14. To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
15. In the interests of highway safety to ensure access and egress to and from the site by larger vehicles is not hindered by parked vehicles beside the access.
16. In the interest of pedestrian safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
19. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

20. In accordance with the terms of the application and in relation to S106 contribution requirements.
21. In accordance with the terms of the application and in relation to S106 contribution requirements.
22. In the interests of highway safety to ensure a satisfactory access is provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

**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. 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).
3. 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 to undertake the works, you will need to enter into an agreement under section 278 of the Act. Please contact [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) for details.
4. The proposed off-site works require a Traffic Regulation Order before the development is brought into use to provide a safer highway environment. The developer should note the Order can be made on behalf of the developer by Via (in partnership with Nottinghamshire County Council) at the expense of the developer. This is a separate legal process and the applicant should contact the Highway Improvements Team on 0300 500 8080 for details.
5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
6. In relation to condition 15, you are advised that the Traffic Regulation Order process cannot commence until payment of the TRO fees are received.

Appendix

Report to Planning Committee 5 December 2018.

Background papers

Application case file

## Report of the Chief Executive

**18/00268/FUL**

**CONSTRUCT 75 BED CARE FACILITY; 30 SUPPORTED LIVING APARTMENTS (CLASS C2); BISTRO; GYM/SPA; HAIRDRESSERS; BIN, CYCLE AND SCOOTER STORES; EMERGENCY GENERATOR; SUBSTATION, CAR PARKING AND LANDSCAPING  
MYFORD LTD, WILMOT LANE, BEESTON NG9 1EP**

Councillor J C Patrick requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is a major planning application for a 75 bed care facility, 30 supported living apartments, a bistro, gym/spa, hairdressers, bin, cycle and scooter stores, emergency generator, substation, 42 space car park and landscaping. The proposed building would be four storeys in height (14m) parallel to Chilwell Road, with a three storey link to a rectangular C-shaped wing to the south east. The ground floor of the building beside Chilwell Road will contain the communal facilities of gym/spa, hairdressers and bistro, with an external seating area to the south west. An 'Experience Day' activities room where events for residents and the local community are held is also located in this part of the building. All 30 apartments will be located on the upper three floors of this part of the building, arranged either side of a central corridor. 16 of the apartments will have one bedroom and 14 will have two bedrooms.
- 1.2 A three storey (11.5m high) connecting wing containing communal (including 'The Venue') and administrative space and service areas will link the four storey section of the building with the three storey 'household' wings (maximum 11.8m high) forming the 75 bedroom care facility to the south east of the site. Six households, each with 12 bedrooms (all with en-suite bathrooms) and communal kitchenette/dining areas and lounge, are proposed. There will be three guest bedrooms in this part of the building. The 72 care bedrooms would provide a high degree of specialist care, with the 30 apartments for the more active residents who need varying degrees of support.
- 1.3 The C-shaped south eastern three storey wing surrounds a courtyard which will be laid out as a dementia friendly garden area. An evergreen hedge will surround the majority of the perimeter of the building, interspersed with trees at the Ellis Grove entrance. The bistro will open out onto an outdoor seating area to the south west of the building with an adjoining small rainwater garden which will use roof water from disconnected downpipes. Beside the south east boundary, the existing mature trees will be retained and additional understorey planting will take place. Bird and bat boxes are proposed in this area. The car park will be located in the south eastern corner of the site and beside part of the north eastern site boundary. It will contain the buggy and cycle store (beside the south western boundary) and the substation, generator and bin store (beside the north eastern boundary).

- 1.4 Pedestrian access to the building will be from Chilwell Road and Ellis Grove; vehicular access will be from Ellis Grove only.
- 1.5 During the course of the application, the plans were amended to relocate some stairwell windows and to increase the height of the proposed fence by 0.7m to 2.5m on the boundary with Barrydale Avenue.
- 1.6 The following supporting documents were submitted with the application:
  - Design and Access Statement
  - Planning Statement
  - Arboricultural Report
  - Noise and Vibration Assessment
  - Statement of Community Involvement
  - Transport Statement
  - Geo-Environmental Desktop Report
  - Foul and Surface Water Drainage Strategy.

## 2 Site and Surroundings



Looking towards Chilwell Road across the site frontage



Looking towards rear of 8-14 Ellis Grove from beside south western site boundary





Looking across site towards Barrydale Avenue



8-14 Ellis Grove



Fence demarcates north west boundary of application site

- 2.1 The site has an area of 0.64 hectare and was previously part of the larger Myfords (engineering) site. It is an area of land that slopes down approximately 2m from Chilwell Road towards the south eastern boundary. Demolition of the buildings on site has been completed. The site has vehicular access from Ellis Grove and Wilmot Lane.
- 2.2 To the immediate north west of the site lies the Chilwell Road tram stop. A public footpath runs beside the south western site boundary connecting Vincent Avenue with High Road/Chilwell Road. Ellis Grove adjoins part of the north eastern site boundary, with the rear gardens of numbers 8-14 (terraced houses) being the closest residential properties on this road to the site and the south western wall of the commercial property known as the Raven Group directly adjoins this boundary. The Royal British Legion Social Club is located to the north east, beside the Raven Group.
- 2.3 Semi-detached and terraced properties on Barrydale Avenue adjoin part of the south eastern site boundary. These houses have various rear boundary treatments and there is a row of deciduous trees on the site side of the south eastern boundary, all of which bar one are proposed to be retained.

- 2.4 Various shops/commercial units are on the north western side of Chilwell Road. To the south west of the site is the Council owned car park and land in the ownership of two of the applicants (Peveril Securities Limited and Charterpoint Developments Limited), which forms part of the larger former Myfords site, is located to the south east and west and demolition/clearance of this site has been completed and a new road constructed adjoining the south western end of Barrydale Avenue.

### 3 Relevant Planning History

- 3.1 Outline planning permission was granted on 12 December 2014 for the redevelopment and change of use of the larger former Myfords site for residential/commercial uses (to include Classes A1, A2, A3, A4, A5, B1(a), C2, C3 and D1 uses). This permission has expired but was granted contemporaneously with a S106 Agreement requiring 25 per cent of the housing on site to be affordable and financial contributions towards education, transport and open space.
- 3.2 A prior notification application for the demolition of the buildings on the larger site was approved on 30 June 2017 (reference 17/00370/DEM). Demolition has been completed.
- 3.3 Planning permission (17/00723/FUL) for 47 dwellings and a retail unit on the southern and western parts of the Myfords site was granted on 24 May 2018, following the grant of planning permission (reference 17/00511/FUL) for a road to serve the southern part of this site on 29 September 2017, to enable its early implementation. Construction of this road has been completed.
- 3.4 At the November Planning Committee, members resolved to grant planning permission for 15 apartments on the adjacent site to the north east (18/00538/FUL) currently occupied by the Raven Group (subject to the completion of a s106 agreement).

### 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. It advises that the needs of groups with specific housing requirements should be addressed.

- 4.1.5 Paragraph 64 deals with the requirement to provide affordable housing when major residential schemes are proposed and stipulates that at least 10 per cent of homes should be available for affordable home ownership. Exemptions to this 10 per cent requirement can be made if the proposed development provides specialist accommodation for the elderly.
- 4.1.6 To promote healthy and safe communities, social interaction should be promoted through active street frontages, places should be safe and accessible and enable and support healthy lifestyles (e.g. through the provision of safe and accessible green infrastructure).
- 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. Developments should function well and add to the quality of an area for the lifetime of the development; be visually attractive; be sympathetic to local character and history whilst not discouraging change; establish or maintain a strong sense of place; make efficient use of land and create safe, inclusive and accessible places with a high standard of amenity for existing and future users. Design should take into account the views of the community and where early, proactive and effective engagement with the community has occurred, such schemes should be looked on more favourably.
- 4.1.10 The need to take into account contaminated land when determining applications is detailed at paragraphs 178-179.

## 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 4: Employment Provision and Economic Development' refers to the need to appropriately manage existing employment sites to cater for the full range of employment uses by releasing sites no longer attractive to the market/those that are not good quality.
- 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 states that consideration should be given to the needs and demands of the elderly as part of the overall housing mix and sets out the approach to affordable housing, establishing 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.
- 4.2.8 'Policy 14: Managing Travel Demand' makes it a priority to select sites which are accessible by the most sustainable means of transport. It sets out measures to encourage a switch to sustainable forms of transport first before major highway capacity improvements are considered.
- 4.2.9 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure.
- 4.2.10 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.11 '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 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 E27 'Protection of Groundwater' – development which would be liable to result in infiltration of contaminants into groundwater will not be permitted unless measures would be carried out as part of the development to prevent contamination taking place.
- 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 Policy 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 Policy 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 Policy 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 'Guidance for Parking Provision' and Appendix 4 require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards.

- 4.3.10 Policy S6 'Food and drink retailing outside town centres' – such uses will not be permitted if their individual or cumulative effect would cause environmental or traffic problems or detriment to residential amenity.
- 4.3.11 Policy RC6 'Open space: requirements for New Developments' - 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.
- 4.3.12 Policy RC12 'Caring institutions' - proposals for the development of nursing homes and other caring institutions will be permitted provided that neighbouring residential amenity is not adversely affected; the character of the surrounding area would not be unacceptably altered; appropriate provision for servicing, access and parking is made; satisfactory outdoor amenity space is provided as well as attractive outlooks from bedrooms and living rooms.

#### **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 to take place toward the end of this year. The representations on the plan included 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policies 17 and 32, four no. representations in relation to Policy 19, and seven no. representations in relation to Policies 24 and 26. Given that there remain outstanding objections to Policies 15, 17, 19, 24, 26 and 32 that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight. As there were no objections made to Policy 14, it is very likely that this Policy will be in the adopted version of the Plan and as such it can be afforded moderate weight at this stage.
- 4.4.2 Policy 14 - Centre of Neighbourhood Importance (Chilwell Road/High Road): within this area, permission will be granted for main town centre uses (as defined in the NPPF) or housing, providing such a use does not comprise over 500 sq m for an individual unit (applies to main town centre use only); erode the character of the Centre of Neighbourhood Importance in providing a complementary evening economy offer to Beeston Town Centre; result in less than 30% of ground floor units comprising residential units or result in inefficient use of upper floors.
- 4.4.3 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.

- 4.4.4 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; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to ‘Building for Life’ criteria will be required to be submitted within the Design and Access Statement.
- 4.4.5 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.
- 4.4.6 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.
- 4.4.7 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.
- 4.4.8 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.
- 4.5 Beeston Town Centre Plan (2008)
- 4.5.1 The site is included within ‘Key Development Area 5 Chilwell Road’, an area identified as in need of regeneration. Potential uses include retail, employment and residential. A two or three storey block should front Chilwell High Road.

## 5 Consultations

- 5.1 **Nottinghamshire County Council as Highway Authority** advise that the development should generate less traffic than the consented scheme (13/0003/OUT). Concern is expressed that turning movements to enter/exit the site are quite tight and could result in some encroachment of the footway. A Traffic Regulation Order (TRO) will therefore be required to remove parking on part of Ellis Grove to aid drivers exiting the site. The numerous access points on Ellis Grove will need reinstating to footway and within the site, should be increased to 2m in width. No objections subject to conditions relating to a TRO, Ellis Grove footway reinstatement, provision and retention of parking/turning/servicing areas, Travel Plan statement, and surfacing and drainage of site access. Notes to applicant regarding works in the public highway, TRO and mud on the highway.

- 5.2 **Nottinghamshire County Council as Lead Local Flood Authority** has no comment to make on the application.
- 5.3 **Nottinghamshire County Council Rights of Way (Via East Midlands Ltd)** advise that Beeston Footpath No. 55 runs adjacent to the proposed development but appears unaffected. They advise the footpath should not be encroached upon or obstructed.
- 5.4 **NHS Nottingham West Clinical Commissioning Group (CCG)** note that the outline planning permission (13/00003/OUT) did not require a health contribution. The CCG state that recent developments in the area have impacted upon the ability to provide primary care services, particularly in the Beeston area and given the recent closure of the West End Surgery. A better way of working is required to ensure the CCG is aware of proposed care homes and retirement living facilities. It is advised that 65 per cent of the NHS budget is spent on the over 65s and the elderly are the predominant users of health and social care services. Due to recent care home developments, there is a very high volume of frail, complex and very dependent elderly patients in Beeston and GP practices are struggling to cope. This proposal will add to that strain. However, the need for dementia care is recognised. Request that a meeting is held with Belong and planners to discuss the proposal. Such a meeting has been held and the CCG were reassured about the timescales for the proposed development.
- 5.5 **Nottingham Express Transit** has no objections but requests a condition requiring 'goal posts' and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. Consideration should also be given to erecting a hazard sign to warn about the overhead lines. The applicant should be made aware it is not permitted to obstruct the tramway and to comply with the guidelines contained in the 'Working near NET' leaflet.
- 5.6 The **Business and Projects Manager (Environment)** provides comments on the landscape strategy and suggests amendments. Overall, he considers the scheme to be well thought out and to offer many positive landscape features.
- 5.7 The **Strategy and Development Officer (Housing)** advises that Beeston is an area of high demand for affordable housing, particularly for one and two bedroomed properties.
- 5.8 The **Environment and Business Development Manager** advises on the requirements for bin provision and collection for the development.
- 5.9 The **Environmental Health Technical Officer** has no objection subject to conditions relating to remediation of contamination, piling or other penetrative foundation methods, construction hours, noise levels from plant, machinery or equipment associated with the use, deliveries/collections by commercial vehicles (excluding urgent medical supplies), and glazing and ventilation specification.

5.10 Three site notices were posted to publicise the application and 57 surrounding neighbours were sent notification letters. 20 responses were received: 13 objections (one objection on behalf of five properties), three letters raising no objection and one making observations.

5.11 The objections raised can be summarised and categorised as follows:

**Amenity**

- Loss of light for 8-14 Ellis Grove
- Building will overshadow and enclose (in conjunction with the as yet to be built Hive development) rear of 8-14 Ellis Grove and have an adverse visual impact on Barrydale Avenue residents
- Right to light affected
- Increased noise at night from ambulances
- Need for strong and secure boundary of sufficient height to protect privacy and prevent crime adjacent Barrydale Avenue properties
- Glare/dazzle from proposed glazing and metal will affect residents and motorists
- Loss of privacy
- Disturbance from use of The Venue
- Noise from residents, workers, visitors, deliveries, plant room, generator, car park, alarms, use of bin store and British Legion gate
- Area adjacent Barrydale Avenue was not used by Myfords – will be a car park with associated increase in activity, including the public using the Venue and the Bistro
- Lighting will be intrusive
- Noise, vibrations and pollution during construction
- Rubbish e.g. cigarette ends
- Odour from bin storage area
- Air pollution from car park
- Contravention of Human Rights Act in terms of peaceful enjoyment of property
- Need identified spokesperson to liaise with once construction starts
- Should be compensated for disruption during construction
- Potential for anti-social behaviour in car park and as result of proposed gate to British Legion club
- Impact on neighbouring building from construction queried
- Noise from tram for proposed residents

**Highways**

- Insufficient parking provision will exacerbate parking problems on Ellis Grove
- Restricted access for ambulances due to parked cars and tight corner on Ellis Grove
- Lack of visibility when exiting Ellis Grove
- Ellis Grove not suitable to provide access to site
- Development should be handed so access is from Wilmot Lane with garden areas beside the British Legion and Barrydale Avenue

**Design**

- Four storey building is too high, higher than previous building on site and out of keeping with the scale, proportions, materials and character of Chilwell/High Road

- Need for build speed should not be at the expense of the appearance of the development
- Parapet and level threshold has resulted in the building being higher than it needs to be
- Over development and no space for landscaping
- Lack of detail about ground level differences between site and Barrydale Avenue

**Conditions**

- The Belong model may evolve and they could sell the site which could result in a new operator having different operation methods so conditions are required.
- Construction hours, access for construction vehicles and parking for construction workers should be restricted, particularly after disruption caused by tram works and demolition of buildings on Myfords site
- Conditions should be used to require maintenance of boundary fence, compliance with noise report, remove permitted development rights for CCTV, to limit the operating hours of the commercial facilities on site, to require high level car park lights to be turned off at night, to limit commercial delivery and commercial activity operational hours, to limit the accommodation to over 55s only and vegetation maintenance to preserve neighbour amenity.

**Other issues**

- No need for development – use could be made of Broxtowe College
- Risk of flooding of Barrydale Avenue due to slope of ground
- Site should be developed so as to bring prosperity and customers to area after disruption of tram works – development appears to be self-sufficient which will not be of benefit to local businesses and may lead to their decline
- Better locations for the proposed development
- Reservations are expressed about the representativeness of the noise survey and adequacy of attenuation storage for surface water
- Lack of response from applicant to questions raised at pre-application
- Lack of contact from councillors and the planners.

5.12 In support of the development, comments are made that the proposed landscaping is a positive feature which will be of benefit to biodiversity and residents; loss of tree is unfortunate but proposed landscaping should compensate for its removal and the developer should contact the adjacent residents before it is removed.

**6 Appraisal**

6.1 The main issues relating to this proposal are considered to be the impact on residential amenity and the highway network, the design of the scheme and the requirement for S106 contributions.

**6.2 Design**

6.2.1 The proposed building would be 14m in height (four storeys) beside Chilwell Road with 11.5m-11.8m high wings (three storeys) extending south east. To create a level threshold throughout the building, levels will be built up to the south east of the site as the land level falls in this direction so the south eastern

elevation has a height of 11.8m. It is recognised that the buildings on High Road/Chilwell Road are predominantly two or three storey and the proposed building will also be higher than the building which was located on the application site prior to demolition. However, planning permission was granted in July 2017 for a 12.5m high, four storey building ('The Hive') on the site of the former 63-73 Chilwell Road (16/00867/FUL) which is to the north east of the application site. Planning permission has also been granted for a 15.2m high, four storey building to the south west of the site, (17/00723/FUL), albeit this building is setback from Chilwell Road. Development on the Bartons site further along the High Road to the south west could include buildings of at least three storeys in height. Although none of these buildings have been built yet, they are an indication that a building of the height proposed could be acceptable. Historically, a five storey building occupied part of the application site.

- 6.2.2 No reduction in the height of the building can be achieved according to the applicant as internal ceiling heights are greater because of the need for a larger service void above the ground floor and because the parapet height needs to be at least 1.1m for safe access to the roof for maintenance. To visually reduce the impact of the building's height, the top storey of the four storey section will be a dark/black brick and this floor has been set in from the Chilwell Road frontage (north west) and both end elevations. This section of the building is wide but this has been broken up with recessed windows, use of brick panels and vertical brick columns to avoid an unrelieved expanse of wall. The elevation detailing reflects the banding courses, cill and lintel detailing of Chilwell Road buildings in a contemporary way. The large windows used at ground level will provide interest and an active frontage for the development. To give the entrance legibility, this section of the building projects forward.
- 6.2.3 To the north west of the site, Chilwell Road is wide due to the presence of the tram stop. The Design and Access Statement (D & AS) argues that a tall building will therefore provide enclosure and legibility to the street.
- 6.2.4 It is considered the site and surrounding development to the north west and south west and partly to the north east has an urban character, with existing development being of relatively high density. A taller building is considered to be appropriate in such a location. The proposed development will make efficient use of this previously developed site.
- 6.2.5 Vehicular access to the site will be from Ellis Grove and there will also be a pedestrian entrance in the link section of the building accessed from this road. Ellis Grove is characterised by two storey terraced housing and some commercial buildings, with one such building adjoining the site which is no taller than the terraced housing. The four storey section of the building will be located 2m from Ellis Grove, the three storey rear wing will be located 13.4m from this road and the section of building containing the pedestrian entrance is located over 30m from this road. Although the building will be significantly taller than the existing built form on Ellis Grove, given the building will not present a continuous form to this road due to the variation in setback, it is considered the proposal will not harm the Ellis Grove street scene.

- 6.2.6 In terms of the detailed design, according to the D & AS, the architects have used Barton House as inspiration for the proposed development as this art deco building has horizontal banding, simple detailing around the windows (which are large) and parapet and a legible entrance. Bricks will be laid predominantly in horizontal courses with panels of vertical bricks. The primary material will be brick in contrasting red tones with some white brick used to the south east of the building to lighten the appearance. Use of brick will link the building to the predominant use of brick in the immediate surroundings. Dark grey UPVC window frames and doors are proposed. Given the size of the building, it is imperative high quality materials are used so material samples will be conditioned. A dark/black brick top floor to replicate the Chilwell Road elevation will be used on the section of the building which links the apartments to the rear household wings. The treatment of the three storey rear wings is simpler than the four storey section of the building with limited use of recesses and the main detailing being a band of vertical bricks above the ground floor fenestration.
- 6.2.7 To conclude on the design of the proposed development, whilst the building will be prominent due to its height and footprint, it is considered a good quality of design has been achieved which will not have an adverse impact on the character or appearance of the street scene.
- 6.3 **Amenity**
- 6.3.1 As detailed above, the proposed building will be tall and, in conjunction with the building approved on the site to the north east of the application site, has the potential to have an overbearing impact upon the amenity of the occupants of 8-14 Ellis Grove, houses located to the north east of the site. These existing residents would have four storey development to the north west and south west of their rear gardens, if the approved and proposed developments are both constructed. Residents have raised concern about feeling enclosed as a result of the proposed and approved developments. The development to the north west of 8-14 Ellis Grove has not commenced but it could be without a further planning permission. Information in the SHLAA is that approximately 90 per cent of residential permissions are built, therefore moderate weight can be given to the impact of both buildings creating an enclosing feeling. It is considered that the combined impact of the approved and proposed schemes would not be so enclosing as to warrant refusal of this application.
- 6.3.2 The proposed four storey section of building will be located 10.7m from the rear boundaries and 25m from the rear elevations of these houses. Solar studies have been submitted with the application which show that at midday on the winter solstice, the rear gardens of these four houses will predominantly be in shade. Minor shading will occur to the rear garden of number 14 at midday on the spring and autumn equinoxes and no shading of any garden on the summer solstice.
- 6.3.3 The previous building on the site had an asymmetrical pitched roof which was lower than the height of a two storey house so to replace this with a four storey building will be a significant change. The proposal will cause some harm to the amenity of the occupants of 8-14 Ellis Grove in terms of loss of light and being overbearing. Only hallway windows are proposed in the upper floors of the north east elevation of the four storey part of the building and these can be



conditioned to be obscurely glazed and non-opening so it is considered no loss of privacy would occur for the Ellis Grove residents.

