



Tuesday, 5 February 2019

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 13 February 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) G Marshall
D Bagshaw J K Marsters
J S Briggs P J Owen
T P Brindley R S Robinson
M Brown P D Simpson

AGENDA

1. APOLOGIES

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 - 14

The Committee is asked to confirm as a correct record the minutes of the meeting held on 9 January 2019.

4. NOTIFICATION OF LOBBYING

5. PROPOSED DIVERSION OF BEESTON FOOTPATH
NUMBER 55 - WILMOT LANE, BEESTON, NOTTINGHAM

PAGES 15 - 24

This item is brought to Committee to make a diversion Order under the Town and Country Planning Act 1990 following an application received by the Council for a public path diversion order to stop up and divert part of Beeston footpath number 55 to allow for development to take place. The existing footpath runs through the former Myfords site on Wilmot Lane.

6. DEVELOPMENT CONTROL

6.1 18/00687/FUL

PAGES 25 - 40

Enhanced drainage/biodiversity attenuation storage infrastructure works common to application reference 15/00010/FUL to ensure direct downstream discharge of surface water from the new proposed developments to the existing watercourse
Land off Thorn Drive and West of the Pastures, Thorn Drive, Newthorpe

6.2 18/00873/FUL

PAGES 41 - 48

Change of use from retail (Class A1) to hot food takeaway (Class A5)
42 Derby Road, Stapleford, Nottinghamshire, NG9 7AA

6.3 18/00808/ROC

PAGES 49 - 56

Variation of condition 1 (the development shall be carried out in accordance with the proposed location plan and floor plans...) of planning ref: 17/00245/REM
178 Moorgreen, Newthorpe, Nottinghamshire, NG16 2FE

6.4 18/00737/FUL

PAGES 57 - 72

Change of use from public house (Class A4) to a House in Multiple Occupation comprising 3 flats (total 18 bedrooms) including side extension above flat roof, dormers to front and rear and external alterations
Queens Hotel, 189 Queens Road, Beeston, NG9 2FE

- 6.5 18/00791/FUL PAGES 73 - 88
Installation of a natural gas energy facility and associated infrastructure
Land off Long Lane, Watnall, Nottinghamshire, NG16 1HY
- 6.6 18/00628/FUL PAGES 89 - 102
Construct seven dwellings, including associated access road, garaging, parking and landscaping
Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT
- 6.7 18/00607/FUL PAGES 103 - 124
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
- 6.8 18/00794/FUL PAGES 125 - 132
Construct replacement stable block
69 Hobsic Close, Brinsley, Nottinghamshire, NG16 5AX
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 Appeal Decisions PAGES 133 - 138
- 7.3 Delegated Decisions PAGES 139 - 144
8. 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 1, 2, and 3 of Schedule 12A of the Act.

9. HIGH HEDGE REMEDIAL NOTICE

PAGES 145 - 148

PLANNING COMMITTEE

WEDNESDAY, 9 JANUARY 2019

Present: Councillor L A Ball BEM, Vice-Chair in the Chair

Councillors: D Bagshaw
J S Briggs
T P Brindley
M Brown
E Cubley (substitute)
R I Jackson
R D MacRae
G Marshall
J K Marsters
P J Owen
M Radulovic MBE
P D Simpson

Apologies for absence were received from Councillors M Handley and R S Robinson

37 DECLARATIONS OF INTEREST

Councillor G Marshall declared a non – pecuniary interest in item 6.1 as his partner had recently taken out a lease on a commercial property on Chilwell Road. Minute number 41.1 refers.

Councillor P D Simpson declared a non-pecuniary interest in item 6.4 as he was distantly related to a neighbour. Minute number 41.4 refers.

38 MINUTES

The minutes of the meeting on 5 December 2018 were confirmed and signed as a correct record.

39 NOTIFICATION OF LOBBYING

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

40 LOCAL PLAN PART 2 UPDATE

The Head of Neighbourhoods and Prosperity informed the meeting that good progress was being made on the Local Plan Part 2. The Committee was

reminded that when sites were not delivered on previously developed sites, it could lead to an increase in development on the Green Belt.

41 DEVELOPMENT CONTROL

41.1 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

The late items for this item were noted, including an email from a resident neighbouring the site, an amendment to the notes and a communication from Beeston and District Civic Society requesting that nest bricks for swifts be included in the design.