- 6.3.4 As access to the site will be taken from Ellis Grove, there is the potential for increased vehicular movements/activity to have an impact on the amenity of other occupants on Ellis Grove given the dwellings front directly onto the pavement. However, given the previous use of the site, which would have generated activity/traffic, this is considered to not be a significant concern. It is therefore considered to be unnecessary to require the development to have access from Wilmot Lane rather than Ellis Grove.
- 6.3.5 The houses on Barrydale Avenue are located at a lower level than the site (additional sections were submitted during the course of the application to address the concern about lack of levels information) but their rear elevations will be located over 50m from the rear elevation of the proposed building. It is considered this is sufficient distance to ensure the proposed building will not be overbearing or cause any significant loss of light or visual amenity for the occupants of Barrydale Avenue. Some concern has been expressed about the impact of the proposed car park on the occupants of Barrydale Avenue, particularly as this area was not used by Myfords and was grassed. The proposed car park will be separated from the rear boundary of the Barrydale Avenue houses by a strip of landscaping with a minimum width of 7m which comprises existing mature trees and proposed planting. A 2.5m high fence is proposed on the south east car park boundary. It is considered this will be sufficient to protect the privacy of the occupants of Barrydale Avenue, taking into account the level difference. Lighting columns will be used in the car park and it has been requested by residents that the night time use of these columns is restricted by condition. Given there is minimal light spill into the gardens of the properties on Barrydale Avenue from the proposed lighting columns and the car park needs to be safe for use, no condition restricting the hours of use of the lighting columns is proposed.
- 6.3.6 The last use of the site was generally unrestricted industrial use. Accordingly, it is considered that the proposed residential use will have less impact on neighbour amenity. The bistro and other facilities, including the Venue at first floor in the link section of the building, will be available for use by the public. It has been advised by the applicant that the bistro would be open to non-residents 8.30am to 6pm and to the Venue, 8.30am to 11pm. Given the nature of the use (care facility/supported living) and the difficulty of differentiating between use by residents and non-residents and the previous unrestricted use of the site, it is considered to be unnecessary to condition the hours that these facilities can be used by non-residents. In addition, a condition is proposed that restricts first occupation of the building to Belong.
- 6.3.7 Concern has been expressed about the impact of construction works on existing residents. Although some disruption is an inevitable part of construction, given the proximity of this development site to neighbours, it is proposed to restrict the hours that construction can take place in order to minimise disturbance to residents. For the same reason, a condition is recommended in relation to piling or other penetrative foundation methods. In terms of there being a contact for

residents to speak to about concerns during construction, this is a matter for the applicant.

- 6.3.8 A Geo-environmental report was submitted with the application. There is some contamination present on site so this will need remediation. A condition will be recommended accordingly. This condition will ensure the building is safe for occupation in terms of public health considerations.
- 6.3.9 In terms of noise generated by the proposed development, a noise and vibration assessment was submitted with the application. The Environmental Health Technical Officer has raised no objection to this report subject to conditioning the noise level of plant, machinery and equipment. Subject to this condition, the potential for noise disturbance from the development is considered to be acceptable. No external alarms are proposed; internal nurse call systems and telephones are proposed. The hours that deliveries/collections by commercial vehicles can occur will be restricted by condition, with the exception of urgent medical items, to protect residents from undue noise at unsocial hours.
- 6.3.10 Concern has been raised the development affects right to light, its construction will impact on the fabric of nearby buildings and that compensation should be paid for disturbance during construction but these are civil matters. Noise from ambulances has also been raised as a concern. It is understood that it is up to the discretion of the driver as to when the siren is turned on and this is not something that could reasonably be enforced by planning condition. Although more ambulances may visit the site due to the nature of the proposed use than the previous use, it is considered use of sirens will not be so significant as to warrant a refusal of the application, particularly given the urban location of the site. Concern has been expressed about ensuring the car park boundary is secure, particularly with regard to the type and maintenance of the fence proposed and the use of the pedestrian gate to access the Royal British Legion Social Club (potentially resulting in noise and anti-social behaviour in the car park). The precise details of the type of fence can be conditioned to ensure it is robust but it is considered to be unreasonable and unnecessary to condition long term maintenance of the fence. Likewise, the details of the gate to provide potential access to the British Legion Social Club can be conditioned to ensure arrangements are secure. The potential for the materials of the building to cause glare/dazzle motorists; rubbish (e.g. cigarette ends), odour from the bin store and air pollution from the car park are considered to have little weight as planning considerations.
- 6.3.11 A residential development has been granted permission (17/00723/FUL) on the site to the immediate south east of the proposed building. This has yet to be constructed. Plot 29 is a three storey semi-detached house (9.8m high) which has been approved to the south east of the courtyard garden, with one of the proposed household wings (three storey building - 11.8m high) being located adjacent to the rear garden, 1.4m higher than the level of the approved house. The proposed building would be located 3.1m away from the boundary with this approved house and 5.1m from the blank side gable wall of this proposed house. Only a door is proposed in the section of building closest to this approved house (two upper floor stairwell windows were re-located during the course of the application to the north east elevation) so loss of privacy is not

considered to be a significant issue. The applicant has advised that the building cannot be moved further away from this approved house as 12 bed households are the Belong model and removing a bedroom is therefore not an operational option. The proposed relationship is considered to be less than ideal but not significant enough to warrant refusal of the application, particularly as any potential purchasers of plot 29 should be aware of the proposed scheme.

- 6.3.12 The proposed apartment building on the Raven Group site (reference 18/00538/FUL) would be located to the north east and north west of the proposed car park. This apartment building would be three storeys (9.3m high), with kitchen and bathroom windows in the south west (side) elevation and located 20m from the proposed Belong building which will have bedroom windows in the north east facing elevation (in the household wing). As it has been resolved to grant permission for the application on this neighbouring site, some weight can be attached to this proposal. However, it is considered the proposed development will not have an adverse impact on the amenity of the occupants of the proposed 15 apartments and vice versa given the separation distance.
- 6.3.13 In terms of amenity for the proposed residents of the building given the proximity of the tramlines, a noise and vibration assessment was submitted with the application. The report concludes that the noise and vibration climate of the site is dominated by road traffic and the tram using Chilwell Road. Vibration is concluded to cause no adverse effect. Noise mitigation measures are recommended for the proposed development (good quality double glazing and trickle vents) and the Council's Environmental Health Technical Officer has recommended that the glazing and ventilation specification of the building accords with the recommendations of this report. This will be conditioned. Accordingly, it is considered the proposed residents will not be subject to undue noise/vibration disturbance from vehicles and trams on Chilwell Road.
- 6.3.14 The proposed garden areas will provide attractive outlooks from most bedrooms and living rooms. It is considered the proposed residents will have a satisfactory standard of amenity. The site is in a sustainable location, close to shops and local amenities which will be of benefit to the proposed residents. The building as a whole will provide a type of housing that will serve the needs of the elderly.
- 6.3.15 It is considered that the proposed residents will have a satisfactory standard of amenity but that some harm will be caused to the amenity of the residents on Ellis Grove. Accordingly, it needs to be considered as to whether this harm would significantly and demonstrably outweigh the benefits of the scheme.

#### **6.4 Benefits**

- 6.4.1 The proposal will provide specialist dementia friendly accommodation for which there is a growing need due to an ageing population. Flexible support packages will be available for residents which will provide choice and an alternative to the traditional care home model.
- 6.4.2 The site is brownfield land with the associated higher redevelopment costs. Given the desire for building housing on such sites (to prevent unnecessary loss of Green Belt land) and, in particular, the highly sustainable location of this

development (beside the tram route and frequent bus routes), the residential development proposed is a positive aspect of this proposal and the loss of employment land is seen to be acceptable (and has already been deemed to be acceptable through the grant of the outline planning permission).

- 6.4.3 The Council currently does not have a five year housing land supply and this can only be rectified with the allocation of sites currently in the Green Belt in the Broxtowe Part 2 Local Plan. The provision of 30 dwellings and the 75 bed care facility on this brownfield site is considered to be a significant benefit in terms of five year supply and provision of homes.
- 6.4.4 A public consultation event took place in February 2018. Pre-application engagement is encouraged in the NPPF. This is considered to be a positive element of the scheme.
- 6.4.5 The applicant states that 140 jobs will be created as a result of the proposed development (80 full time equivalent jobs).
- 6.4.6 Facilities on site will be open to the public, promoting integration with the local community and residents/staff will have the choice whether to stay on site or use local facilities, thus potentially benefitting local businesses.

## 6.5 Highway safety

- 6.5.1 The site can be accessed from both Wilmot Lane and Ellis Grove. It is proposed that access be taken from Ellis Grove which is a one way street with double yellow lines on the north east side of the carriageway, opposite the proposed site access. County Highways have no objection to the proposal but note that the tracking submitted shows larger vehicles may have difficulty exiting the site if vehicles are parked on Ellis Grove beside the proposed access (ambulances have no access difficulties with parked vehicles present). They therefore recommend a condition is imposed to require consultation to commence on a Traffic Regulation Order which would further restrict parking on a section of Ellis Grove beside the access. A condition is recommended accordingly.
- 6.5.2 In conjunction with the adjacent site (covered by planning permission reference 17/00723/FUL), the proposed development will generate less traffic than both the approved scheme (reference 13/00003/OUT) and the previous (industrial) use of the site. As part of the approved outline, access was to be taken from Ellis Grove for part of the development. The proposed access position accords with this agreed access position. It is considered that the proposed vehicular access to the site is acceptable.
- 6.5.3 A 42 space car park is proposed. Concern has been raised that there is insufficient parking proposed for the staff, visiting healthcare professionals, visitors and residents. County Highways have raised no concerns about the proposed level of parking. The 140 staff will be spread over a 24 hour/seven day week and the site is located immediately beside a tram stop and beside several frequent bus routes. A cycle store with provision for eight bicycles is proposed. Staff and visitors cannot be forced to use these more sustainable modes of transport but it is considered reasonable to expect that some will. Submission of a Travel Plan Statement will be conditioned to encourage use of

sustainable modes of travel. Car ownership for residents is anticipated to be very low as the applicant has advised that the average age of household residents is 85 and 82 for apartment residents. The 2004 Local Plan suggests one visitor parking space per five bedrooms should be provided for care homes, with no set standard provided for staff. The care facility will have 75 bedrooms so this equates to 15 spaces for visitors. It is considered sufficient parking is proposed for the development and the provision of this car park prior to first use of the building will be conditioned.

6.5.4 Given the tram lines to the north west of the site and the limited parking available on Ellis Grove, details of access for construction traffic and parking arrangements for construction vehicles will be conditioned.

6.5.5 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 the matters detailed above.

## **6.6 S106**

6.6.1 Given the age of the proposed occupants of the apartments would be restricted to over 55s only (and a condition is recommended accordingly), there is no need for an education contribution. Given the previous use of the site and its very sustainable location, a contribution towards sustainable transport measures is not required. No open space contribution has been requested as open space is to be provided on site which includes a high specification, dementia friendly garden.

6.6.2 The only contribution which is considered to be applicable to the development is affordable housing. This is a significant point of disagreement with the applicant who considers that no affordable housing should be required. The applicant considers that no affordable housing is required because they are proposing to provide specialist accommodation for the elderly which they consider to fall within Class C2 of the Use Classes Order; provision of affordable housing would make the scheme unviable and Belong (the applicant) are a not-for-profit organisation. The applicant is currently preparing a viability assessment to support their argument.

6.6.3 Class C2 'residential institutions' of the Use Classes Order is defined as "*Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)). Use as a hospital or nursing home. Use as a residential school, college or training centre.*" Class C3 'Dwellinghouses' is defined as follows: "*Use as a dwellinghouse (whether or not as a sole or main residence) by - (a) a single person or by people to be regarded as forming a single household; (b) not more than six residents living together as a single household where care is provided for residents; or (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*"

6.6.4 It is considered that the proposed use is a combination of Use Classes C2 and C3, particularly as the 30 apartments will be self-contained with their own front doors and with occupants not necessarily needing care, albeit with the associated higher costs of living in a building where care can be provided should

the occupants require care. The apartments and care facility will be in one building which could be seen as blurring the distinction between the use classes.

6.6.5 However, irrespective of whether the use of the building is Class C2 or C3 (or indeed a combination of both), both use classes are residential uses. Policy 8 of the ACS states “*Affordable housing will be required in new residential developments on appropriate sites*” so irrespective of whether the development is classed as C2 or C3 or a combination of both, this would still be a new residential development and would require an affordable housing contribution, subject to viability. Although only limited weight can be attached to Policy 15 of the Draft Part 2 Local Plan as it is yet to be examined, this policy requires the provision of affordable housing on sites for development of more than 10 units falling within Use Classes C2 or C3 (30% or more in the ‘Beeston’ submarket).

6.6.6 No affordable housing is proposed by the applicant and the applicant asserts that the scheme would be unviable with such a requirement (viability assessment awaited). It is therefore open to members to refuse the scheme as being contrary to Policy 8 of the ACS (subject to the conclusion of the awaited viability assessment). However, the advice of officers would be to approve the scheme with a condition being applied which restricts the first occupation of the building to Belong. This is because there is a clear need for this specialist development and the government, through the NPPF, is requiring Councils to significantly boost their supply of housing, particularly on previously developed land.

6.7 **Other issues**

6.7.1 The tram runs along Chilwell Road to the north of the site. Nottingham Express Transit (NET) has no objection to the application but request a condition requiring ‘goal posts’ and wheel cleaning facilities for construction vehicles exiting the site onto Chilwell Road. As depositing mud on the highway is an offence, no such condition will be used as it is dealt with by other legislation but a note to applicant will be used. NET advise consideration should also be given to erecting a hazard sign to warn about the overhead lines. This will form a note to applicant, as will general advice about working near the tramlines.

6.7.2 A local councillor and the case officer have met with residents.

6.7.3 Use of Broxtowe College or other locations for the development is not a significant planning consideration.

6.7.4 It is considered that a sufficient amount of landscaping has been proposed for the development. A broad landscaping strategy has been submitted but details of landscaping will be conditioned to ensure these are satisfactory. Landscaping will be required to be maintained for five years following completion of the planting.

6.7.5 The County Council as Lead Local Flood Authority have no comment to make on the application. As the site is not located in a flood zone and does not exceed 1 ha in area, there is no requirement to consult the Environment Agency. The site does slope down towards the south east boundary but there will be a

landscaped area between the car park and Barrydale Avenue so it is considered this will act as a soakaway for any surface water run-off.

- 6.7.6 Environmental Health are satisfied with the methodology of the submitted noise and vibration assessment.
- 6.7.7 It is understood that the applicant has responded to the residents who did not receive replies following the pre-application consultation.
- 6.7.8 Permitted development rights for CCTV will not be removed as such a condition is considered to be unnecessary due to the high density of development in the immediate area and no such condition having been imposed on recent developments in the area. It is considered the use of CCTV will cause no significant loss of neighbour privacy and will provide security for users of both the proposed and existing development.
- 6.7.9 Belong could sell the site but the new owner would need to comply with the terms of the application including the type of development and the conditions.

## 6.8 Conclusion

- 6.8.1 The proposed development will provide specialist accommodation in a sustainable location and the design of the development is considered to be acceptable. There are no highway safety concerns subject to conditions. Some harm is considered to be caused to the amenity of residents on Ellis Grove and the as yet to be built housing development to the south east. However, this is considered to be significantly and demonstrably outweighed by the benefits of the scheme in terms of provision of housing, the sustainable location of the site and the re-use of a previously developed land. The lack of any S106 monies is considered to be acceptable in this case given the nature of the specialist accommodation proposed and the need to significantly boost the supply of housing.

## **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 P4693\_104 Planning – Proposed Third Floor, P4693\_105 Planning – Proposed Roof Plan and P4693\_111 Planning – Proposed Façade Details received by the Local Planning Authority on 18 April 2018; P4693\_001 Location Plan, P4693\_114 Rev A Planning – Proposed Street Elevations, P4693\_121 Rev A Planning – External Bin and Generator Store, P4693\_122 Rev A Planning – External Cycle and Buggy Store and P4693\_123 Planning – Substation Drawing received by the Local Planning Authority on 18 May 2018; P4693\_106 Planning – Proposed GA Elevations – Sheet 1, P4693\_107 Planning – Proposed GA Elevations – Sheet 2, P4693\_108 Planning –**

Proposed GA Elevations – Sheet 3, P4693\_109 Planning – Proposed GA Elevations – Sheet 4, P4693\_101 Planning – Proposed Ground Floor, 1072 003 Rev A Landscape Strategy and P4693\_112 Planning – Proposed Household Façade Details received by the Local Planning Authority on 21 May 2018; M2715(69)001 Rev P1 received by the Local Planning Authority on 2 July 2018; P4693\_SK112 Barrydale Avenue Boundary Sections received by the Local Planning Authority on 25 July 2018; P4693\_102 Rev A Planning – Proposed First Floor, P4693\_103 Rev A Planning – Proposed Second Floor, P4693\_110 Rev A Planning – Proposed GA Elevations – Sheet 5, P4693\_100 Rev B Planning – Proposed Site Plan and P4693\_124 Rev A Planning – Car Park Sections received by the Local Planning Authority on 3 August 2018 and P4693\_113 Rev B Planning – GA Sections received by the Local Planning Authority on 13 November 2018.

**3. No development shall commence until:**

(i) All necessary groundwater remedial measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) 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.

**4. No development shall commence until a plan to show the location of protective fencing for the trees shown to be retained on drawing number P4693\_100 Rev B has been submitted to and agreed in writing by the Local Planning Authority. The erection of fencing for the protection of these retained trees shall be undertaken in accordance with the agreed details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

**5. No development shall commence until details of the construction site access and parking arrangements for construction vehicles have been submitted to and approved in writing by the Local Planning Authority. Construction access and parking shall take place in accordance with the agreed details.**

**6. No development above slab level shall be carried out until samples of the materials to be used in the facing walls (including windows and doors) and rainwater goods 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.**

**7. No development above slab level shall take place until a landscaping scheme has been submitted to and approved in writing 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) planting, seeding/turfing of other soft landscape areas,
- (d) proposed boundary treatments including details of the gate access to the British Legion social club
- (e) a timetable for implementation.

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

8. The approved landscaping shall be carried out not later than the first planting season following the practical completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.
9. No building to be erected pursuant to this permission shall be occupied or brought into use until:
  - (i) All necessary gas and vapour barrier and clean cover remediation measures have been completed in accordance with Remediation Method Statement (Ref 12292A June 2018) and;
  - (ii) It has been certified to the satisfaction of the Local Planning Authority that the remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.
10. No deliveries or collections by commercial vehicles (excluding the delivery of urgent medical supplies) shall be made to/from the site except between the hours of 07:00 - 22:00 on any day.
11. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the prior written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. For areas where penetrative foundations are permitted, a methodology for reducing noise and vibration impact on neighbouring buildings and residents shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of the piling activity. The activity shall be carried out in accordance with the approved details.

12. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.
13. The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing background sound level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive premises.
14. The building shall be constructed and the glazing and ventilation installed in accordance with the specification details in the Azymuth Acoustics UK report Ref AA0050, dated February 2018.
15. No part of the development hereby permitted shall be brought into use until a public consultation in the form of a Traffic Regulation Order to remove on-street parking along Ellis Grove has commenced.
16. The development shall not be occupied until the redundant vehicular crossings on Ellis Grove have been removed and replaced with full kerbs and the footpath reinstated to the Highway Authority specification.
17. The building shall not be first occupied until the parking, turning and servicing facilities have been provided in accordance with the approved plans and constructed so as to prevent the unregulated discharge of surface water therefrom onto the public highway. These facilities shall thereafter be retained in the agreed form for the lifetime of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.
18. The building shall not be first occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority.
19. The upper floor windows in the north east elevation of the apartments shall be non-opening and obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.
20. No apartment shall be used for any purpose other than as a private residence for the occupation of a person(s) who has (have) attained the age of 55 years.
21. The building hereby approved shall be first occupied by Belong Limited.