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

The Committee noted that the applicant had included two additional parking spaces and had identified a point of contact for residents, as requested. There was a discussion about the impact on light to neighbouring properties. It was noted that the solar studies had been submitted with the application and these were considered.

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 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 for details.
4. The proposed off-site works require a Traffic Regulation Order. 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.

41.2 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 had requested this application be determined by Planning Committee.

There were late items pertaining to the application which were considered, including a correction to the report and a letter from a neighbour outlining their concerns.

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

The debate covered concerns regarding the changing character of the parts of Beeston neighbouring the University, the need for the Local Plan to address student accommodation, the size of the development and the number of car parking spaces that had been proposed.

There followed a discussion about the need for starter homes in Beeston.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the item be deferred to allow the developer an opportunity to provide additional parking on site. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow discussions with the applicants regarding increasing parking provision within the site.

- 41.3 18/00729/FUL
Construct two dwellings
Land to the rear of 53 Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

This application was withdrawn prior to the meeting.

- 41.4 18/00695/FUL
Construct new detached masonry double garage
Temple Lake House, 53a Kimberley Road, Nuthall, Nottinghamshire, NG16 1DA

Councillor J M Owen had asked that this application be determined by the Committee.

There were no late items for the Committee to take note of.

Mr Paul Singh, the applicant and Councillor J M Owen, Ward Member, made representations to the Committee prior to the general debate.

The debate included consideration of the proximity of the proposed garage to the neighbour and the adverse effect of the garage on the character of the area, which was considered contrary to the Nuthall Neighbourhood Plan. There was an acceptance of the need for the garage, but it was noted that there were a number of potential locations that would be more appropriate, as they would not impact on neighbour amenity.

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.

Reasons

1. The proposed development by virtue of its scale and siting close to the west boundary of the site will have a detrimental impact on the neighbouring property at The Old Orchard, 7b Edward Road, resulting in an unacceptable loss of amenity for the neighbouring property, contrary to Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy and Policy 17 of the Draft Broxtowe Part 2 Local Plan (2018).
2. The proposed development will be out of keeping with the character of the area, contrary to Policy H11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy, Policy 17 of the Draft Broxtowe Part 2 Local Plan (2018) and Policy 5 of the Nuthall Neighbourhood Plan.

41.5 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 had requested that this application be determined by Planning Committee.

There were no late items for the Committee to take into consideration when determining this decision.

Ms Gemma Haigh, the applicant and Councillor J W McGrath, Ward Member, made representation to the Committee prior to the general debate.

Support was noted for the business and it was considered to be a positive addition to Stapleford Town Centre. Although concerns about parking were noted, it was also noted that the premises had planning permission for a shop, which could generate similar levels of parking demand.

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 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.**

41.6 18/00516/FUL

Erect 10 one bedroom apartments

147 - 151 Queens Road, Beeston, Nottinghamshire, NG9 2FE

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

A number of late items were brought to the attention of the Committee for consideration with regard to this item, including confirmation from the Lead Local Flood Authority that they had no objections to the scheme, alongside the requisite changes to condition 7 and a communication outlining concerns from a neighbour.

Ms Heather Blackwell, objecting and Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The debate focused on the number of flats that were proposed for the size of the plot being over intensive, the quality of life for future occupants and the lack of any car parking spaces specifically for the development. There was concern about the impact on neighbouring properties and the character of the area.

It was proposed by Councillor P J Owen and seconded by Councillor R I Jackson that the item be deferred to a future meeting to allow time for the

applicant to consider providing car parking spaces and reducing the size of the development from three to two storeys. On being put to the meeting the motion was carried.

RESOLVED that the application be deferred.

Reason

To allow for discussion with applicant about provision of parking on site and reduction in size of development from three to two storeys.

42 INFORMATION ITEMS

42.1 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.

42.2 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 17 November 2018 to 21 December 2018.

43. VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY, KIMBERLEY

Variations to the Section 106 Agreement were proposed which deviated from the decision taken by members of Planning Committee and therefore required the approval of the Members.

Mr Steven Midgley, the applicant, made representation to the Committee prior to the general debate.

44 EXCLUSION OF PUBLIC AND PRESS

RESOLVED 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 involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Schedule 12A of the Act.

45 VARIATION TO SECTION 106 AGREEMENT KIMBERLEY BREWERY,
KIMBERLEY

RESOLVED that the section 106 agreement be amended as follows:

- **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 two years and all the repair works within five years.**
- **Removal of the need to fit out for conversion the tower building.**

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Report of the Chief Executive**PROPOSED DIVERSION OF BEESTON FOOTPATH NUMBER 55 – WILMOT LANE, BEESTON, NOTTINGHAM**1. Purpose of report

- 1.1 This item is brought to Committee to make a Diversion Order under the Town and Country Planning Act 1990 following an application received by the Council for a public path diversion order to stop up and divert part of Beeston footpath number 55 to allow for development to take place. The existing footpath runs through the former Myfords site on Wilmot Lane, Beeston, Nottingham.

2. Details

- 2.1 Planning permission was granted on 24 May 2018 (planning reference 17/00723/FUL) for the construction of 47 dwellings, retail unit (Class A1), car parking and highway infrastructure.
- 2.2 The application to stop up part of the route of Beeston footpath number 55 and divert this footpath has been submitted in order to enable development to take place.
- 2.3 The current footpath meanders from north to south within a corridor from Wilmot Lane to the High Road. The diversion is to take pedestrians around the edge of the proposed convenience store car park to re-join the route.
- 2.4 The section of the existing footpath to be diverted is approximately 45m in length and runs north to south along Wilmot Lane, the section of path to be diverted runs between points A and B on the attached plan, the diversion is to take pedestrians around the edge of the proposed convenience store car park to re-join the existing route (grid references Point 'A' East 452538 - North 336338 and Point 'B' East 452528 – North 336365).
- 2.5 The Agent acting for the owner has confirmed that a pre-order consultation has been carried out with letters having been sent to the Rights of Way Officer at Nottinghamshire County Council, the Ramblers Association and other interested parties. The Council are informed that no objections were received.

3. Planning Considerations

- 3.1 Section 257 of the Town and Country Planning Act 1990 states that a competent authority may by order authorise the stopping up or diversion of any footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out in accordance with a planning permission. The procedure for doing so is set out in Schedule 14 of the Town and Country Planning Act 1990.
- 3.2 S7.15 of the Rights of Way Circular (1/09) advises that in the making of an order for the diversion of a Public Right of Way to enable approved development:

'The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order.

The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'

3.3 S7.8 of the Rights of Way Circular (1/09) states:

'In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estates paths through landscaped or open space areas away from vehicular traffic'.

3.4 The main planning considerations in the determination of this application are that the existing footpath runs through the proposed development which when built would obstruct the footpath. It is therefore necessary to create a replacement route which allows safe access and movement for walking members of the public through the site and creates an acceptable alternative route with little impact on the locality.

4. Legal Considerations

4.1 Following pre-order consultations carried out by the developer, s 275 of the Town and Country Planning Act 1990 gives the Council (as the local planning authority), a discretionary power to make an Order for the diversion of a footpath which is necessary to enable development to be carried out in accordance with planning permission. On making the Order, a public notice describing the order must be advertised in the press and the Order placed on deposit for public inspection. This public Notice and Order map must also be placed at each end of the length of public footpath to be diverted. Owners of the land affected by the Order and various statutory consultees must be contacted and served with the Order and Notice and allowed the opportunity to make objections within 28 days from the making of the Order. If no objections are made, the Order may then be recommended for confirmation as an unopposed order. The Order does not become effective until it has been confirmed. Any opposed Orders are sent to the Secretary of State for determination.

4.2 On confirmation of the Order, similar steps to those outlined above must be repeated enclosing a copy of the Confirmed Order. Objectors may challenge the Confirmation in the High Court within six weeks after Notice of the Confirmation is published on the grounds that the Confirmation is outside the

Council's powers or that there has been a procedural defect. The diversion Order does not come into effect until the Council certifies that the provisions of the Order have been complied with.

4.3 In these circumstances, a footpath diversion order is necessary to allow an authorised development to be carried out whilst ensuring the footpath is provided without any disadvantage or loss to members of the public.

4.4 A copy of the order and a plan of the proposed diversion are included at the appendix.

Recommendation

The Committee is asked to RESOLVE that the public path diversion order be made.