**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. The development cannot proceed satisfactorily without the remedial measures being undertaken in advance of development commencing, in the interests of protecting groundwater and in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004).
4. No such 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 retaining the trees on the site boundary with Barrydale Avenue and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
5. No such 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 highway safety, to avoid conflict with the tram and to protect residential amenity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
6. Full details were not submitted, in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy.
7. No such/insufficient details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area, to ensure a satisfactory standard of amenity and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of public health and safety and in accordance with the aims of Policy E29 of the Broxtowe Local Plan (2004).
10. To protect nearby residents from excessive noise and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
11. To protect groundwater from contamination and nearby buildings and residents from noise and vibration in accordance with the aims of Policies E29 and H7 of the Broxtowe Local Plan (2004).
12. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
13. To protect residents from excessive plant noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

14. To protect future occupiers from excessive environmental, commercial and industrial noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
15. In the interests of highway safety to ensure access and egress to and from the site by larger vehicles is not hindered by parked vehicles beside the access.
16. In the interest of pedestrian safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
17. In the interests of highway safety to ensure satisfactory access, servicing and parking arrangements are provided and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
18. To promote sustainable travel and in accordance with the aims of Policy 14 of the Broxtowe Aligned Core Strategy (2014).
19. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).
20. In accordance with the terms of the application and in relation to S106 contribution requirements.
21. In accordance with the terms of the application and in relation to S106 contribution requirements.

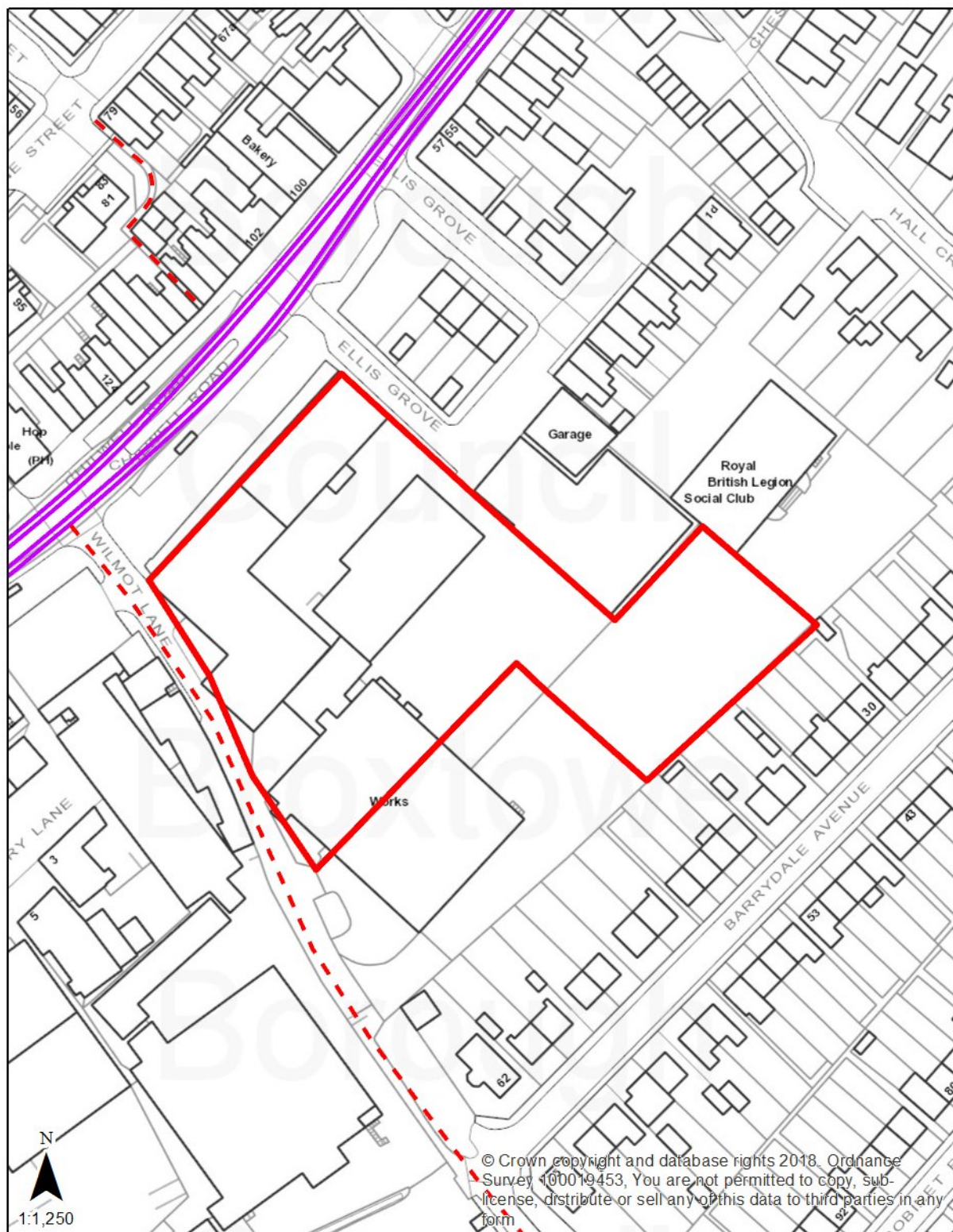
**Notes to Applicant:**

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. 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).
3. 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 to undertake the works, you will need to enter into an agreement under section 278 of the Act. Please contact [hdc.south@nottscc.gov.uk](mailto:hdc.south@nottscc.gov.uk) for details.
4. The proposed off-site works require a Traffic Regulation Order before the development is brought into use to provide a safer highway environment. The developer should note the Order can be made on behalf of the developer by Via (in partnership with Nottinghamshire County Council) at the expense of the developer. This is a separate legal process and the applicant should contact the Highway Improvements Team on 0300 500 8080 for details.

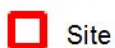
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| <p><b>5. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.</b></p> |
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Background papers

Application case file



### Legend



Site

Tram Route

### Public Rights of Way



Byway open to all traffic



Bridleway



Footpath



## Report of the Chief Executive

**18/00607/FUL**

**CHANGE OF USE OF 28 FLATS (CLASS C3) TO STUDENT ACCOMMODATION (17 CLUSTER FLATS) AND CONSTRUCTION OF 3 CLUSTER FLATS (PROVIDING 83 BED SPACES IN TOTAL)  
NEVILLE SADLER COURT, BEESTON, NOTTINGHAMSHIRE, NG9 2EW**

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

### 1 Details of the Application

- 1.1 This is a major planning application for a change of use of 28 flats (Class C3) to student accommodation which include 17 cluster flats and the construction of three cluster flats providing 83 bed spaces in total. The change of use comprises 17 cluster flats, each containing five bedrooms (excluding one flat which contains three bedrooms) with an open plan kitchen/living area and shared toilet/shower rooms. Three new build cluster flats are proposed which will extend from the existing flats to the north of the site. The first cluster flat will be single storey, have a gable roof, a height to eaves of 2.5m and height to ridge of 4.2m and will extend 8.2m. The other two clusters flats will have gable roofs, a matching eaves and ridge height to the flats they will extend from and will extend 8m. 19 off-street parking spaces are available and 64 cycle stands are located at various points around the site. The perimeter of the site to the north west and north east is enclosed by a 2.6m high trellis topped fence which will be dark stained and a 2m high metal fence extends across the front boundary. These fences will be retained. A communal bin store will be provided for all the flats and privately managed by the site owner.
- 1.2 Amended plans were received during the course of the application reducing one of the proposed cluster flats from two storey to single storey, removing a cluster flat entirely and removing the Juliet balconies, patio doors and outdoor seating areas.

### 2 Site and Surroundings



South east (front) elevation



South west of site



South west (side) elevation (proposed car park)



Boundary with no. 7 Kay's Meadow, Coventry Road



South west (side) elevation



View of rear garden of no. 82 Lower Road

- 2.1 The application site is located to the north west of Fletcher Road and is 0.3 hectares. The buildings were previously flats, but have stood vacant since the redevelopment of the Phase 2 of the NET tram scheme which saw part of the building on site demolished in order to allow for access through Fletcher Road and Lower Road. A 2.6m high trellis topped fence extends across the north east and north west boundaries. A 1.5m - 1.8m high fence extends across the south west boundary. A 2m high wire mesh fence extends across the south east boundary. The majority of trees surrounding the site are sycamore trees of low to moderate quality. A high quality sycamore tree is positioned within the site to the south west.
- 2.2 The site lies within a residential area between Fletcher Road and Lower Road and is within walking distance of Beeston town centre. All immediate neighbours are two storey houses except no. 7 Kay's Meadow which is a bungalow. The site slopes up 0.3m gradually from south east to north west towards the rear of the site. The site is served by regular tram and bus services. The site is located within Flood Zones 2 and 3 which is land with a high probability (1 in 100 or greater) of river flooding.



### 3 Relevant Planning History

- 3.1 An application (17/00595/FUL) for external alterations to include new cladding, render, the construction of a canopy, alterations to windows (including insertion of new windows), the erection of a boundary fence and provision of additional car parking spaces received permission in October 2017.
- 3.2 An application (18/00556/FUL) for 12 dwellings on the land to the south east of the site is pending consideration.

### 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 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.
- 4.1.3 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.4 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.
- 4.1.5 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

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

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

- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (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 Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.
- 4.2.6 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.
- 4.2.7 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.
- 4.2.8 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.9 '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 has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.
- 4.3.3 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.4 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.5 Policy H7 'Land Not Allocated for Housing Purposes' small scale residential development within existing built-up areas will be permitted providing the

residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.

- 4.3.6 Policy RC6 'Open space: requirements for New Developments' 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.
- 4.3.7 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.
- 4.3.8 Policy T11 'Guidance for Parking Provision' planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

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

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included seven representations in relation to Policy 1, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17 and 7 no. representations in relation to Policy 26. Given that there remain outstanding objections to Policies 1, 15, 17, 26 and 32, with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.
- 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 15 'Housing Size, Mix and Choice' states that 30% or more of housing should be affordable if more than 10 dwellings are proposed. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.

- 4.4.4 Policy 17 'Place-making, Design and Amenity' 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; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.
- 4.4.5 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sqm or more gross floor space.
- 4.4.6 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 Council's Waste and Recycling Officer has no comments due to the bins being privately managed.
- 5.2 The Environmental Health Technical Officer raises no objection.
- 5.3 The Housing Services and Strategy Manager raises no objection.
- 5.4 The Private Sector Housing Officer raises no objection but highlights that some of the shared living spaces do not meet the property standards for Houses in Multiple Occupancy (HMO) and some of the kitchens do not provide adequate facilities. Licensing would not be applicable due to the existing use being residential flats.
- 5.5 The Housing Strategy and Development Officer has requested 30% of the housing provided on site to be affordable and outlined the need within the local area.
- 5.6 Nottingham Express Transit (NET) have requested a condition requiring a detailed construction plan including details of access and egress, including the need for goal posts and measures to prevent debris build-up in the tram tracks. Further information has been advised in working in close proximity to the tram lines.
- 5.7 The Business and Projects Manager (Environment) has not requested an open space contribution.
- 5.8 The Tree Officer has made no comments in relation to the application.

- 5.9 The Coal Authority has advised the site falls within a low risk area.
- 5.10 The County Council as Highway Authority raise no objection following submission of amended plans but have requested conditions in respect of the following: vehicular footway crossing lowered, parking areas maintained in a hard, bound material and the cycle stands are available for use prior to occupation. A note to applicant has been advised to remind the developer that works in the highway should be undertaken to the satisfaction of the Highway Authority.
- 5.11 The County Council as Lead Local Flood Authority (LLFA) initially objected due to the absence of a drainage strategy. Further information has been provided and the comments of the LLFA are awaited.
- 5.12 The Environment Agency (EA) initially objected due to the absence of an acceptable Flood Risk Assessment (FRA). Following the submission of further information the EA have no objection subject to a condition requiring the development to be carried out in accordance with the FRA.
- 5.13 A site notice was posted and 17 neighbouring properties were consulted. Eleven responses were received. Comments received can be summarised as follows:
- Increase in student accommodation in Beeston
  - Students being given a priority over affordable housing
  - Beeston does not appear to be following the Government's guidelines on affordable housing
  - No age group given for students
  - Development prejudices the opportunities for housing for smaller, younger families.
  - No on-site warden
  - Increase in noise and disturbance from construction and occupants
  - Work has already started on site
  - Overlooking, overshadowing and loss of daylight, view and sunlight, especially from newly constructed pods
  - Confusion over which application is for what site, how many storeys the buildings will be and who will own and manage the student accommodation?
  - Insufficient parking for the development which could overflow into surrounding area. Parking is of a concern on Fletcher Road due to loss of driveways and introduction of parking bays since the tram was constructed
  - Increase in traffic with the strong possibility of losing the cul-de-sacs of Lower Road and Fletcher Road
  - No provision for fire escapes or sprinklers.
- 5.14 A letter of support has been received from the Estates Department of the University of Nottingham. The letter states:
- The site is a ten minute walk from their campus and within close proximity to Beeston town centre
  - The availability of the tram in such close proximity would discourage the use of car ownership by the students

- The cluster basis of the design with communal lounges will ensure the students do not feel isolated
- The site benefits from green spaces and mature trees which support health and well-being. This type of accommodation would be purpose built and provide a better standard of accommodation within the community as opposed to converting family homes into HMO's
- The development would meet the continually increasing demand for student accommodation for the University of Nottingham.

5.15 A letter of objection has been received from MP Anna Soubry in response to residents' concerns about the proposed development. The letter states that Lower and Fletcher Road have seen a shift from family homes towards student leasehold tenancies which has changed the character of the area. Local residents were comfortable to accept housing or flats as initially proposed but the proposal of student accommodation will only further change the character of this road, also meaning the flats will be empty for large parts of the year in-between terms. Concern is expressed there is a potential for overlooking from the new build element. It is advised that the Council should consider the effect the application will have on the balance of housing on Lower and Fletcher Road.

## 6 Appraisal

6.1 The main issues are considered to be the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, parking, the relationship to neighbouring properties and if satisfactory financial contributions are proposed.

### 6.2 **Principle**

6.2.1 It is considered that the principle of providing student accommodation within a predominantly residential location with sustainable transport links would be acceptable. The building has been vacant for a number of years and its redevelopment is considered to be positive for the locality. The site has already been established as being acceptable for residential development, and is located within an urban area outside of the Nottinghamshire Green Belt. Whilst self-contained individual units of accommodation are not being created, the 'clusters' of accommodation would count towards the Council's housing supply figures. As such, some planning weight can be given to this development in housing supply terms, particularly as the Council cannot demonstrate a 5 year housing land supply.

### 6.3 **Flood Risk**

6.3.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application. Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding. A Sequential Test has also been submitted with the application which

concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.

- 6.3.2 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 (as this site is) land and some may bring the opportunity to provide housing in areas of substantial need. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 The Environment Agency (EA) initially objected to this application due to the absence of an acceptable Flood Risk Assessment. The Flood Risk Assessment was amended to include flood resilience measures such as hard floors at ground floor level, UPVC skirting boards, steel framed partition walls, internal lime plaster/render and where possible, services located at a level above 27.55m AOD. The finished floor level in flat 1 has been increased to 26.75m above AOD but the overall height of the building has remained the same. A condition has been recommended by the EA to ensure these mitigation measures are fully implemented prior to occupation and maintained and retained for the lifetime of the development. It is considered that flood risk issues have been sufficiently addressed.
- 6.3.4 The Lead Local Flood Authority has objected due to the absence of a drainage strategy. Further information has been provided to overcome this objection.
- 6.3.5 To conclude, it is considered that a sufficient assessment of alternative sites has been made given that a failure to permit residential development on sites such as this which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations, including the Green Belt. Subject to suitable conditions, it is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk.

#### 6.4 **Amenity**

- 6.4.1 During the course of the application the plans were amended to remove a cluster flat entirely, reduce a cluster flat from two storey to single storey, remove Juliet balconies, patio doors and seating areas, include fencing around the perimeter of the site and changes to the fenestration.
- 6.4.2 The land is currently occupied by empty residential flats which are currently in a poor condition. The principle of redeveloping these flats into student accommodation with the addition of three cluster flats is considered to be acceptable and with the external appearance of the building being improved, it is considered a positive benefit to the area to bring these flats back into use.

- 6.4.3 No. 82 Lower Road is positioned to the north east of the site and has a garden length of approximately 32m. A new build cluster flat was reduced from two storey to single storey in order to reduce the amount of potential overlooking into no. 82's rear garden. The impact on no. 82 is now considered to be acceptable. The corner of the cluster flat will be 0.8m from the boundary with no. 82. A new two storey cluster flat will extend 8m to the north west of the central block beside the north east boundary which will be approximately 24m from the rear elevation of no. 82 and the corner of the flat will be 2.1m from the boundary with no. 82. Whilst it is acknowledged there will be a first floor window serving a bedroom and stairwell in the north east elevation of the cluster flat, the separation distance is considered to be acceptable and there will not be an adverse amount of overlooking or an overbearing impact. The new cluster flat to the rear of the site is considered to be a sufficient distance from no. 82's garden that it will not have a detrimental impact on the amenity of these occupants. To conclude, it is acknowledged this property will be most directly affected by the development but due to the reduction in the height of the closest new cluster flat and considering the flats already overlook this garden, the impact is considered to be acceptable.
- 6.4.4 The cluster flat to the rear of the site has two bedroom windows at first floor level facing the University of Nottingham student flats. The windows in the north west elevation were changed to obscurely glazed, high level windows. It is considered necessary to condition the obscurity level as these flats mutually overlook each other. A window is proposed in the north east and south west elevations respectively of the bedrooms which ensures the future occupants have an acceptable outlook from these rooms. It is considered the amount of overlooking has been reduced to an acceptable level to the student flats to the north east whilst maintaining an acceptable standard of amenity for future occupants.
- 6.4.5 No. 50 Broadgate is a dwelling positioned to the north west of the site with a garden approximately 39m in width and 33m in length. The new build cluster flat to the rear of the site will extend by 8m to the north west and there will be the addition of a first floor bedroom window in the south west elevation. It is considered, due to the size of no. 50's garden and the window being positioned at an oblique angle, this will not cause a detrimental amount of overlooking to the occupants of no. 50 Broadgate.
- 6.4.6 Orchard End, no. 42A Broadgate is a dwelling positioned to the west of the site. There is a 25m separation distance between the existing flats and this property and the proposed new build cluster flats will not be in direct view of this property. It is considered there will not be a detrimental impact on the amenity of these occupants.
- 6.4.7 No. 7 Kay's Meadow, Coventry Road is a bungalow positioned to the south west of the site. A two storey cluster flat was originally proposed to extend 3m to the south east and would have been adjacent to the rear garden of no. 7. This was removed as it was considered the extension would be overbearing due to its height and the small garden of no. 7.
- 6.4.8 The removal of the Juliet balconies throughout the development is considered to be a positive part of the application as it will reduce the perception of feeling overlooked. The removal of the outdoor seating areas is considered to potentially



reduce the impact of noise from the future occupants and consequently improve the amenity for surrounding neighbours.

6.4.9 It is considered the proposed cluster flats and existing building are a sufficient distance from the remaining neighbours consulted that there will not be a detrimental impact on their amenity.

6.4.10 The bedroom sizes proposed all meet the requirements set out in the Broxtowe Houses in Multiple Occupancy (HMO) Property Standards. Some of the kitchen/living areas have been highlighted as being too small. Whilst this is acknowledged, the Local Plan does not have a policy which sets out a minimum requirement for space standards and as this application is in relation to student accommodation, it is considered the proposed kitchen/living areas provide an acceptable standard of amenity for future occupants.

## 6.5 Design and Layout

6.5.1 Policy 10 of the Aligned Core Strategy sets design and layout principles to be applied to new development and looks to ensure that valued local characteristics are reinforced. Local Plan Policy H7 states that residential development on sites within the existing built-up area will be permitted provided the development would not result in an undesirable change in the character or appearance of the area and the development of a larger area is not prejudiced.

6.5.2 It is considered the proposed development already addresses the street scene from the frontage. The flats will be visually improved with a more contemporary style including white uPVC windows and white cedar cladding in-between the windows. The existing flat roof elements linking the main buildings will be finished with an off-white render which will create a contrast with the existing red brick. The extended elements will be constructed with matching bricks and tiles. The overall changes to the flats will be relatively simplistic and not entirely significant when viewed from the street scene. The small changes are considered to add visual interest to the flats and are considered to be a positive addition to the proposed development. The proposed size of the new build two storey cluster flats are considered to be in proportion to the main building with matching eaves and ridge heights. The new build single storey cluster flat is considered to be subservient and does not appear out of character with the main building.

## 6.6 Parking

6.6.1 Nottinghamshire County Council as Highways Authority raise no objection subject to conditions requiring the vehicular footway crossing to be lowered, parking areas to be surfaced in a bound material and that the cycle stands are available for use before the occupation of the flats.

6.6.2 Nineteen car parking spaces have been proposed which is considered sufficient for this size and type of accommodation. As the site is located directly beside a regular tram route, within walking distance to bus stops and Beeston Town Centre, it is considered the proposed amount of parking is acceptable. It is considered there will not be a detrimental impact on the amount of parking on

Lower Road and Fletcher Road nor will there be a significant increase in traffic associated with this development.