Background papers

Nil

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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257

**THE BROXTOWE COUNCIL PUBLIC PATH
(FOOTPATH NO.55 BEESTON) DIVERSION ORDER 2019**

This Order is made by Broxtowe Borough Council under section 257 of the Town and Country Planning Act 1990 because it is satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted on 24 May 2018 under Part III of the Town and Country Planning Act 1990, namely full planning permission for the construction of 47 dwellings, retail unit (Class A1), car parking and highway infrastructure (Planning application reference 17/00723/FUL).

BY THIS ORDER:

1. Part of the footpath over the land situated at Wilmot Lane, Beeston shown as a bold black line on the attached plan and described in Part I of the schedule hereto shall be diverted as provided by this Order.
2. There shall be created to the reasonable satisfaction of Broxtowe Borough Council an alternative highway for use as a replacement for the said footpath as provided in Part II of the schedule and shown as a line of bold black dashes on the plan attached hereto.
3. The diversion of the footpath shall have effect on the date on which it is certified by Broxtowe Borough Council that the provisions of Article 2 above have been complied with.
4. Where immediately before the date on which the footpath is diverted there is apparatus under, in, on, over, along or across it belonging to statutory undertakers for the purpose of carrying on their undertaking, the undertakers shall continue to have the same rights in respect of the apparatus as they then had.
5. This Order may be cited as the Broxtowe Borough Council Public Path (Footpath No. 55 Beeston) Diversion Order 2019.

Dated: Day of February 2019

THE COMMON SEAL of)
BROXTOWE BOROUGH COUNCIL)
was hereunto affixed)
In the presence of :-)

DULY AUTHORISED OFFICER

NAME _____

DULY AUTHORISED OFFICER

NAME: _____

SCHEDULE

PART I

Description of existing path

That part of the footpath approximately 45 metres in length marked as 'Existing Route' and shown as a bold black line on the attached plan running north to south from Wilmot Lane between point 'A' (East 452538 - North 336338) and point 'B' (East 452528 – North 336365).

PART II

Description of site of alternative highway

The alternative highway is marked as 'Proposed Route' and shown as a line of bold black dashes on the plan attached hereto being approximately 45 metres in length and 2 metres wide, constructed of tarmac, between point 'A' (East 452538 - North 336338) and point 'B' (East 452528 – North 336365).

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Nottinghamshire County Council