## 6.7 Financial Contributions

- 6.7.1 As this application is for student accommodation, no financial contributions towards affordable housing will be sought. Within Broxtowe, it is accepted practice that affordable housing provision is not sought when residential schemes are for student only accommodation which is a practice adopted by Nottingham City Council. It is worth noting that both Broxtowe Council and Nottingham City Council are proposing to address this issue during the examination process of the Part 2 Local Plan. However, prior to this examination taking place, it is considered unreasonable to ask for any affordable housing provision.
- 6.7.2 An education contribution has not been requested due to the proposed development being specifically for students.
- 6.7.3 An open space contribution has not been requested as the site falls below the site size threshold of 0.5ha. In any case, the site has adequate soft landscaping provision and is within walking distance of Broadgate Park.
- 6.7.4 A transport contribution has not been requested as the development is within close proximity to the tram.

## 6.8 Other issues

- 6.8.1 Concerns have been raised from neighbours that this development would result in an increase in student accommodation within Beeston, that student accommodation has been given priority over affordable housing, government guidelines are not being followed and this development prejudices housing for smaller younger families. The Council follows government guidelines on affordable housing with all developments, this is in line with adopted policies both nationally and within the Broxtowe Aligned Core Strategy and Broxtowe Local Plan. This development does not justify a requirement for affordable housing provision (see Financial Contributions section) and none is being sought. This development would result in an increase in student accommodation within Beeston but there is an identified need for this type of accommodation within this area and as the site is in close proximity to Nottingham University. It could be considered that providing more purpose built student accommodation within Beeston means this scheme could reduce the demand on more traditional housing being converted into rental properties for students. Therefore, it is considered the development may result in more properties within the wider area being available for first time buyers or families. This development should therefore be viewed favourably in terms of wider housing provision.
- 6.8.2 Issues associated with fire safety are a matter for Building Regulations to address.
- 6.8.3 The developer has advised that the site will be privately maintained, including the maintenance of the bins and the land surrounding the flats. A warden would not

be present on site. Neighbours will be given contact details should matters arise in which they need to contact the site manager.

- 6.8.4 There is no evidence to suggest that this development would lead to the removal of the current cul-de-sacs or the existing traffic 'plug' that prevent traffic from travelling between Lower Road and Fletcher Road. Furthermore, NET have not suggested any changes to the current arrangements.
- 6.8.5 The building is currently being internally renovated and works have not started on construction of the cluster flats. It is acknowledged that if the application is granted permission, there would be some degree of noise, smell and disturbance and anything that is considered overly excessive should be reported to Environmental Health. It also cannot be anticipated or controlled that there will be an increase in noise created from the type of tenant living within the property once completed.
- 6.8.6 The age group of the students is not a relevant planning consideration.
- 6.8.7 Further to the comments outlined by NET, it is considered prudent to include a pre-commencement condition for a construction plan to be submitted which sets out access and egress arrangements with specific regard to preventing any damage or disruption to the usual operating procedures of the adjacent Nottingham Express Transit route.
- 6.8.8 For a development of this size, it is considered necessary to include a pre-commencement condition for wheel washing facilities to be installed and maintained on site throughout the development. This is to reduce the possibility of debris spreading onto the highway.

## 7 Conclusion

It is considered that the principle of the proposed development would be acceptable. This is an unused building previously occupied by residential flats and therefore the principle of residential accommodation is already established. The visual appearance of the building will be improved and the new build cluster flats will not be readily visible from Fletcher Road and Lower Road meaning the overall impact on the street scene is considered to be minimal. It is considered there will not be an unacceptable loss of amenity to any neighbours. With the inclusion of conditions recommended by the Environment Agency and Lead Local Flood Authority, it is considered that the development would be acceptable in respect of flood risk and drainage.

## 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 drawing numbers: 006 Rev H, 007 Rev H and 009 Rev A received by the Local Planning Authority on 13 November 2018 and drawing numbers: 008 Rev I and 005 Rev M received by the Local Planning Authority on 11 December 2018.
3. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.
4. No development hereby approved shall commence until a detailed construction plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall outline access and egress arrangements with specific regard to preventing any damage or disruption to the operating procedures of the adjacent Nottingham Express Transit route.
5. No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Flood Risk Assessment (prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
  - (i) Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
  - (ii) Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to no greater than rates for the pre-development site.
  - (iii) For all exceedance to be contained within the site boundary without flooding new properties in a 100 year + 40% storm.
  - (v) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.
6. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - (a) details of any works to existing trees;
  - (b) numbers, types, sizes and positions of proposed trees and shrubs;
  - (c) planting, seeding/ turfing of other soft landscape areas;

- (d) details of the site boundary treatments and curtilage boundary treatments and
- (e) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.

7. Prior to the first occupation of the flats hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Armstrong Stokes & Clayton Limited, ref: SWI100/FRA Rev A, dated December 2018 and in accordance with the mitigation and resilience measures as detailed in paragraphs 5.3 and 8.5. These mitigation measures shall be maintained and retained for the lifetime of the development.
8. The development hereby approved shall not be brought into use until the dropped vehicular footway crossings have been lowered, the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on the proposed block plan (1:500) and the cycle stands are available for use.
9. The first floor bedroom windows in the north west elevation of 'duplex 2' shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.

#### 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 & 4. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In order to mitigate the impact of the development on the tram and ensure the tram remains fully operational throughout and after the development.
5. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance

with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).

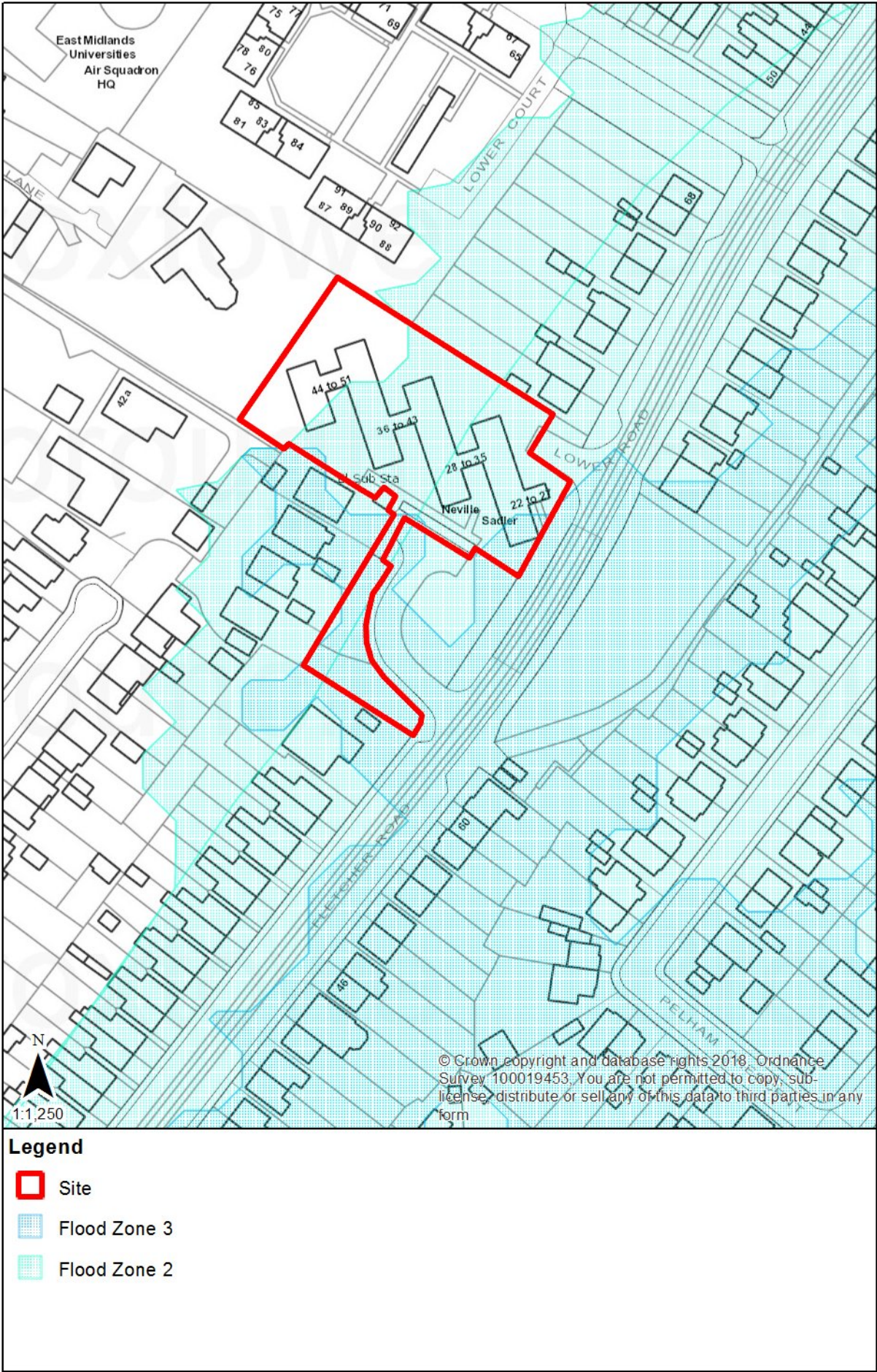
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
9. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

**Note to applicant**

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. Any works that take place over vehicular crossings of the public highway shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Background papers  
Application case file





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## Report of the Chief Executive

**18/00729/FUL  
CONSTRUCT TWO DWELLINGS  
LAND TO THE REAR OF 53 KIMBERLEY ROAD, NUTHALL,  
NOTTINGHAMSHIRE, NG16 1DA**

Councillor J M Owen requested this application be determined by the Committee.

### 1 Details of the Application

- 1.1 This application seeks permission to construct two dwellings on the land to the rear of 53 and 55 Kimberley Road. The two dwellings will be of a similar design and size, with each having the appearance of a single storey dwelling although they will have basement levels covering the same floor space as the ground floor. The dwellings will both have mono-pitched roofs with the west dwelling having a maximum height above ground level of 4m, sloping down to 3m, and the east dwelling having a maximum height above ground level of 3.8m, sloping down to 3m.

### 2 Site and Surroundings

- 2.1 The application site is positioned to the south of Kimberley Road, to the rear of No. 53 and 55. The two dwellings will be accessed via the existing private drive that runs between No. 53 and 55 and leads to Temple Lake House. The current use of the land on which the dwellings are proposed is garden land to the rear of the two dwellings on Kimberley Road.



Site access from Kimberley Road.



Rear garden of No. 55 Kimberley Road.



Land beyond the rear garden of No. 55 Kimberley Road, where the proposed dwelling on the west side of the site will be situated.



Photo showing proposed site for the two dwellings and drive from Temple Lake leading down to Kimberley Road.



Site of proposed dwelling on the east side of the site.



Rear garden of No. 53 Kimberley Road.



Temple Lake House to the south of the application site.

### 3 Relevant Planning History

- 3.1 In 1994, planning application 94/00560/OUT was refused permission for two detached bungalows to the rear of No. 53 and 55 Kimberley Road on the grounds that the proposal would constitute a piecemeal development in a backland location and would also fail to meet the access and parking standards of the Highways Authority. The applicant appealed the decision with the appeal being dismissed by the Inspector.
- 3.2 In 2004, planning application 04/00309/FUL was refused for a single detached dwelling on a section of land to the south of the current application site on the east side. At the time of the application permission had been granted for the construction of Temple Lake House. It was determined that the proposal would prejudice the setting of the approved dwelling and that the cumulative effect of both developments would result in an over intensive use of land that would provide insufficient amenity space for the occupiers of those dwellings.
- 3.3 In 2017, planning application 17/00029/FUL was refused by Planning Committee for the construction of two dwellings to the rear of No. 53 Kimberley Road. This proposal differed from the current proposal by virtue of the fact that both dwellings were proposed behind No. 53, and the application was for two dormer bungalows. The application was refused on the grounds that it would be an over intensive development which would result in an undesirable change to the character of the area, the development would create an un-neighbourly relationship which would result in significant adverse impact upon the amenity of the occupiers of the nearby properties and that it would have a significant adverse impact on highway safety.
- 3.4 The applicant appealed the decision and the appeal was dismissed in March 2018. In dismissing the appeal the Inspector considered the access to be sufficient to result in no highways safety concerns and that there would be no detrimental impact to any of the existing neighbouring properties through loss of privacy or noise. However, she considered that the proposal would result in a loss of the open, spacious nature of the built form along this section of Kimberley Road which would be of detriment to its character and appearance.

### 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 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.
- 4.2.4 Policy 10 'Design and Enhancing Local Identity' states that all new developments should make a positive contribution, reinforce local characteristics and reduce the dominance of the motor vehicle. Developments will be assessed having regard to plot sizes and layouts, massing, scale and proportions and materials, architectural style and detailing.
- 4.2.5 Policy 11 'The Historic Environment' states that proposals and initiatives will be supported where the historic environment and their heritage assets are conserved and/or enhanced in line with their interest and significance. The proposed dwellings are not within the Conservation Area; however, they will be sited adjacent to it and therefore any potential impact should be considered.

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

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Local Plan Policy H7 'Land not allocated for housing purposes' states that small scale residential development within existing built-up areas will be permitted providing the residents of the new dwelling would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.
- 4.3.3 Local Plan Policy T11 states that planning permission will be granted for new development where appropriate provision is made for vehicle parking and servicing.

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

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 12 no. representations to Policy 15, 11 no. representations in relation to Policy 17 and 11 no. representations in respect of Policy 23. Given that there remain outstanding objections to these policies with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

- 4.4.2 Policy 15 'Housing Size, Mix and Choice' states housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met.
- 4.4.3 Policy 17 'Place-making, Design and Amenity' refers to ensuring a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.4 Policy 23 'Policies affecting designated and non-designated heritage assets' states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

#### **4.5 Nuthall Neighbourhood Plan**

- 4.5.1 The Nuthall Neighbourhood Plan was 'made' on 13 December 2018 following a 'yes' vote in the Neighbourhood Plan referendum. 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. The policies in the Neighbourhood Plan therefore carry full weight.

### **5 Consultations**

- 5.1 The Highways Authority has no concerns in principle to the proposal, subject to conditions relating to the widening of the dropped vehicular footway at the access to the site off Kimberley Road, the widening of the drive, and the availability of the bin store. The Highways Authority has however noted that Building Control will need to assess the acceptability of the turning area for the fire engine which is in front of the window of the proposed dwelling on the west side.
- 5.2 The Conservation Adviser has not raised any objection to the proposal. He has stated that although the Conservation Area lies to the south and the land to the south accommodates two listed structures it is not considered that the scheme would be harmful to these heritage assets.
- 5.3 Consultation letters have been sent out to 15 members of the public including neighbouring dwellings and parties who commented on the previous planning application (17/00029/FUL). A site notice was also posted on a lamppost outside No. 55 Kimberley Road on 13 November 2018. 7 responses have been received in respect of this application with 4 letters of objection, 2 letters of support and 1 letter raising no objection. The reasons for objection can be summarised as follows:
- Design not in keeping with the character of the area.
  - Increased vehicle and traffic generation.
  - High walls at the site entrance creating highway safety issues.
  - Stone wall to the front of the site adjoining Kimberley Road has been removed in part and replaced with a timber fence.
  - Trees in front of No. 53 Kimberley Road have been removed.
  - No turning space for a refuse vehicle.
  - Existing views over the garden areas up to Edward Road and the old temple wall will be ruined.

- Loss of privacy for neighbouring properties.
- Parking would cause noise pollution and dust to neighbouring properties.
- Light from the development will impact on the rural tranquillity of the area.
- The development would have a harmful impact on the Green Belt and Conservation Area.

The reasons for support can be summarised as follows:

- The development will make good use of derelict land.
- The access will be improved.
- It will improve the outlook.

## 6 Appraisal

6.1 The main considerations for this proposal are the impacts on neighbouring amenity, the design and appearance of the dwellings, the impact on highways safety, and the character and appearance of the area.

### 6.2 Amenity

6.2.1 The proposed dwellings will be single storey bungalows, both with substantial basement levels to provide additional space. At ground floor level each dwelling will have three bedrooms, one bathroom and an open plan kitchen and living room. The living space provided by the bedrooms and living rooms will be of a sufficient size and the size and position of the windows will ensure an acceptable amount of natural light is able to enter the rooms.

6.2.2 Both dwellings will be set within plots that provide an adequate amount of private outdoor amenity space with the main gardens being positioned to the south of the proposed bungalows and therefore not being directly overlooked by the dwellings on Kimberley Road. Whilst Temple Lake House is positioned to the south of the bungalows the garage is positioned closest to the application site, with the principal views from Temple Lake House being to the south and not over the proposed dwellings.

6.2.3 Overall it is considered that the proposed dwellings will provide the occupants with a satisfactory standard of living accommodation as well as an acceptable amount of private outdoor amenity space.

6.2.4 The proposed bungalow on the west side of the site will be approximately 8m from the boundary to the north, adjoining No. 55 Kimberley Road. The maximum ridge height of the dwelling at 4m, along with the distance to the boundary, and taking into account the distance between the rear Of No. 55 and the boundary of approximately 28m, is considered acceptable to ensure it will not result in an overbearing impact on No. 55 to the north. The proposed dwelling will be single storey and the existing boundary treatment of a circa 1.8m high fence will be retained to the north. Therefore it is not considered that the proposal will result in a loss of privacy for No. 55.

6.2.5 The west dwelling will be positioned approximately 1.5m, from the west boundary of the site, adjoining the rear portion of the garden of No. 57 Kimberley Road. The



height of the dwelling closest to the boundary will be 3m and it will not be directly in line with any dwellings to the west. The Old Orchard, 7B Edward Road, adjoins the west boundary but is positioned to the south of the proposed dwelling, and taking into account the separation distance of approximately 7.5m it is not considered that it will be affected to an unacceptable degree.

- 6.2.6 The proposed bungalow on the east side of the site will be approximately 12m, from the boundary to the north adjoining No. 53 Kimberley Road. The rear elevation of No. 53 is approximately 23m from the boundary giving it an acceptable separation distance from the proposed dwelling in terms of any impact on amenity.
- 6.2.7 The proposed dwelling will be approximately 1.5m from the east boundary of the site, adjoining the rear portion of the garden of No. 51 Kimberley Road. The dwelling has been design to slope down towards the adjoining boundary, meaning the lowest part of the roof at 3m will be closest to the boundary. No. 37 Kimberley Road is to the east of the dwelling and will be more than 30m from the side elevation, which is considered sufficient to ensure the proposed dwelling will not have any impact on the amenity of the occupiers of this dwelling, especially considering its single storey design.
- 6.2.8 To the south of the application site is Temple Lake House, which at its closest point will be approximately 14.5m from the site boundary and 28.5m from the south elevation of the east dwelling. Temple Lake House is designed with its garage on the east side of the dwelling closest to the application site, with the principal part of the dwelling therefore being further removed from the proposed dwellings. Taking this into account it is not considered that the proposed dwellings will have an unacceptable impact on the amenity of the occupiers of Temple Lake House.
- 6.2.9 Objections have been raised on the grounds that noise and pollution generated by additional vehicles at the new dwellings would have a harmful impact on neighbouring properties. Taking into account the existing enclosed nature of the access, the limited number of additional vehicles likely to be generated by two additional dwellings, and the likely speed of the vehicles on what is a well maintained private drive, it is not considered that unacceptable levels of noise are likely to be generated.
- 6.2.10 Whilst the previous application at the site (17/00029/FUL) was refused permission with adverse impact on neighbouring amenity being cited as one of the reasons, on appeal the Inspector did not consider that the proposal would have had an unacceptable impact on neighbouring amenity. The current proposal has been amended considerably from the previous application, with a key change resulting in two single storey dwellings, as opposed to two dormer bungalows which would have had higher roofs. Taking into account the comments previously made by the Inspector, and the amendments made to the proposal since the previous application it is considered that the proposed dwellings would not have a harmful impact on the amenity of neighbouring dwellings.