Development affecting Beeston FP55







Scale 1:1,250
Date 23/03/2018
Produced by David Squires

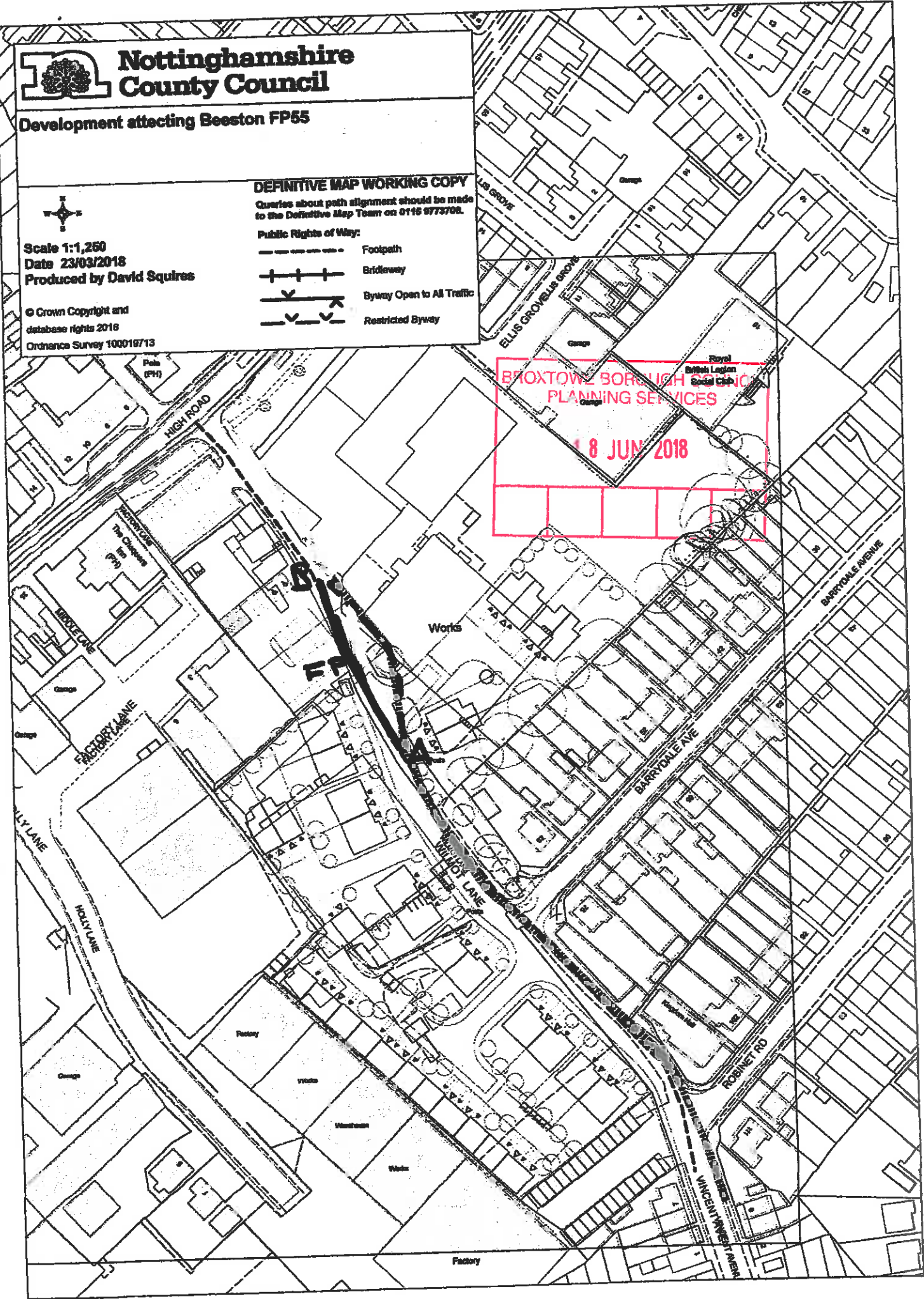
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Ordnance Survey 100018713

DEFINITIVE MAP WORKING COPY

Queries about path alignment should be made
to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

-  Footpath
-  Bridleway
-  Byway Open to All Traffic
-  Restricted Byway



BROXTON BOROUGH
 PLANNING SERVICES
 18 JUN 2018

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Report of the Chief Executive

18/00687/FUL**ENHANCED DRAINAGE/BIODIVERSITY ATTENUATION STORAGE INFRASTRUCTURE WORKS COMMON TO APPLICATION REFERENCE 15/00010/FUL TO ENSURE DIRECT DOWNSTREAM DISCHARGE OF SURFACE WATER FROM THE NEW PROPOSED DEVELOPMENTS TO THE EXISTING WATERCOURSE LAND OFF THORN DRIVE AND WEST OF THE PASTURES THORN DRIVE NEWTHORPE**

This application has been brought to Planning Committee due to the site history and previous Councillor involvement with the linked application for 67 houses on land at Acorn Avenue (15/00010/FUL).

1. Details of the Application

1.1 This is a major planning application to construct an attenuation storage feature on land to the west of the development for 67 houses on Acorn Avenue recently granted planning permission. It is located on land which is in the process of being transferred to the Council from Langridge Homes. This land transfer forms part of the Section 106 Agreement signed in association with application 15/00010/FUL to enable mitigation measures to be implemented to deal with the flood problems within the wider area. Surface water drainage from the proposed housing developments for 67 houses at Acorn Avenue (15/00010/FUL) will be passed through the attenuation storage feature to enable a greenfield runoff rate to be achieved. The water will then be discharged downstream from the site. This will divert existing surface water runoff which currently discharges into the surface water sewer/culverted watercourses (the Daisy Brook) which runs to the west of the site and is known to flood.