### 6.3 Character and Appearance of Area

- 6.3.1 The application site is located within an established residential area. The site lies within a group of dwellings which benefit from substantial rear gardens. There are a small number of outbuildings in the rear gardens of the surrounding dwellings; however, they are generally sited closer to their host dwellings and as such there is a sense of openness and space across the rear gardens which is currently experienced across the application site.
- 6.3.2 The application site is formed from a substantial portion of the rear gardens of both No. 53 and 55 Kimberley Road. No. 53 would retain a garden of approximately 20m in length, and No. 55 would retain a garden of approximately 28.5m in length. This compares to the gardens of No. 51 to the east which is approximately 60m in length and No. 57 to the west which is approximately 57m in length.
- 6.3.3 As highlighted by the Inspector when determining the appeal for the previous application, backland development is not the prevailing form of development in the immediate surrounding area. The presence of Temple Lake House and The Old Orchard has introduced some residential development in this part of Kimberley Road. However, the Inspector noted that the siting of these properties generated a stronger relationship with Edward Road, assisted to a degree by the vehicular access to Edward Road, rather than Kimberley Road. The same can also be said for the new dwelling which has been granted planning permission (18/00026/FUL) to the rear of No. 9 Edward Road.
- 6.3.4 In relation to the previous application the Inspector noted that as a consequence of the siting of the two dwellings, they would introduce permanent residential uses into the rear garden area. The surrounding character is defined by the pattern of development, the length of the rear gardens and the relationship of the dwellings and spaces. The surrounding area is low density and that together with the pattern of development is part of the character. The Inspector noted that the presence of 2 additional dwellings in the proposed location would interrupt the sense of openness and spaciousness which arises from the large rear gardens of the existing dwellings in this part of Kimberley Road. Taking this into account the Inspector found that the introduction of an additional two dwellings within the rear garden of No. 53 would be harmful to the character of the surrounding area.
- 6.3.5 The current proposal has been amended considerably from the previous application. Notably there will now be one dwelling to the rear of No. 53, with the second dwelling being positioned to the rear of No. 55. The aim here appears to be to rectify the Inspector's concern that the proposal by significantly reducing the length of the garden at No. 53 will result in a form of development that is out of keeping with the character of the area. For the current proposal No. 53 will retain a garden that is 20m long, compared to 14m under the previous proposal. Furthermore the single storey design of the new dwellings with reduced height flat roofs is aimed at retaining an open rear aspect for the dwellings along Kimberley Road, as stated in paragraph 9.1 of the Design and Access Statement.
- 6.3.6 Despite the clear differences between the current proposal and the previously refused proposal, it is not considered that this application succeeds in overcoming



the issues identified by the Inspector in respect of the development of two dwellings in this location. The presence of the two dwellings would introduce permanent residential uses to the rear gardens of No. 53 and 55 Kimberley Road, which would interrupt the sense of openness and spaciousness which arises from the rear gardens of the existing dwellings in this part of Kimberley Road. At 20m and 28.5m respectively the rear gardens of No. 53 and 55 Kimberley Road will be significantly shorter in comparison to the majority of dwellings in this section of Kimberley Road, including the adjoining dwellings. The proposal would therefore result in a form of development that would be out of keeping with the character of the surrounding area.

#### 6.4 Design

6.4.1 The proposed dwellings have been designed to be in keeping with the surrounding dwellings, whilst also having a contemporary element to reflect modern architectural trends. The elevations will be a combination of brickwork to match the neighbouring Temple Lake House, with timber cladding reflecting the contemporary aspect. The dwellings provide a suitable amount of living accommodation and have been designed to ensure the principal living rooms have access to an acceptable amount of daylight.

6.4.2 Overall it is considered that the principle of the design of the dwellings would be acceptable. However, by virtue of the siting of the proposed dwellings within the rear gardens of No. 53 and 55 Kimberley Road the design of the scheme as a whole is considered to have a harmful impact on the character of the surrounding area.

#### 6.5 Highway Safety

6.5.1 The application site will be accessed via the existing private drive that runs between No. 53 and 55 Kimberley Road and up to Temple Lake House. As part of the proposal the existing access will be widened to 5.1m to allow two vehicles to pass each other and stand clear of the highway. The proposal would offer satisfactory on-site parking provision for the two dwellings.

6.5.2 The Highways Authority has not raised any objections in relation to the proposal, although they have highlighted that Building Control will need to assess the acceptability of the turning area for the fire engine which is in front of the window of the proposed dwelling. However, as the site does incorporate turning space for emergency vehicles to exit in a forward gear it is not considered that a refusal on this basis could be sustained at appeal.

6.5.3 Whilst details of this application differ to the previous proposal, the concept of constructing two dwellings off the same access remains the same. The matter of highway safety was considered during the appeal process for the previous application by the Inspector, who found that there would be no adverse effect on highways or pedestrian safety.

6.5.4 Overall it is considered that there would be no significant adverse effect on highway or pedestrian safety.

## 7 Conclusion

- 7.1 It is not considered that the proposed dwellings will have an unacceptable impact on neighbouring amenity or highway safety. However, it is considered that the presence of the two dwellings would introduce permanent residential uses to the rear gardens of No. 53 and 55 Kimberley Road, which would interrupt the sense of openness and spaciousness which arises from the long rear gardens of the existing dwellings in this part of Kimberley Road.
- 7.2 Taking this into account it is considered that the proposal fails to overcome the concerns of the Inspector in relation to planning application 17/00029/FUL, which is a material consideration in the determination of this application. With this in mind it is recommended that planning permission for this application should be refused.

### **Recommendation**

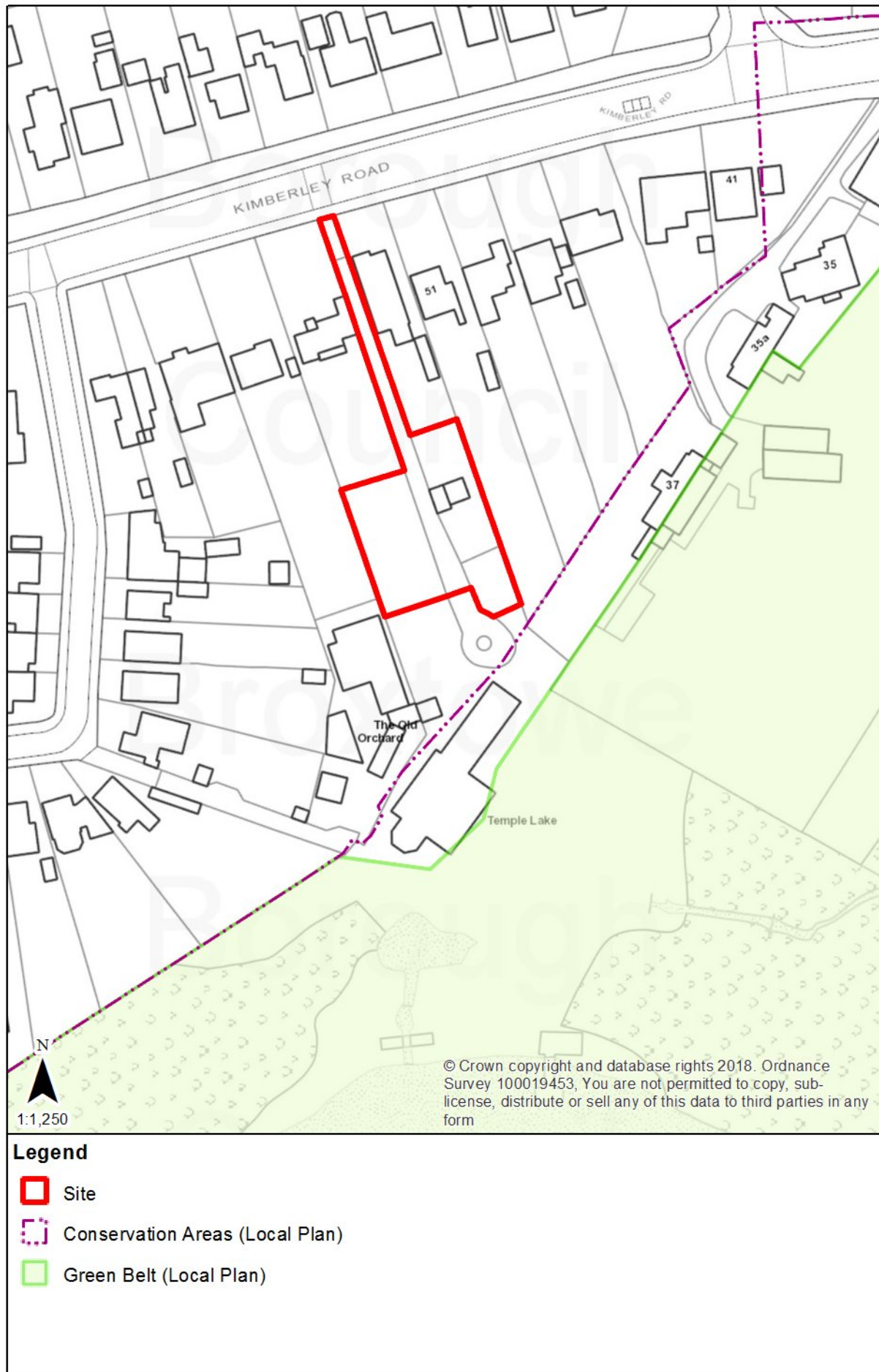
**The Committee is asked to RESOLVE that planning permission be refused for the following reason:**

**The proposed scheme will result in two additional dwellings within the rear gardens of No. 53 and 55 Kimberley Road, introducing a permanent residential use which would interrupt the sense of openness and spaciousness which arises from the long rear gardens of the existing dwellings in this part of Kimberley Road. The proposal would therefore have a harmful impact on the character of the surrounding area contrary to the aims of Policy H7 of the Local Plan (2004), Policy 10 of the Aligned Core Strategy (2014) Draft Part 2 Local Plan (2017) Policy 17 and Nuthall Neighbourhood Plan (2018) Policy 5.**

### **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



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## Report of the Chief Executive

**18/00695/FUL**

**CONSTRUCT NEW DETACHED MASONRY DOUBLE GARAGE**

**TEMPLE LAKE HOUSE 53A KIMBERLEY ROAD NUTHALL  
NOTTINGHAMSHIRE NG16 1DA**

Councillor J M Owen requested this application be determined by the Committee.

### 1 Details of the Application

- 1.1 This application seeks permission to construct a detached garage. The garage will have dimensions of 12m by 6m, with a lean-to store on the west side that will project out of the main garage by 1m. The garage will have a hipped roof with a ridge height of 3.9m and a height to eaves of 2.3m. The lean-to will have a height to eaves of 1.95m, and will follow the roof slope of the main garage up to the proposed ridge height.
- 1.2 The proposed garage will be constructed using red lbstock brickwork to match the principal dwelling at Temple Lake House and will have a natural slate roof.

### 2 Site and Surroundings

- 2.1 Temple Lake House occupies a large site to the south of Kimberley Road, Nuthall. Part of the application site is set within the Nuthall Conservation Area, as well as the Nottinghamshire Green Belt. The proposed garage is positioned to the north of the principal dwelling, outside of both the Conservation Area and the Green Belt.
- 2.2 The proposed garage will be positioned approximately 2.5m from the west boundary of the site adjoining The Old Orchard, No. 7B Edward Road, with the boundary being made up of a large hedge which is circa 2m in height. To the north of the site are the rear gardens of No. 55 and 53 Kimberley Road, with a fence circa 1.9m high making up the boundary with No. 55 Kimberley Road. The area immediately adjoining the site to the east is subject to a planning application (18/00729/FUL) for the construction of two dwellings, and currently forms part of the garden for No. 53 Kimberley Road. The east boundary of the site adjoins residential gardens and is made up of a combination of a wall and fence that is circa 1.6 – 1.8m high. To the south of the proposed garage is Temple Lake House, which is the host dwelling for the proposed garage.
- 2.3 The application site is accessed from both Kimberley Road and Edward Road. The proposed garage is situated off the private driveway that leads to Temple Lake House from Kimberley Road.





Proposed location of garage and relationship with west boundary (adjoining The Old Orchard) and north boundary.



Proposed location of garage and relationship with west boundary (adjoining The Old Orchard) and north boundary.



West boundary adjoining The Old Orchard.



Proposed location of garage and relationship with the host dwelling and the west boundary (adjoining The Old Orchard).



East boundary of site.



East boundary of site.



Site access from Kimberley Road.

### 3 Relevant Planning History

- 3.1 In 2003, planning permission 03/00293/FUL was granted for the demolition of the existing building at Temple Lake and the construction of a new dwelling with garage.
- 3.2 In 2006, a revised scheme under planning application 06/00231/FUL was submitted as during the construction of the dwelling a number of amendments had taken place which had not been approved by the Council. The planning application was refused permission by Planning Committee, a decision which was subsequently overturned on appeal whereby planning permission was granted for the application in March 2008.
- 3.3 Since planning application 06/00231/FUL, no further householder planning applications have been submitted for Temple Lake House.

### 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, 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.

- 4.2.4 Policy 11: The Historic Environment, states that proposals and initiatives will be supported where the historic environment and their heritage assets are conserved and/or enhanced in line with their interest and significance. Whilst the proposed garage is not positioned within the Conservation Area, the host dwelling is and therefore its potential impact on the Conservation Area must be considered.

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

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

- 4.3.2 Policy H11, states that planning permission will be granted for minor development such as sheds and garages provided that siting, design and materials do not substantially harm the appearance of the property or the street scene, or the amenity of neighbouring occupiers.

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

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 11 no. representations in relation to Policy 17 and 11 no. representations in respect of Policy 23. Given that there remain outstanding objections to these policies with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

- 4.4.2 Policy 17: Place-making, Design and Amenity, states that all householder development 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.

- 4.4.3 Policy 23: Policies affecting designated and non-designated heritage assets, states that proposals will be supported where heritage assets and their settings are conserved or enhanced in line with their significance.

#### 4.5 **Nuthall Neighbourhood Plan**

- 4.5.1 The Nuthall Neighbourhood Plan was 'made' on 13 December 2018 following a 'yes' vote in the Neighbourhood Plan referendum. 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. The policies in the Neighbourhood Plan therefore carry full weight.

### 5 Consultations

- 5.1 The Conservation Adviser raises no objections to the proposal and provided the following comments:



*Although the conservation area lies to the south and the land to the south accommodates two listed structures I do not consider the scheme would be harmful to these heritage assets. The proposed garage would effectively be screened from the conservation area by Temple Lake House and would sit alongside the neighbouring dwelling to the west. Although the garage is a rather large building I have no objection from a conservation perspective.*

- 5.2 The Highways Authority has no concerns considering the location of the garage on a private Drive.
- 5.3 Nuthall Parish Council objects to the proposal due to concerns over the width of the access, the over-intensification of the site and due to the fact that the garage will be too close to an existing property.
- 5.4 Consultation letters have been sent out to 9 neighbouring properties and a site notice was posted on the lamppost outside No. 55 Kimberley Road on 26 October 2018. Four letters have been received in respect of this application with one stating that no objections are raised and three raising objections. The reasons for objection can be summarised as follows:
- Loss of light due to its close proximity to the boundary and the already close proximity of Temple Lake House to the adjoining boundary.
  - Sense of enclosure for the residents of the neighbouring property.
  - Increased traffic due to the garage.
  - Noise disturbance created by the banging of garage doors.
  - The proposed garage would have a harmful impact on the Green Belt and Conservation Area.
  - The dark grey doors do not match anything on the adjacent properties.
  - Black rainwater good when the rainwater goods on the host dwelling are white.
  - The existing garage should be adequate for domestic vehicles.
  - The building is very high for a garage.

## 6 Appraisal

- 6.1 The main issues to be considered with this application are the impact of the proposed garage on neighbouring amenity, the design and appearance of the proposed garage and its impact on highways safety.

### 6.2 Amenity

- 6.2.1 The proposed garage will be positioned approximately 2.5m from the adjoining boundary with The Old Orchard to the west of the application site. The lean-to storage area will be positioned closest to the adjoining boundary, meaning the main part of the garage will be approximately 3.5m from the boundary. The Old Orchard is positioned approximately 1.5m from the adjoining boundary with the application site.
- 6.2.2 The existing boundary treatment between The Old Orchard and the application site is a large hedge, circa 2m in height and extending up to approximately level

with the eaves height of the existing dwelling at The Old Orchard. The eaves height of the proposed garage is 2.3m and that of the lean-to is 1.95m. Due to the hipped nature of the roof, the part of the roof with a maximum ridge height of 3.9m will be set in approximately 6.6m from this adjoining boundary.

- 6.2.3 With a maximum height of less than 4m and an eaves height lower than 2.5m the height of the garage is not considered to be unacceptable in relation to the surrounding dwellings. The minimum distance of 2.5m to the boundary is considered to allow a sufficient separation distance between the neighbouring property and the proposed garage, in relation to the size of the garage. It is not considered that the proposed garage will have a significantly greater impact on light than the existing 2m high boundary hedge that is in close proximity to the side elevation of The Old Orchard.
- 6.2.4 No windows are proposed on the garage and therefore there are no concerns in relation to a loss of privacy for The Old Orchard.
- 6.2.5 An objection has been raised on the grounds that the garage will result in noise disturbance created by the opening and closing of the doors. Garages are a common feature of residential areas and are often situated in close proximity to principal living spaces. The garage, which albeit a large structure, could only be used for the storage of vehicles and other goods ancillary to the residential occupation of Temple Lake House. Therefore it is not considered that a refusal on the grounds of noise disturbance could be sustained. Furthermore should the use of the garage be intended for commercial activities which could generate increased noise disturbances planning permission would be required for this use.
- 6.2.6 The proposed garage will be positioned approximately 4.5m from the adjoining boundary to the east. The land directly to the east appears to be garden land and therefore there are no concerns with regards to impact on amenity given the low height of the garage at just under 4m and considering the nearest property to the east is No. 55 Kimberley Road which is more than 60m from the proposed garage.
- 6.2.7 Planning application 18/00729/FUL proposes to build a new dwelling on the land adjacent to the application site to the east. Should permission for this dwelling be granted it will be set back from the adjoining boundary by 11m and therefore it is not considered the garage would have an unacceptable impact on the amenity of this dwelling.
- 6.2.8 The proposed garage will be approximately 15m from the east boundary of the application site. The adjoining land use is the rear part of the garden for No. 51 Kimberley Road, and Part of the garden for No. 37 Kimberley Road. It is considered that the proposed garage will be a sufficient distance from the boundary in relation to its size and taking the adjoining use into account it is not considered that it will have any negative impact on neighbouring amenity to the east.
- 6.2.9 To the south of the proposed garage is Temple Lake House, the host dwelling. It will approximately 15m from the dwelling at its nearest point and is therefore not

considered to result in an unacceptable loss of amenity for the residents of the host dwelling.

### 6.3 Design and Appearance

6.3.1 Temple Lake House is a substantial detached dwelling set within a large plot. Whilst the proposed garage is a large structure, it is considered to be of a size and scale that is in keeping with the existing dwelling and the application site is considered to be of a size that can withstand the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area.

6.3.2 Whilst the host dwelling is set within the Conservation Area, the proposed garage is not, although it will be positioned adjacent to it. The Conservation Adviser has not raised any objections in relation to the impact of the proposal on heritage assets largely considering the position of Temple Lake House which will act to screen the garage from view.

6.3.3 Whilst part of the application site to the south is within the Green Belt, the proposed garage is not. Temple Lake House is between the proposed garage and the Green Belt land, therefore screening the proposed structure and ensuring it will not harm the openness of the Green Belt.

6.3.4 Temple Lake House is set back from Kimberley Road by a long private drive. The garage is therefore set well back from the highway and will have no impact on the street scene.

6.3.5 The proposed elevation plan details the materials to be used in the construction of the garage. The elevations will be constructed using red lbstock brickwork to match the host dwelling and the roof will be natural slate. It is considered that these materials are in keeping with the character of the host dwelling and the surrounding area.

### 6.4 Highways Safety

6.4.1 The proposed garage will utilise existing vehicular access from Kimberley Road and will be ancillary to the existing dwelling, Temple Lake House. Therefore there are no concerns that it will result in an increase in traffic generation in the surrounding area.

6.4.2 The access to the existing site is not affected by the proposal and the garage will be set back from Kimberley Road by more than 90m. Overall it is not considered that the proposal will have an unacceptable impact on highways safety.

## 7 Conclusion

7.1 Overall it is considered that the proposed garage will achieve an acceptable standard of design that is in keeping with the character of the surrounding area and will not have a negative impact on the street scene. Furthermore the proposal is not considered to result in an unacceptable impact on the amenity of any

neighbouring properties or on highways safety. Taking these points into account it is recommended that planning permission for the garage is granted.

**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 1606(P)101 c (1:1250), 1606(P)111 c (1:500), 1606(P)115 a (1:100), 1606(P)112 b (1:100), 1606(P)113 a (1:100), 1606(P)114 a (1:100); received by the Local Planning Authority on 15 October 2018.

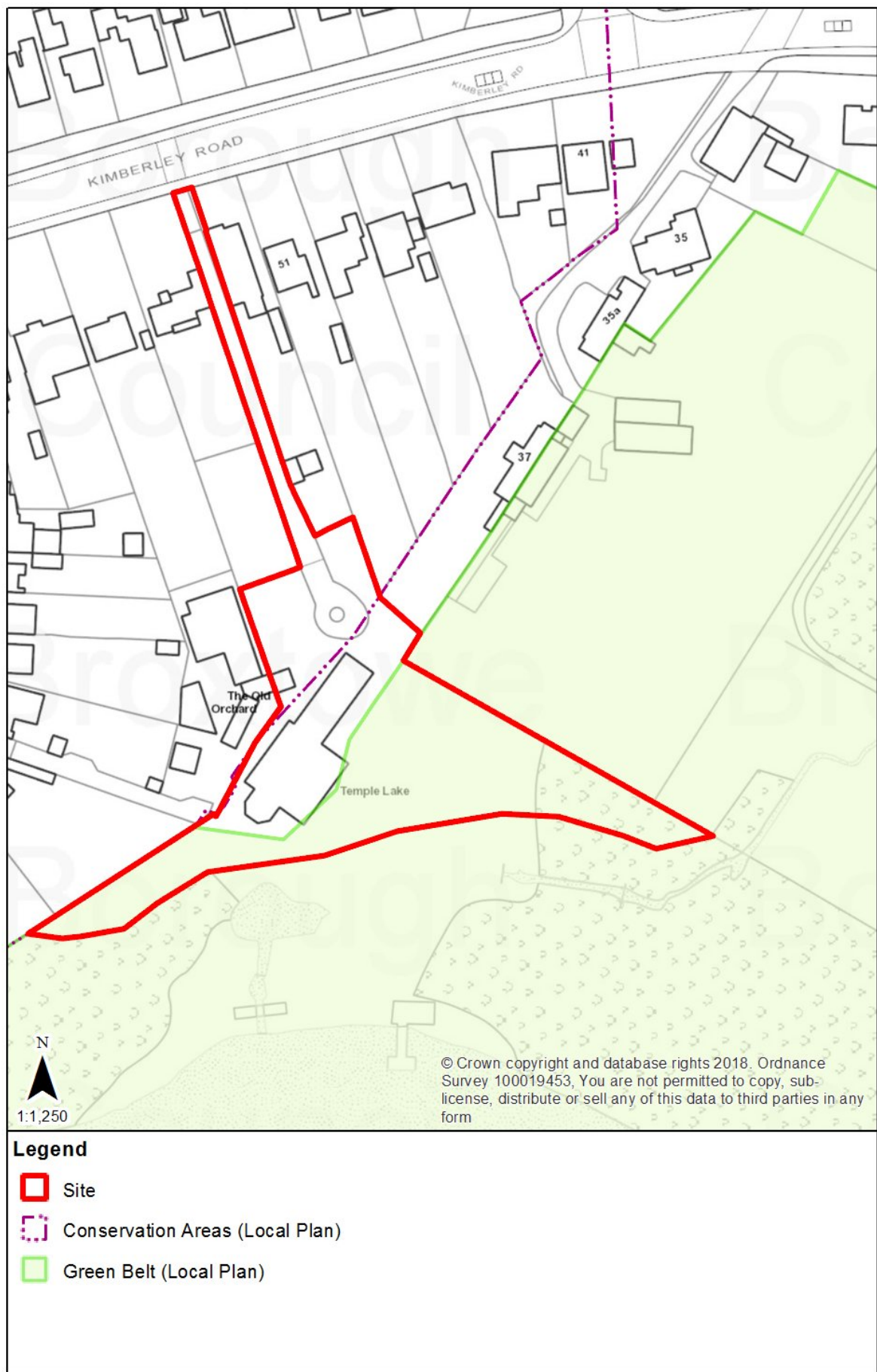
**Reasons:**

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.

**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



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## Report of the Chief Executive

**18/00709/FUL**

**CHANGE OF USE FROM SHOP (CLASS A1) TO A BALLET SCHOOL (CLASS D2)**

**96 DERBY ROAD, STAPLEFORD, NOTTINGHAMSHIRE, NG9 7AD**

Councillor J. W McGrath has requested this application be determined by Planning Committee.

### 1 Details of the Application

- 1.1 The application seeks permission to convert a former pharmacy (A1 use) into a ballet school (D2 use). The building is three storeys and the change of use will apply to all three floors. The ground floor will have two dance studios, a reception, lobby, bathroom and entrance hall. The first floor will have a private lesson room, changing room, office, staff room, waiting area, bathroom and toilet. The second floor will be used for storage. No external alterations are proposed and the unit has stood vacant for over a year.
- 1.2 The proposed dance school will provide dance lessons between 10:00am - 9:00pm Monday to Friday, 9:00am - 5:00pm on Saturdays and occasional use on Sundays, bank holidays and other public holidays within the hours specified. There will be six part time members of staff.

### 2 Site and Surroundings



South east (front) elevation



South east (front) elevation

- 2.1 The three storey building is located at the end of a terrace of commercial premises within Stapleford town centre. The building has an ornate gable fronting Derby Road. The ground floor level has a roller shutter door and is closed due to the premises being vacant. No parking is associated with the building. There is an outside area to the rear associated with the building. There is pedestrian access from Derby Road.
- 2.2 No. 94, Vape HQ (A1 use), adjoins the building to the north east and has a flat above. No. 98, Bari's Convenience shop (off-licence, A1 use), is positioned to the

south west. No. 92A is a car repair garage positioned to the north. No. 98A is a flat positioned to the south west. No. 1 Horace Avenue is an end terrace property positioned to the north located in residential area on a road with a residents parking scheme. Parking is restricted to permit holders on Horace Avenue between the hours of 9:00am - 5:00pm, Monday to Saturday. Part of Alexandra Street has 30 minute parking bays restricted to 8:00am - 6:00pm, Monday to Saturday and double yellow lines.

### 3 Relevant Planning History

3.1 An application (88/00325/FUL) to construct an extension and make alterations to the shop received permission in June 1988.

3.2 An application (03/00386/FUL) to install security shutters received permission in June 2003.

### 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 85 states that the long term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries by allowing a suitable mix of uses that reflects their distinctive characters.

4.1.3 Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 105 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

#### 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' 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.
- 4.2.4 'Policy 10: Design and Enhancing Local Identity' aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

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

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.3 Policy K4 'Town Centres' 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.
- 4.3.4 Policy T11 'Guidance for Parking Provision' states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

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

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included seven 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, with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.
- 4.4.2 Policy 10 'Town Centre and District Centre Uses' states that permission will only be granted for development that comprises an A1 use, comprises another 'main town centre use' provided the class of use does not result in over 10% of the ground floor frontage of the centre falling within this use class, or does not 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.

- 4.4.3 Policy 17 'Place-making, Design and Amenity' states that permission will be granted for development which has good access to public transport, takes advantage of existing buildings, provides sufficient, well-integrated parking, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

## 5 Consultations

- 5.1 The Environmental Health Officer raises no objection subject to the conditioning of opening hours and an advisory in relation to sanitary facilities and internal layout, design and construction complying with Fire Safety Regulations.
- 5.2 Nottinghamshire County Council as Highways Authority have raised no objection due to the location within Stapleford town centre, nearby residential streets being protected by restricted parking, access to a sustainable bus route and public car parks within walking distance.
- 5.3 The Town Centre & Regeneration Officer supports the change of use and recognises that the unit has stood vacant for an extended period of time. Seven A1 units stand vacant within Stapleford town centre and A1 units are less viable in this area so the change of use would contribute to the vitality and viability of the area. The development would also align with the main aims of both the Council's Economic Regeneration Strategy and the Strategic Enterprise Plan for the D2N2 Local Enterprise Partnership.
- 5.4 Six neighbouring properties and businesses were consulted. 21 responses were received (14 in support, four objections and three observations). Comments received can be summarised as follows:

### Objections

- Parking along this road is already a problem
- Injuries and deaths caused on Derby Road due to traffic
- Application form states parking is available to the rear of Sainsbury's but this is not a formal car park and it also states that parking is available in the Poundstretcher car park but this could be too far to walk
- Permit parking should be enforced 24 hours a day as this will add to the increase in traffic
- Permit parking should be extended from 5pm to 9pm on nearby roads
- Concerns with parking on Horace Road where residents struggle to park outside properties
- Nearby roads parking permits finish at 5pm and following this, there is an issue with parking due to nearby takeaways, Wetherspoons and later opening units which encourage people to park on side streets

### Observations

- Dance school would be attractive to the area providing it has adequate parking

Support

- Plenty of parking available (Sainsbury's and Poundstretcher)
- Positive change of use which encourages footfall into the area and is not another shop/takeaway/hairdresser
- Good asset to the community and help to reach out to families
- Great development for local business that is currently based at Bramcote Leisure Centre
- Dance classes are currently attended by local residents and provide an affordable and accessible service to those with a low income
- Positive change of use due to the empty units in Stapleford town centre
- Encouraging to keep children off the streets by providing a safe environment
- Supports Government's policies in encouraging healthy lifestyles and preventing obesity
- Will raise the profile of the area.

6 Appraisal

- 6.1 The main issues are considered to be the principle of the change of use, if the development is acceptable in relation to parking and if there will be a loss of amenity to surrounding businesses and residents.

6.2 **Principle**

- 6.2.1 It is considered the proposed change of use from a pharmacy (A1 use) to a ballet school (D2 use) would be acceptable in this location. The unit is located within Stapleford town centre within close proximity of car parks and regular bus services. The unit has been vacant for over a year.

- 6.2.2 The Council's Town Centre and Regeneration Officer is supportive of the change of use and considers it will add to the vitality and viability of the wider area. As part of the Council's Economic Regeneration Strategy 2017 – 2021, the following is identified:

*"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."*

- 6.2.3 It is advised the Council should 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 currently seven vacant units within Stapleford town centre that are able to accommodate an A1 use. Considering the unit could be changed back into an A1 use and that it has stood vacant for over a year indicates an alternative use would be appropriate in this unit and not detrimental to the vitality or viability of Stapleford town centre.

- 6.2.4 Paragraph 85 of the NPPF states that the long term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries by allowing a suitable mix of uses that reflects their distinctive characters. Accordingly, it is considered that the loss of an A1 retail unit causing harm to the vitality of the town centre would not be substantiated.

### 6.3 **Parking**

- 6.3.1 It is evident within the consultation responses that there is concern that the development does not include any parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area.
- 6.3.2 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.3.3 The site lies within Stapleford town centre with regular bus services on Derby Road which provide access to Beeston town centre, Nottingham and Derby city centres (i4 and the number 18). Victoria Street public car park is within walking distance of the unit and facilitates one hour free parking and up to three hours at a cost. Parking is restricted to permit holders on Horace Avenue between the hours of 9:00am - 5:00pm, Monday to Saturday which controls the number of cars that can park along this road in the day. There are one hour parking bays available Monday - Saturday between the hours of 8:00am - 6:00pm in front of the unit along Derby Road. The current use of the building is A1 and operated as a pharmacy before closure. This use would have contributed to a degree of parking and traffic in the area and it is accepted that it is likely there will be additional parking demand from the change of use to a dance school. However, it is considered that there would not be a severe highways impact and patrons would have the opportunity to use more sustainable transport options. The Highways Authority have raised no objection due to the location within Stapleford town centre, nearby residential streets being protected by restricted parking, access to a sustainable bus route and public car parks within walking distance. Based on the above, it is considered that a pragmatic approach needs to be taken in respect of developing empty buildings within existing urban areas.

### 6.4 **Amenity and design**

- 6.4.1 It is expected that a dance school will likely create a degree of noise and disturbance but due to its location within a town centre, it is considered this is acceptable that it will not have an adverse impact on surrounding businesses and residents. The Design and Access Statement has included mitigation measures (insulation) that will be put into place to ensure the transfer of noise is reduced.

- 6.4.2 Environmental Health has advised opening hours of 8:00am - 9:00pm between Monday to Friday and 8:00am - 5:00pm Saturday and Sundays, Bank Holidays and other public holidays. It is considered these hours are acceptable and will control the level of noise and activity.
- 6.4.3 It is acknowledged the adjoining businesses are both in A1 use and although do not have restricted hours, may not follow the opening hours of the dance school. However, there are a number of businesses in the area that have opening hours that are likely to be similar or extend beyond those of the proposed dance school (Wetherspoons - no. 97 Derby Road, Cinnamon restaurant - no. 124 Derby Road and Boden's takeaway - no. 90 Derby Road). Sainsbury's Local which is opposite the building is open 7:00am – 11:00pm every day. It is considered the opening hours are acceptable and are in line with surrounding businesses. The proposal of a dance school with opening hours beyond the usual hours associated with A1 uses will contribute to the night time economy and vitality of Stapleford town centre.
- 6.4.4 No external changes are proposed with the change of use. It is likely the dance school will have advertise the company name and details across the existing white fascia at the front of the unit which it is considered would not require advertisement consent.
- 6.4.5 It should be recognised that a number of positive representations have been received in regards to the change of use that highlight the need to bring this empty unit back into use, provide a community facility, support healthy lifestyles and raise the profile of the area as it's a different use to what is already in the town centre.
- 7 Conclusion
- 7.1 It is considered the principle of the change of use is acceptable as it contributes to the vitality and viability of Stapleford town centre by providing an alternative use which diversifies the area and brings a vacant unit back into use. The unit being located within Stapleford town centre and for the reasons set out by the Highways Authority, conclude the change of use is acceptable in relation to highway safety and parking. With the inclusion of a condition restricting the opening hours, the amenity of surrounding neighbours will not be adversely affected. Therefore, it is considered the change of use is acceptable.

**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 the Site Location Plan (1:1250) and Proposed Block Plan (1:500) received by the Local Planning Authority on 16 October 2018 and proposed ground, first and second floor plans received by the Local Planning Authority on 23 October 2018.
3. The use hereby permitted shall not be open to customers outside the hours of 08:00 – 21:00 Monday to Friday and 08:00 – 17:00 Saturdays, Sundays, Bank Holidays and any other public holidays.

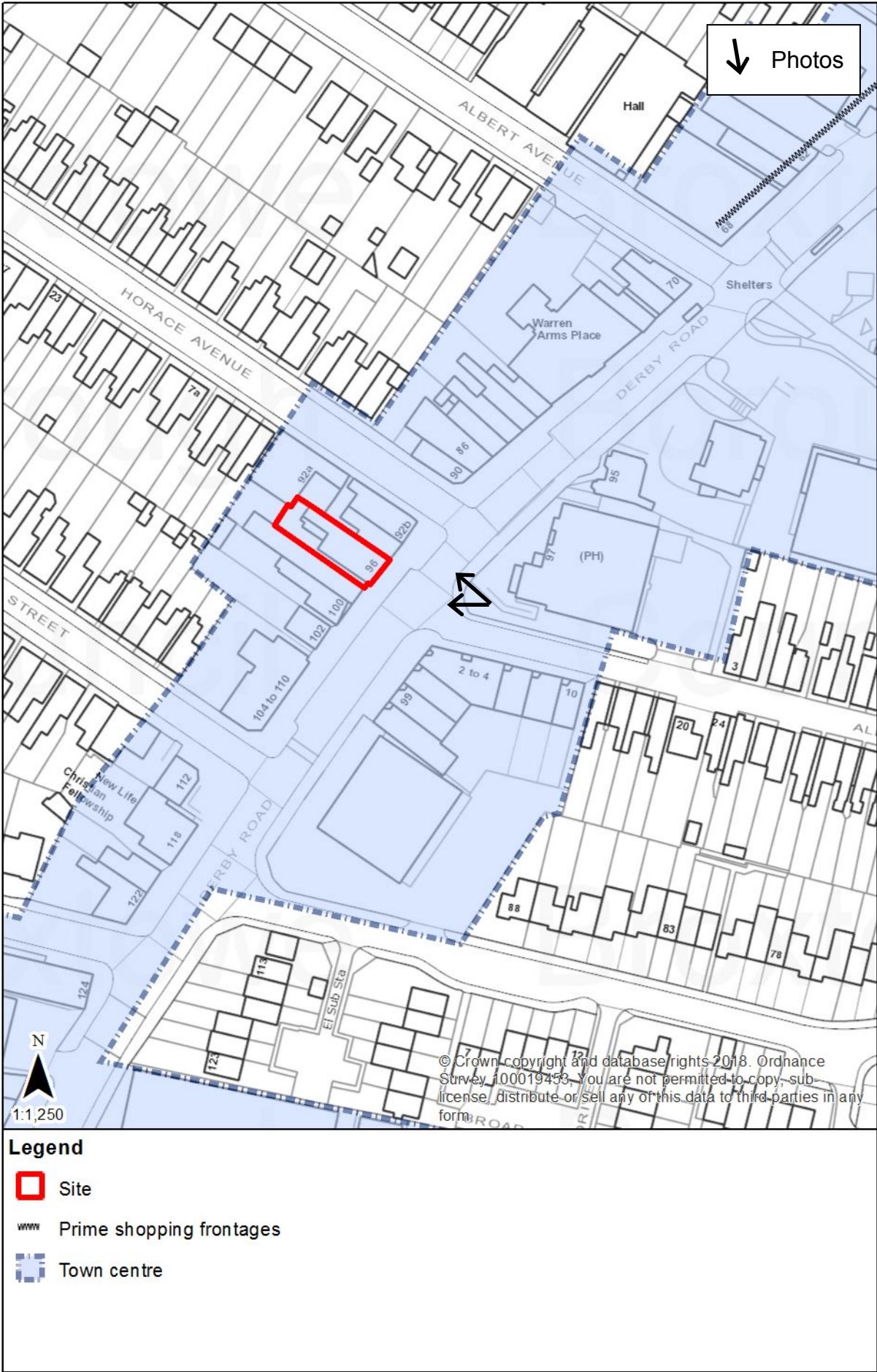
**Reasons:**

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 immediate residential properties from excessive operational noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).

**Notes to Applicant:**

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. You are advised to ensure the number of sanitary facilities complies with current British Standard 6465 and that the internal layout, design and construction of the premises meets with current Fire Safety Regulations. You should contact the Nottingham Fire and Rescue Service on telephone number: 0115 9670800 before works start.

Background papers  
Application case file



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## Report of the Chief Executive

**18/00516/FUL**  
**ERECT 10 ONE BEDROOM APARTMENTS**  
**147 - 151 QUEENS ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2FE**

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

### 1 Details of the Application

- 1.1 This is a major planning application to construct a two/three storey, flat roof building comprising ten, one bedroom apartments. Each apartment will have a double bedroom, kitchen/dining room and either an en-suite, bathroom or shower room with toilet. A 2.5m high fence will extend along the boundary with no. 1 Hawthorn Grove. A communal bin store will be provided at ground floor level. 10 cycle stands are to be located to the rear of the building and a cycle store if proposed within the building. No parking is proposed.
- 1.2 Amended plans were received during the course of the application to reduce the building in size. The entire fourth and part of the third storey were removed, the number of apartments was reduced from 13 to 10 and the internal layout was reconfigured. All first and second floor windows were removed from the south east (rear) elevation and a 2.5m high fence has been introduced along the boundary with no. 1 Hawthorn Grove. Clear glazed windows have been removed from the north east (side) elevation beside no. 145 Queens Road and replaced with three obscurely glazed, fixed shut windows. Where applicable, windows and downpipes have been amended to avoid overhanging onto the highway boundary. The roof terrace has been removed.
- 1.3 The building will be two storeys beside no. 145 Queens Road and no. 1 Hawthorn Grove, increasing in height to three storeys beside the junction of Hawthorn Grove and Queens Road. It will be predominantly red and brown brick with panels of black aluminium cladding and render.

2 Site and Surroundings



View of north west site boundary, looking towards no. 1 Hawthorn Grove with no. 145 Queens Road on left



View of south west site boundary with side elevation of no. 145 Queens Road in centre and no. 1 Hawthorn Grove on right



View of site from rear garden of no. 3 Hawthorn Grove



View of site from rear garden of no. 145 Queens Road

- 2.1 The application site is 234 square metres and operates as a car sales business with a forecourt for cars and a single storey flat roof building located beside the south eastern boundary. 2m high metal railings extend across the boundary with Queens Road and Hawthorn Grove. A 2m high fence and the single storey building extend across the boundary with no. 145 Queens Road. A path extends between the north east boundary site and no. 1 Hawthorn Grove. The north east boundary of the site comprises a mesh fence, the side elevation of the single storey building and wooden boarding.
- 2.2 The site lies within a predominantly residential area with some commercial units. The site is within walking distance of Beeston town centre and is in close proximity to the tram and regular bus services along Queens Road. The site is relatively flat and is located within Flood Zone 2 which is land with a medium probability (between 1 in 100 and 1 in 1000) of river flooding.

- 2.3 No. 145 is an end terrace dwelling positioned to the north east and has a second floor window in the south west elevation. No. 1 Hawthorn Grove is a semi-detached dwelling with a first floor window and ground floor window and door in the north west (side) elevation. No. 3 Hawthorn Grove is a semi-detached dwelling positioned to the south east. One the north west side of Queens Road, no. 140 is an off-licence (Booze Express), no. 140A is a takeaway (Better than home) and no. 142 is a takeaway (King Cod). All these premises have first floor flats above. Nos. 144 and 146 are semi-detached properties positioned to the west. A bingo hall and retail outlet with associated car park are located to the south.

### 3 Relevant Planning History

- 3.1 An application for a sales office (74/00185/FUL) was granted permission in July 1974.
- 3.2 An application for an extension to an office to form a car valeting bay (81/00504/FUL) was granted permission in August 1981.

### 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 plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.
- 4.1.3 Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 105 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:
- the accessibility of the development;
  - the type, mix and use of development;
  - the availability of and opportunities for public transport;
  - local car ownership levels; and
  - the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
- 4.1.4 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.5 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.

- 4.1.6 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

## 4.2 **Broxtowe Aligned Core Strategy**

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

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

- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.

- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (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 4: Employment Provision and Economic Development' seeks retention of good quality existing employment sites which are an important source of jobs.

- 4.2.6 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.

- 4.2.7 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

- 4.2.8 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.

- 4.2.9 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.