1.2 The attenuation storage feature, including any banking will measure approximately 60m in length and 36m in width and will be a maximum depth of 3.9 metres from its highest point where it adjoins the rear gardens of the new properties on Acorn Avenue to its lowest point closer to properties on Thorn Drive. Cross sections through the site showing how the land levels will be reconfigured to create the attenuation feature have been submitted, as has a site plan which shows the banking, existing and proposed drains and the location of a control chamber to restrict surface water discharge rates. A landscaping plan has been submitted which shows planting around the top of the banking and along the channel/flow path formed from the end of 'road 3' directing water run-off into the basin. No information regarding fencing or future maintenance has been submitted with the application.

2 Site and Surroundings

2.1 The site lies immediately to the north-east of Smithurst Meadows Local Nature Reserve (LNR) and comprises of rough grassland which is currently private land with a public footpath running through it. A culverted water course (Daisy Farm

Brook) runs to the west behind properties on Thorn Drive and discharges into the open water course within the LNR. To the east and southeast of the site are existing properties on Acorn Avenue and the recently granted housing site (15/00010/FUL). The land level falls across the site from north-east to south-west.

2.2 It is allocated in the Broxtowe Local Plan (2004) as part of a 'Greenway' which runs through Giltbrook Farm from Portland Road and is also allocated for the provision of informal open space. Within the Draft Part 2 Local Plan (2018) the site is allocated for a mix of informal open spaces and flood mitigation measures. Greasley Footpath No. 100 runs north-east to south-west through the site, although this is unaffected by the development.

3. Relevant Planning History

3.1 In 1981 (79/00666/OUT) planning permission was granted for development consisting of 'Use site for residential, industrial, shops and school development'. This was further supplemented by the granting of outline planning permission (81/00566/OUT) for residential, industrial, shopping and school development as part of a comprehensive scheme for the whole of the Giltbrook Farm Estate. These applications established the principle of residential development on the Gilthill Farm site which has been developed in a phased manner since this time. A Masterplan accompanied the planning applications and showed the parcel of land subject to this application as public open space.

3.2 In 2018 planning permission was granted for a similar flood attenuation feature in association with the development of land to the east for 67 homes on land immediately adjacent to this site to the south west, within the Local Nature Reserve.

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 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.

- 4.1.4 Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessments and developments should only be allowed where it can be demonstrated that the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems, any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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 all developments should incorporate measures to reduce surface water runoff whilst managing surface water drainage in a sustainable manner.
- 4.2.4 '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.
- 4.2.5 'Policy 16: Green Infrastructure, Parks and Open Spaces' sets out a strategic approach to the provision of new Green Infrastructure, including the provision of biodiversity opportunities and tackling and adapting to climate change.
- 4.2.6 'Policy 17: Biodiversity' sets out the approach to biodiversity and how development affecting biodiversity assets should be considered. It states that designated sites will be protected in line with the hierarchy of designations.

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

- 4.3.1 The Part 2 Local Plan underwent Examination hearing sessions in December 2018. 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 E16 'Sites of Importance for Nature Conservation' states that planning permission will not be granted for development on or adjoining local nature reserves which would damage or devalue their interest, unless there are special reasons which outweigh the recognised value of the sites. Where it is accepted that there are special reasons for development which outweigh the local value of the site, the applicant shall minimise harm to the site's features. Compensation for the loss of the site's features of interest will be required.
- 4.3.3 Policy E24 'Trees, hedgerows and Tree Preservation Orders' states that development that would adversely affect important trees and hedgerows will not be permitted.
- 4.3.4 Policy E26 'Pollution' states planning permission will not be granted for development which would result in a significant deterioration in air quality, significant loss of health or amenity to nearby occupants or surface water contamination.
- 4.3.5 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.
- 4.3.6 Policy RC8 allocates the site for informal open space. In doing so it states that development should not be granted unless it relates to the recreational use of the site and does not detract from the open character or environmental value of the land.
- 4.3.7 Policy RC14 'Footpaths, Bridleways and Cycle Routes' states that the Council will protect, maintain and where appropriate seek to extend the network of footpaths, bridleways and cycle routes in the Borough.
- 4.3.8 Policy RC16 'Greenways' designates the land as part of a 'Greenway' which forms an important link between built up areas and the countryside. It states that opportunities should be taken to enhance these routes, including through new developments. However, planning permission will not be granted for development which would harm their function or their environmental, ecological or recreational value.
- 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 having taken place in December 2018. The representations on the plan included 7 no. representations in relation to Policies 1 and 31, 11 no. representations in relation to Policy 17, 4 in relation to Policy 19 and 44 no. representations in relation Policy 44. Given that there remain outstanding objections to Policies 1, 17, 19, 28 and 31 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: permission will not be granted in areas at risk from flooding unless measures are included to ensure that surface water run-off is reduced by 30% compared with pre-development rates.
- 4.4.3 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; incorporates ecologically sensitive design, with features for biodiversity, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes).
- 4.4.4 Policy 19 – Pollution, Hazardous Substances and Ground Conditions: permission will not be granted where the development is likely to result in the infiltration of contaminants into groundwater resources.
- 4.4.5 Policy 28 – Green Infrastructure Assets: development proposals which are likely to lead to increased use of land (subject to this application) will be required to take reasonable opportunities to enhance the Green Infrastructure Assets.
- 4.4.6 Policy 31: Biodiversity Assets: All developments should seek to deliver a net gain in biodiversity and contribute to the Borough’s ecological network.