- 4.2.10 '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 has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.
- 4.3.3 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.4 Policy H5 'Affordable housing' states that 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.
- 4.3.5 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.6 Policy H7 'Land Not Allocated for Housing Purposes' small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.
- 4.3.7 Policy RC6 'Open space: requirements for New Developments' 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.
- 4.3.8 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 'Guidance for Parking Provision' planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

### 4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the

Inspector's report awaited. The representations on the plan included seven representations in relation to Policy 1, three representations in relation to Policy 9, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17, seven representations in relation to Policy 26 and 11 no. representations in relation to Policy 32. Given that there remain outstanding objections to Policy 1, 9, 15, 17, 26 and 32 with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

- 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' - permission will not be granted for other purposes unless it is demonstrated that the site is not viable for its specified employment use.
- 4.4.4 Policy 15 'Housing Size, Mix and Choice' states that 30% or more of housing should be affordable if more than 10 dwellings are proposed. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.
- 4.4.5 Policy 17 'Place-making, Design and Amenity' 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; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.
- 4.4.6 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sqm or more gross floor space.
- 4.4.7 Policy 32 'Developer contributions' financial contributions may be sought from developments of 10 or more dwellings or 1000 sqm 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 Council's Waste and Recycling Officer has no comments due to the bins being privately managed.
- 5.2      The Environmental Health Officer raises no objection subject to a condition requiring implementation of noise mitigation measures prior to occupation as stated within the noise report. An advisory in respect of working hours has been advised.
- 5.3      The Private Sector Housing Officer has no objection but has stated that appropriate ventilation, fire prevention detection measures, emergency lighting and fire blankets are required within the building.
- 5.4      The Housing Strategy and Development Officer raises no objection and has not requested an affordable housing contribution.
- 5.5      The Business and Projects Manager (Environment) would not require on-site provision of open space or a financial contribution towards off-site provision as 10 dwellings are proposed.
- 5.6      The County Council as Highways Authority raise no objection following the submission of amended plans but have requested a condition that all windows and doors on the corner elevation of the building should open inwards to prevent any overhang onto the highway.
- 5.7      The County Council as Lead Local Flood Authority (LLFA) initially objected to this application in the absence of a drainage strategy. Further information has been provided and the comments of the LLFA are awaited.
- 5.8      The County Council Planning Policy team have not requested a transport or education contribution.
- 5.9      The Environment Agency were consulted but did not provide comments as the site is within Flood Zone 2 and standing advice applies.
- 5.10     Severn Trent Water Ltd were consulted but did not provide comments.
- 5.11     A site notice and amended site notice were posted and nine neighbouring properties were consulted. Six responses were received (four objecting and two observations). Comments received can be summarised as follows:
- Plans are missing information in regards to the dimensions of the building and internal measurements
  - Design and Access Statement states a separate planning statement has been prepared but unable to find this and states the flats will be affordable but numbers have not been provided to support this
  - Concerns with parking as no spaces are provided
  - Limited parking in area which already encourages parking on double yellow lines on Hawthorn Grove
  - Flats should be reduced and parking increased

- Part of building is four storeys which will impact on daylight/sunlight received by direct surrounding properties
- Block views
- All light would be blocked to loft window (which is a primary window) in side elevation of no. 145
- Overlooking from roof terrace and rear windows facing Hawthorn Grove
- Sense of enclosure
- Density is too high
- East elevation is three storeys high with a flat roof and is featureless
- The design does not fit in with surrounding design of the area due to the location on the corner and the size/height of the building
- Advertisement on side of no. 145 provides annual income would be blocked
- Loss of revenue for landlords
- Unfair to penalise landlords who provide adequate sized accommodation as opposed to a development that does not meet the Government's guidelines on space standards
- New build is for the graduate market and therefore should have a communal room as the feeling of seclusion could impact their mental state
- East side of building will block light to adjoining alleyway which will be a security hazard, especially when used at night
- Better use of space than the business that occupies it

Comments received in relation to amended plans for 10 apartments can be summarised as follows:

## 6 Appraisal

6.1 The main issues are considered to be the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, parking, the loss of employment land, the relationship to neighbouring properties and if satisfactory financial contributions are proposed.

## 6.2 **Principle**

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

6.2.2 Whilst it is acknowledged there will be a loss of a small car sales business, it is considered the loss is outweighed by the proposal of residential units which make an efficient use of the land. Whether there is sufficient space for 10 apartments and the impact a development of this size will have on neighbouring properties will be discussed below.

## 6.3 **Flood Risk**



- 6.3.1 The site is relatively flat and is located within Flood Zone 2 which is land with a medium probability (between 1 in 100 and 1 in 1000) of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency were consulted on this application and did not provide comments due to the site being located within Flood Zone 2 and being subject to standing advice.
- 6.3.2 Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding. A Sequential Test has also been submitted with the application which concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.
- 6.3.3 From reviewing the FRA, it is considered that flood risk issues have been satisfactorily addressed. The FRA has addressed the probability of flooding, climate change, flood resilience measures within the design of the building, floor levels in relation to the probability of flooding and off-site and residual risks. The FRA states that new hardstandings are to be constructed using porous paving and the existing site is mostly made of impermeable surfacing so the proposal will not increase run-off. It is considered the development is acceptable in terms of dealing with the issues of flooding.
- 6.3.4 The Lead Local Flooding Authority has objected due to the absence of a drainage strategy. Further information has been provided to overcome this objection.
- 6.3.5 To conclude, within Beeston there are substantial areas which are within Flood Zone 2 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 housing in areas of substantial need. Sequentially, it is considered the site is acceptable and it can be viewed positively and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.

#### 6.4 **Amenity**

- 6.4.1 During the course of the application the plans were amended to reduce the building in size, reduce the number of apartments (from 13 apartments to 10), reduce and reposition the fenestration, remove the roof terrace and introduce a boundary fence. Concerns have been raised in regards to the impact the building will have on a loss of light/sunlight to the adjoining neighbours and the creation of a sense of enclosure.
- 6.4.2 No. 1 Hawthorn Grove is a semi-detached dwelling adjoining the south east of the site. The plans were amended to remove the majority of the third floor and all windows above the ground floor level in the south east elevation of the building. The third floor element of the proposed building is relatively in line with the main east (rear) elevation of no. 1 and is set back 1.2m from the adjoining boundary.

Beyond this, the building reduces to two storeys and is set back 3.4m from the boundary with no. 1. A 2.5M high fence is proposed across the boundary with no. 1 which will largely obscure the ground floor windows from view. Whilst it is acknowledged the building is positioned to the north west of no. 1 and will cause some loss of light to the rear garden, it is considered the separation distance, reduction in height and removal of first and second floor windows is sufficient that an acceptable amount of amenity will be retained and there will not be a detrimental impact on a loss of sunlight or daylight. No. 1 has a second floor window in the north west (side) elevation. It is acknowledged the three storey element of the building will be opposite this window causing a loss of light but it is considered the separation distance of 3.2m is sufficient that it would not be detrimental to the light received into this window that would warrant refusal of the application.

- 6.4.3 A large portion of the third floor of the building facing the north east has been removed and the fenestration has been changed so that three windows which will be obscurely glazed and fixed shut, face the south west (side) elevation of no. 145 Queens Road. It is considered necessary to condition these windows accordingly to protect the amenity of the adjoining neighbours. No. 145 has a second floor window which is the only source of light to a primary room. Given the removal of part of the third floor and the separation distance of 9.4m from the third floor, it is considered the impact on this window is acceptable. Whilst it is acknowledged no. 145's garden is positioned to the south east of the building, it is considered the main impact of the building will be the two storey element which could be compared to the impact a house may have.
- 6.4.4 To conclude, it is acknowledged that no. 1 Hawthorn Grove and no. 145 will be most directly affected by the development but due to the reduction in the height of the building, removal of the roof terrace, carefully placed windows and the separation distance of 3.4m from part of the building to the south east boundary, it is considered the impact on these neighbours is acceptable.
- 6.4.5 It is considered the proposed building is a sufficient distance from the remaining neighbours consulted that there will not be a detrimental impact on their amenity.
- 6.4.6 With regards to the amenity of the prospective occupiers, whilst apartments 3 and 8 are relatively small, it is considered all of the apartments are an acceptable size and would have an adequate outlook to provide an acceptable standard of living. Although no outdoor amenity space is provided, this is commonly accepted with flats. However, the building is within walking distance to Broadgate Recreation Ground. It is considered the amenity of the future occupants has been considered adequately.
- 6.4.7 To conclude, it is accepted the difference of a car sales business to an apartment block on this plot of land is relatively significant but after seeking amendments from the applicant in order to reduce the size of the building, it is considered the development is acceptable in regards to impact on neighbour amenity.

## 6.5 Design and Layout

- 6.5.1 Policy 10 of the Aligned Core Strategy sets out design and layout principles to be applied to new development and looks to ensure that valued local characteristics

are reinforced. Local Plan Policy H7 states that residential development on sites within the existing built-up area will be permitted provided the development would not result in an undesirable change in the character or appearance of the area and the development of a larger area is not prejudiced.

6.5.2 It is considered the proposed building positively addresses the street scene from the frontage. The three storey part of the building creates a focal point for the development without creating an overbearing appearance to the adjoining residential properties. The surrounding area has a mix of buildings alongside the typical residential dwelling. Mecca bingo is a large flat roof building positioned to the south and there is a terrace of flat roof buildings to the north (Subway/KFC/One Stop/Papa Johns). There is a three storey apartment block (Fountains Court) positioned to the north west. The Methodist Church positioned to the south west is a prominent building along Queens Road. Considering the mix of designs, materials and variance in heights and number of flats roofs, it is considered a contemporary, flat roof building would not appear out of character with the surrounding area.

6.5.3 The building will be constructed using red and brown bricks, black aluminium cladding and render. It is considered the recessed windows and cladding on the front and side elevations break up the massing of the building and provide visual interest. The varying height from three to two storeys softens the appearance of the building in the street scene. The roller shutter door in south west (side) elevation will have perforations to provide a degree of visibility through this section of the building. To conclude, it is considered the proposed building achieves an acceptable level of design that is not out of keeping with the surrounding area.

## 6.6 Parking

6.6.1 It is evident within the consultation responses that there is concern that the development does not include any parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area.

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

6.6.3 The site lies within a sustainable location with access to regular bus services along Queens Road and within walking distance of the tram and Beeston town centre. Hawthorn Grove has double yellow lines restricting parking which would deter an increase of parking along this road. The Highways Authority have not raised any concern in relation the lack of parking. As the apartments are one bedroom, it is considered likely that car ownership associated with the building will be low. However, it is acknowledged that there is likely to be an increase in parking in the surrounding area but for the reasons set out above it is considered this would not

be detrimental to highway safety. Therefore, it is considered that a pragmatic approach needs to be taken in respect of developing this plot of land for residential development.

## 6.7 Financial Contributions

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

6.7.2 As the site is less than 1ha in size and is for 10 dwellings, no financial contributions have been requested.

## 6.8 Other issues

6.8.1 The developer has advised that the bins will be privately managed.

6.8.2 The plans state the internal measurements of the flats and the overall height and dimensions of the building. The separate planning statement as mentioned in the Design and Access Statement is available to be viewed on the Council's website. Information on the tenure of the flats is not provided within the application and there is no requirement to do so. The loss of revenue to landlords within the area is not a consideration that can be taken into account within a planning application.

## 7 Conclusion

7.1 To conclude, it is considered that significant amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding and drainage has satisfied objections and is considered to be acceptable. Whilst it is acknowledged no parking is provided, it is considered this would not be detrimental to highway safety due to the flats having one bedroom so car ownership is unlikely and the sustainable location of the site. Therefore, it is considered the proposal is acceptable for the reasons set out above.

## **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 drawing numbers: 003 Rev J and 004 Rev N received by the Local Planning Authority on 30 November 2018, drawing number: 006 Rev K received by the Local Planning Authority on 13 December 2018 and drawing number: 002 Rev M received by the Local Planning Authority on 18 December 2018.
3. No development above slab level shall be carried out until samples of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.
4. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.
5. The building hereby approved shall be constructed to include the noise mitigation measures as detailed within section 4 of the noise assessment report ref: 12581.01.v2 dated November 2018. Confirmation of the installation of these measures shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.
6. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
  - (a) numbers, types, sizes and positions of proposed trees and shrubs;
  - (b) planting, seeding/ turfing of other soft landscape areas;
  - (c) details of the site boundary treatments
  - (d) a timetable for implementation of the scheme.

The landscaping scheme shall be carried out in accordance with the approved timetable. If any trees or plants, which, within a period of 5 years, die, are removed or have become seriously damaged or diseased they shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.
7. Prior to the first occupation of the flats hereby approved, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed in accordance with these details.
8. The windows in the north east 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) and fixed shut and retained in this form for the lifetime of the development.
9. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed

in writing with the Local Planning Authority 7 days in advance of being undertaken.

#### Reasons

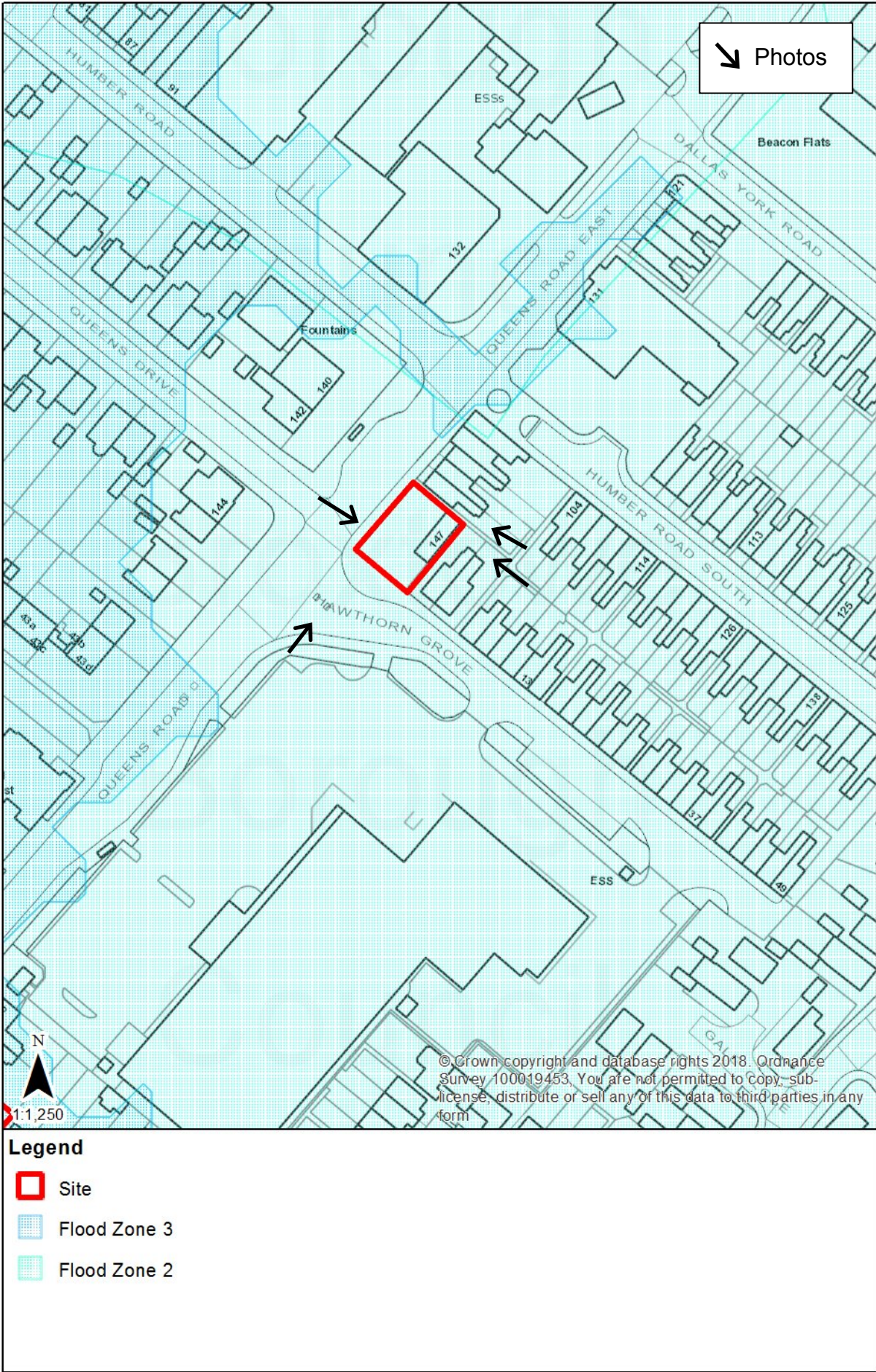
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Full details of materials were not submitted and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
4. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
5. To protect residents from excessive external noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To prevent an increase in flood risk and to improve and protect water quality and in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of the amenities of nearby residents 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 by working to determine this application within the agreed determination date.
2. Given the proximity of residential properties, contractors should limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.

Background papers  
Application case file





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

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**PLANNING APPLICATIONS DEALT WITH FROM  
17 NOVEMBER 2018 TO 21 DECEMBER 2018**

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### **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 I Homer	18/00616/FUL
Site Address	:	28 Burnham Avenue Chilwell Nottinghamshire NG9 5AH	
Proposal	:	<b>Construct single storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Tony Scanlon	18/00652/ADV
Site Address	:	TS Motors Nottingham Road Attenborough NG9 6DP	
Proposal	:	<b>Retain advertisement</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Ms Alice Young	18/00697/FUL
Site Address	:	24 Allendale Avenue Attenborough Nottingham NG9 6AN	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Walton	18/00698/FUL
Site Address	:	26 Audon Avenue Chilwell Nottinghamshire NG9 4AW	
Proposal	:	<b>Construct single storey side / rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Ginger	18/00703/FUL
Site Address	:	19 Farm Road Chilwell Nottinghamshire NG9 5BZ	
Proposal	:	<b>Construct single / two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

#### AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Mr Mike Jones Sequel Developments Ltd	18/00632/FUL
Site Address	:	93 Ilkeston Road Trowell Nottinghamshire NG9 3PY	
Proposal	:	<b>Construct single storey side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Ian & Jackie Camm	18/00633/FUL
Site Address	:	165 Nottingham Road Trowell Nottinghamshire NG9 3PN	
Proposal	:	<b>Construct extension to cattery and relocate quarantine pen</b>	
Decision	:	<b>Refusal</b>	

Applicant	:	Ms Helen Senior	18/00660/FUL
Site Address	:	12 Trowell Grove Trowell Nottinghamshire NG9 3QH	
Proposal	:	<b>Construct single storey side extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs H Holt Awsworth Parish Council	18/00667/FUL
Site Address	:	Awsworth Recreation Ground The Lane Awsworth Nottinghamshire	
Proposal	:	<b>Construct extensions to existing sports pavilion</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr And Mrs P And M Sangha	18/00710/FUL
Site Address	:	6 Cossall Road Trowell Nottinghamshire NG9 3PG	
Proposal	:	<b>Construct 2 storey and single storey rear extensions with Juliet balcony</b>	
Decision	:	<b>Conditional Permission</b>	

## BEESTON CENTRAL WARD

Applicant : C/o Agent 18/00665/PNH  
Site Address : 70 Queens Road East Beeston Nottinghamshire NG9 2GS  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3.6 metres, with a maximum height of 3.9 metres, and an eaves height of 3.1 metres**  
Decision : **Prior Approval Not Required**

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Applicant : Mr K GREENFIELD KLG RUTLAND 18/00681/ADV  
Site Address : 114 Queens Road East Beeston NG9 2FD  
Proposal : **Display 2 externally illuminated fascia signs**  
Decision : **Conditional Permission**

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Applicant : The Owner 18/00736/FUL  
Site Address : 70 Queens Road East Beeston Nottinghamshire NG9 2GS  
Proposal : **Retain tree house**  
Decision : **Conditional Permission**

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## BEESTON NORTH WARD

Applicant : Mr Patric Cassidy Cassidy Group Nottingham Limited 18/00373/MMA  
Site Address : Dagfa House School Ltd 57 Broadgate Beeston Nottinghamshire NG9 2FU  
Proposal : **Minor material amendment to planning permission 17/00607/FUL (Construct student accommodation (providing 136 bed spaces) including bin and cycle stores following demolition of school buildings) to vary condition 2 - substitution of previously approved plans to enable changes to create 9 additional bed spaces (creating a total of 145 bed spaces) including additional windows and rooflights**  
Decision : **Conditional Permission**

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Applicant : Mr Patric Cassidy Cassidy Group Nottingham Ltd 18/00424/MMA  
Site Address : Dagfa House School Ltd 57 Broadgate Beeston Nottinghamshire NG9 2FU  
Proposal : **Minor material amendment to planning permission 17/00608/FUL (Convert Dagfa House and construct student accommodation (to provide 91 bed spaces) following demolition of school buildings. Construct bin and cycle stores) to vary condition 2 - substitution of previously approved plans to enable a revision to positioning of the proposed building.**  
Decision : **Conditional Permission**

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Applicant : Mr Geoff Foreman 18/00715/FUL  
Site Address : 9 Muriel Road Beeston Nottingham NG9 2HH  
Proposal : **Construct single storey rear extension and insert side rooflight (revised scheme)**  
Decision : **Conditional Permission**

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Applicant : Mr Zameer Ahmed 18/00728/PNH  
Site Address : 81 Central Avenue Beeston Nottinghamshire NG9 2QQ  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.5 metres, with a maximum height of 3.0 metres, and an eaves height of 3.0 metres**  
Decision : **Prior Approval Not Required**

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Applicant : Mr Lok Wong 18/00744/FUL  
Site Address : 25 Burrows Avenue Beeston Nottingham NG9 2QW  
Proposal : **Construct detached bungalow, cycle store and refuse storage**  
Decision : **Refusal**

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## BEESTON RYLANDS WARD

Applicant	:	Mr N Kumar	18/00280/FUL
Site Address	:	Land To The Rear Of Metool Reeling Products Ltd Lilac Grove Beeston Nottinghamshire NG9 1PG	
Proposal	:	<b>Construct 3 light industrial units (use class B1) following demolition of existing building</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Chancerygate (Newbridge) Limited	18/00465/FUL
Site Address	:	Beeston Business Park Technology Drive Beeston Nottinghamshire	
Proposal	:	<b>Construct industrial, storage and distribution buildings (use classes B1(c), B2 and B8) and associated car parking, landscaping and yard areas. Retain gatehouse (revised scheme).</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Network Rail (Infrastructure) Ltd	18/00653/LBC
Site Address	:	Beeston Railway Station Station Road Beeston Nottinghamshire NG9 2AB	
Proposal	:	<b>Listed Building Consent to install CCTV cameras</b>	
Decision	:	<b>Conditional Permission</b>	

## BEESTON WEST WARD

Applicant	:	Mr & Mrs Hammond	18/00634/FUL
Site Address	:	90 Bramcote Drive West Beeston Nottinghamshire NG9 1DU	
Proposal	:	<b>Construct side and rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Fraser Abbott The Christmas Tree Company	18/00638/FUL
Site Address	:	92 - 100 Wollaton Road Beeston Nottinghamshire	
Proposal	:	<b>Use of land for retail (sale of Christmas trees) for up to 32 days/year</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr F Abbott The Christmas Tree Company	18/00639/ADV
Site Address	:	92 - 100 Wollaton Road Beeston Nottinghamshire	
Proposal	:	<b>Display banner</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Miss Fravolini	18/00641/FUL
Site Address	:	21B Chilwell Road Beeston Nottinghamshire NG9 1EH	
Proposal	:	<b>Retain rear extension to beauty salon</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs I & R Collins	18/00688/FUL
Site Address	:	4 Holden Road Beeston Nottingham NG9 1AP	
Proposal	:	<b>Demolition of existing bungalow &amp; construction of new dormer bungalow</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Max Oliver	18/00767/PNH
Site Address	:	25 Cyril Avenue Beeston Nottinghamshire NG9 1DS	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.65 metres, with a maximum height of 3.9 metres, and an eaves height of 2.4 metres</b>	
Decision	:	<b>Prior Approval Not Required</b>	

## BRAMCOTE WARD

Applicant	:	Mr & Mrs Lockwood	18/00657/FUL
Site Address	:	81 Valmont Road Bramcote Nottinghamshire NG9 3JD	
Proposal	:	<b>Construct single storey extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Miss K Morris	18/00656/FUL
Site Address	:	54 Rufford Avenue Bramcote Nottinghamshire NG9 3JH	
Proposal	:	<b>Construct single storey side and rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Chris Hall	18/00658/FUL
Site Address	:	49 Burnside Drive Bramcote Nottingham NG9 3EF	
Proposal	:	<b>Construct two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms H Wharton	18/00683/FUL
Site Address	:	14 Moor Lane Bramcote Nottinghamshire NG9 3FH	
Proposal	:	<b>Construct single storey side and rear extensions, extend patio and install rooflight</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Ms R Wilson	18/00693/FUL
Site Address	:	6 Finsbury Road Bramcote Nottingham NG9 3FZ	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Joe Clarke & Chris Nicklin.	18/00699/FUL
Site Address	:	2 Rydal Drive Beeston Nottingham NG9 3AX	
Proposal	:	<b>Construct single/two storey rear extension and external alterations including new rooflights, windows and doors, rendering and pitched roof over side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Ian and Helen Macdonald	18/00712/FUL
Site Address	:	1A The Home Croft Bramcote Nottinghamshire NG9 3DQ	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs Bird	18/00721/FUL
Site Address	:	2 Troutbeck Crescent Bramcote Nottingham NG9 3BP	
Proposal	:	<b>Construct single storey rear extension and rear patio (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr DAVID BAKER	18/00724/FUL
Site Address	:	45 Rufford Avenue Bramcote Nottingham NG9 3JG	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr J Fazal	18/00732/FUL
Site Address	:	4 Thoresby Road Bramcote Nottinghamshire NG9 3EY	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
<b>BRINSLEY WARD</b>			
Applicant	:	A. Birch	18/00686/FUL
Site Address	:	62 Broad Oak Drive Brinsley Nottingham NG16 5DJ	
Proposal	:	<b>Construct single storey side/rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
<b>CHILWELL WEST WARD</b>			
Applicant	:	Mr Hon Winning Link Consultant Limited	18/00541/FUL
Site Address	:	Land To The Rear Of 5 Pearson Avenue Chilwell Nottinghamshire NG9 4GQ	
Proposal	:	<b>Construct two dwellings</b>	
Decision	:	<b>Conditional Permission</b>	
<b>EASTWOOD HALL WARD</b>			
Applicant	:	Mr Wm Morrisons Wm Morrisons Supermarket Plc	18/00563/FUL
Site Address	:	Morrisons Kelham Way Eastwood Nottinghamshire NG16 3SG	
Proposal	:	<b>Installation of retail unit on car park</b>	
Decision	:	<b>Withdrawn</b>	

## EASTWOOD ST MARY'S WARD

Applicant	:	Mr & Mrs B Egglestone	18/00543/FUL
Site Address	:	7 Coppice Drive Eastwood Nottinghamshire NG16 3PL	
Proposal	:	<b>Construct two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Kane Oliver	18/00623/FUL
Site Address	:	7 Nottingham Road Eastwood Nottinghamshire NG16 3AP	
Proposal	:	<b>External alterations and change of use from bank (Class A2) to Hotel &amp; Gin Bar (Class C1 &amp; A4)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr C Brown	18/00711/FUL
Site Address	:	10 Addison Villas Eastwood Nottinghamshire NG16 3JA	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr M Willett Lawrence and Bright (Property Management)	18/00738/PNH
Site Address	:	145 Nottingham Road Eastwood Nottinghamshire NG16 3GH	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.840 metres, with a maximum height of 2.750 metres, and an eaves height of 2.600 metres</b>	
Decision	:	<b>Withdrawn</b>	

## GREASLEY WARD

Applicant	:	Mr William McDonald	18/00645/FUL
Site Address	:	141 Main Street Newthorpe Nottinghamshire NG16 2DH	
Proposal	:	<b>Construct single storey extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr R Baverstock	18/00664/FUL
Site Address	:	1 Gorse Close Newthorpe Nottinghamshire NG16 2BZ	
Proposal	:	<b>Construct front extension including infill, side and rear extensions and boundary wall</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Ron Patel	18/00675/ROC
Site Address	:	493 Nottingham Road Giltbrook Nottinghamshire NG16 2GG	
Proposal	:	<b>Variation of condition 3 (Opening hours ) of Planning Ref: 17/00443/FUL (revised application)</b>	
Decision	:	<b>Refusal</b>	

Applicant	:	Mr & Mrs N Street	18/00677/FUL
Site Address	:	108 Acorn Avenue Giltbrook NG16 2WJ	
Proposal	:	<b>Construct first floor side extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs P Bentley	18/00685/FUL
Site Address	:	Wren Cottage 39 Moorgreen Newthorpe Nottinghamshire NG16 2FD	
Proposal	:	<b>Construct two-storey and single-storey rear extension</b>	
Decision	:	<b>Refusal</b>	

Applicant	:	Mr Wayne Rickett	18/00704/FUL
Site Address	:	1 Ludlam Avenue Giltbrook Nottinghamshire NG16 2UL	
Proposal	:	<b>Construct single storey side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

## KIMBERLEY WARD

Applicant	:	Mr & Mrs D Allsop	18/00568/FUL
Site Address	:	46 Newdigate Street Kimberley Nottinghamshire NG16 2NJ	
Proposal	:	<b>Create two off road parking spaces and construct retaining 2m high wall</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Paul Wilkinson	18/00654/FUL
Site Address	:	Lawn Mills Cottage Gilt Hill Kimberley Nottinghamshire NG16 2GY	
Proposal	:	<b>Partial raising of ridge height and install two dormer windows</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Lee Carroll	18/00659/FUL
Site Address	:	2 Speedwell Lane Kimberley Nottinghamshire NG16 2HW	
Proposal	:	<b>Construct single storey side extensions and new front porch</b>	
Decision	:	<b>Conditional Permission</b>	

## NUTHALL EAST & STRELLEY WARD

Applicant	:	Mrs Laura Hampson	18/00572/FUL
Site Address	:	39 Springfield Drive Nuthall Nottinghamshire NG6 8WD	
Proposal	:	<b>Construct two storey side extension and alterations to detached garage</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Tim Bousfield	18/00672/FUL
Site Address	:	24 Highfield Road Nuthall Nottinghamshire NG16 1BS	
Proposal	:	<b>Erect fence and gates, including removal of hedge</b>	
Decision	:	<b>Conditional Permission</b>	

## STAPLEFORD NORTH WARD

Applicant	:	Mr & Mrs Richard Adam	18/00608/FUL
Site Address	:	5 Coventry Lane Bramcote Nottingham NG9 3GG	
Proposal	:	<b>Construct single storey side and rear extension and vehicle hard standing and dropped kerb (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Byrne	18/00689/FUL
Site Address	:	11 Churchill Drive Stapleford Nottinghamshire NG9 8PE	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

## STAPLEFORD SOUTH EAST WARD

Applicant	:	Mr & Mrs J Barter	18/00561/FUL
Site Address	:	11 Brampton Drive Stapleford Nottinghamshire NG9 7JJ	
Proposal	:	<b>Construct two storey side and single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr Richard Wherry Jessops Construction Ltd	18/00651/REM
Site Address	:	Pinfold Trading Estate & Nags Head Nottingham Road Stapleford Nottinghamshire	
Proposal	:	<b>Construct 10 dwellings with associated parking, landscaping and boundary treatments with amendments to approved site access (reserved matters relating to planning permission reference 15/00285/FUL)</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs Shazia Ashraf	18/00702/FUL
Site Address	:	23A Nottingham Road Stapleford Nottinghamshire NG9 8AB	
Proposal	:	<b>Retain raised platform and new doors</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mrs Harrison	18/00723/FUL
Site Address	:	46 Blake Road Stapleford Nottinghamshire NG9 7HL	
Proposal	:	<b>Construct two storey extension</b>	
Decision	:	<b>Conditional Permission</b>	

Applicant	:	Mr & Mrs Searston	18/00743/CLUP
Site Address	:	123 Ewe Lamb Lane Bramcote Nottinghamshire NG9 3JW	
Proposal	:	<b>Certificate of lawful development to construct single storey rear extension</b>	
Decision	:	<b>Withdrawn</b>	
<b>TOTON &amp; CHILWELL MEADOWS WARD</b>			
Applicant	:	Mr & Mrs J Goldsbury	18/00625/FUL
Site Address	:	26 Leafe Close Chilwell Nottinghamshire NG9 6NR	
Proposal	:	<b>Construct single storey front / rear and two storey side / rear extensions</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Kim Johal	18/00630/FUL
Site Address	:	9 Stapleford Lane Toton Nottinghamshire NG9 6FZ	
Proposal	:	<b>Construct single storey rear and two storey front extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mrs Christine Norman	18/00674/FUL
Site Address	:	4 Kirkland Drive Chilwell Nottinghamshire NG9 6LX	
Proposal	:	<b>Construct two storey side and single storey rear extensions, and conversion of one garage to living accommodation</b>	
Decision	:	<b>Conditional Permission</b>	
<b>WATNALL &amp; NUTHALL WEST WARD</b>			
Applicant	:	Mr G. Brown	18/00644/FUL
Site Address	:	8 Edward Road Nuthall Nottinghamshire NG16 1DB	
Proposal	:	<b>Construct two storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Aspen Infrastructure Ltd	18/00694/ROC
Site Address	:	Land Off Long Lane Watnall NG16 1HY	
Proposal	:	<b>Variation of condition 4 of Planning Ref: 15/00525/FUL (life of the solar farm)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Steve Coucill	18/00708/FUL
Site Address	:	19 Edward Road Nuthall Nottinghamshire NG16 1DB	
Proposal	:	<b>Construct single storey side/rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr J Sills	18/00740/PNH
Site Address	:	81 Main Road Watnall Nottinghamshire NG16 1HE	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 10 metres, with an eaves height of 3.00 metres</b>	
Decision	:	<b>Refusal</b>	
Applicant	:	Mr Duncam Smith	18/00742/FUL
Site Address	:	63 Laurel Crescent Nuthall Nottingham NG16 1EW	
Proposal	:	<b>Construct two storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr R Phillips	18/00778/PNH
Site Address	:	40 Maple Drive Nuthall Nottinghamshire NG16 1EJ	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.0 metres, with a maximum height of 3.48 metres , and an eaves height of 2.9 metres</b>	
Decision	:	<b>Prior Approval Granted</b>	



## Report of the Chief Executive

### VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY

Variations are proposed to the Section 106 Agreement which deviate from the decision taken by members of Planning Committee and therefore require the approval of the Members.

#### 1 History and details of the Application

- 1.1 In December 2015 planning permission and Listed Building Consent was granted for a hybrid application at Kimberley Brewery (13/00570/FUL and 13/00571/LBC). This application related to the construction of 78 dwellings, including details of access and scale, all other matters reserved (outline) and a full application for change of use of Maltings No. 1 to 18 apartments and the tower to 2 apartments and the construction of a 3-storey building to comprise 24 new apartments. These applications were granted at Planning Committee, subject to the signing of a Section 106 legal agreement.
- 1.2 This legal agreement was worded to ensure that the historical buildings within the Brewery yard were repaired and converted prior to the completion of more than 10 new build properties (part of the 78 dwellings making up the outline part of the permission) within 'Area 3' of the site. This area is located within the woodland. The agreement was required to be worded in such a way so to ensure that the historical buildings within the site were bought back into beneficial use, rather than left to deteriorate further, in favour of the more easy to construct new build properties.
- 1.3 Members will recall approving planning applications for amended schemes within the brewery yard in March of 2018. These were approved subject to the prior signing of a Section 106 Agreement which was required to ensure that the requirements of the original agreement still 'bite'.

#### 2 Original requirements and proposed variations

- 2.1 The original Section 106 Agreement secures the following main obligations:
  - Not to permit the practical completion of any dwellings within Area 1 until the initial repair works have been completed
  - Not to permit any site clearance within Area 3 until the owner has completed all repair works.
  - Not to permit the commencement of more than 10 dwellings within Area 3 until the units within the tower and maltings have achieved practical completion and been fitted out for conversion and the new build apartments are completed to first floor level.
  - Not to permit practical completion of more than 10 dwellings within Areas 3 until the new build apartments have been constructed to watertight level.
- 2.2 The permissions approved by Planning Committee in March 2018 have resulted in the need to complete a new Section 106 agreement to ensure that the

obligations will continue to bind development carried out pursuant to these latter permissions and also reflect the altered development i.e. the changes from new build apartments to the 14 town houses approved under planning reference 17/00701/FUL.

- 2.3 Fairgrove Homes now also want to be able to sell the tower off as a separate project and do not want to be bound by a restrictive obligation requiring them to undertake works to the tower before building the remaining dwellings that make up the 78 approved under the outline permission. They therefore wish to make the following main amendments to the Section 106 Agreement:

- Removal of the need to undertake repair works to the tower prior to the practical completion of 10 or more dwellings within Area 3, instead proposing to undertake the initial repair works within 3 years and all the repair works within 5 years.
- Removal of the need to fit out for conversion the tower building.

Following a meeting involving Cllrs, representatives of Fairgrove Homes their Lawyers, Planners and lawyers from BBC the issue of the tower was discussed in detail on Friday 14 December. The fundamental concern is that if the tower is separated from the remainder of the site in the S106 then the Council's ability to enforce any required works to the tower is diminished. The applicants solicitor sent an email on 17 December with an alternative proposal in an effort to allay these concerns. This states that, in order to provide the council with the enforceability they require in respect of the tower, Fairgrove Homes Limited will also enter into the Section 106 Agreement to provide a covenant. Fairgrove Homes Limited would covenant with the council to undertake all internal and external repair works and it was proposed that this would be a S106 obligation which would bind the tower in any ownership, and that Fairgrove Homes Limited would not be released from its obligation until all the repair works are completed. They still however wish to remove any requirement to fit out the tower, either within a given timeframe or completion of a number of dwellings.

- 2.4 Other less significant amendments relate to a change in the wording relating to the new build building within the Brewery Yard and the trigger points for this building.

### 3. Legal advice

- 3.1 The Council has received legal advice on the proposed changes to the section 106 agreement. This is set out in the exempt report elsewhere in the agenda and this should be considered in the context of securing housing delivery in Kimberley and the whole borough.
- 3.2 The recommendation below takes account of this legal advice. The essential questions for the Committee are whether they have sufficient assurance that the works to the tower will be carried out and that there are adequate mechanisms, though contractual commitments, access rights and guarantee / bonding arrangements to secure this.

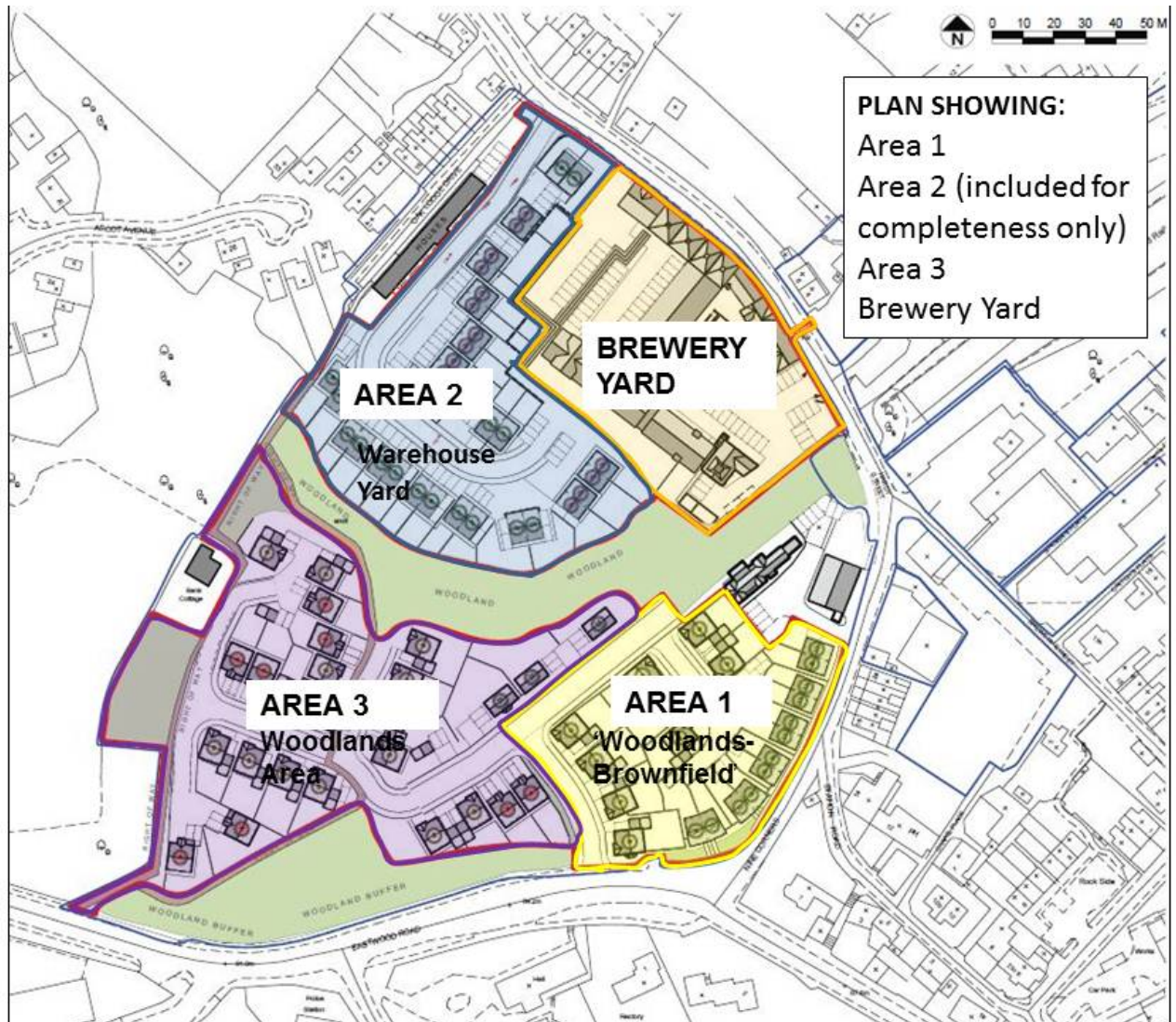
**4. Housing Delivery**

- 4.1 The risks of securing the works to the Tower need to be viewed in the context of housing delivery overall.
- 4.2 The required housing delivery in Kimberley is set in the Aligned Core Strategy at 'up to 600 homes' between 2011 and 2028. Evidence in the SHLAA is that 532 new homes will be completed during this time. This includes 118 on the site comprising the Council's depot and Kimberley Caravans, both of which need alternative sites, and 122 on the whole of the Kimberley Brewery site.
- 4.3 As at March 2018 10 of the dwellings on the Brewery site were complete leaving a further 112 to be built, all of which are in the Council's 'Five Year Housing Land Supply'.

**Recommendation**

**The Committee is asked to consider the legal advice and RESOLVE accordingly.**

Background papers  
Application case file



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