5 Consultations

- 5.1 **Nottinghamshire County Council as Lead Local Flood Authority** initially raised concerns with the application and asked for additional information and clarification. They considered that insufficient information has been provided to demonstrate that the pond would not increase flood risk elsewhere or pose a risk. They also did not consider the applicants had given sufficient consideration to the future use of the site for flood alleviation works to address the issues in the wider area.
- 5.2 Following the submission of additional and amended information in an attempt to address these concerns, the LLFA do not raise any further objections. They note that much of the flooding comes from upstream and where possible the development has looked to reduce these impacts, more importantly it has evidenced that it will not be increasing flooding off site, therefore it satisfies the requirements set out in the NPPF. They comment that a judgement as to whether the scheme could jeopardise any future flood alleviation is a decision for the Local Planning Authority to make.
- 5.3 **Nottinghamshire County Council Rights of Way (Via East Midlands Ltd)** advise that Greasley Footpath No. 100 runs adjacent to the proposed development but appears unaffected. They advise the footpath should not be encroached upon or obstructed.
- 5.4 The **Business and Projects Manager (Environment)** supports the proposed location of the pond outside of the LNR but makes comments regarding maintenance, the drainage easement and the requirement for fencing around the banks of the pond for health and safety reasons. The further comments on the amended plans that the grass mix should be suitable for wetland margins,

there needs to be adequate planting on the margins of the pond, the area needs to be fenced off with 1.5 metre high railings and that no thought has been given to the proposed planting scheme, some of which are not appropriate (only the sorbus ana and sorbus aucupana are).

- 5.5 The **Environmental Health Technical Officer** has no objections to the proposal.
- 5.6 The **Estates Manager** has not made any formal comments.
- 5.7 **Severn Trent Water** comments that the use or reuse of sewer connections requires a formal application to be made by the developer. They suggest an informative be placed on any grant of planning permission to make the developer aware of the requirements.
- 5.8 **Nottinghamshire Wildlife Trust** comment that they are pleased to see the pond is no longer proposed within the LNR. However, they raise concerns with the design of the attenuation feature, specifically its uniform shape; the absence of any information in relation to planting; and the absence of any information regarding the permanent water levels of the pond to provide wet areas for wildlife. They recommend that a fence is provided around the basin to reduce disturbance from dogs, cyclists and pedestrians.
- 5.9 In response to the consultation amended plans have been received. They comment that they would like to see biodiversity incorporated within the suds feature, given its location adjacent to the LNR. They have read BSPs response, but believe it is possible to have suitable planting and incorporate wet areas.
- 5.10 **Greasley Parish Council** welcome the relocated position of the pond, however they comment on the need to consider biodiversity appropriately and ensure that existing flooding issues are addressed.
- 5.11 A site notice was posted to publicise the application and 96 surrounding neighbours were sent notification letters. Responses were received from 17 individuals: 14 support the proposals, with some making comments thereon, one makes observations on the proposals, one doesn't indicate, but makes comments and it is not clear on another response either way.
- 5.12 The comments made can be summarised as follows:
- Saves nature reserve
 - Should have protective fencing (post and wire) around the perimeter for safety
 - BBC should extend the nature reserve into this area
 - No details of the works/planting to enhance biodiversity
 - At the end of the 'dead-end' road there should be a measure to direct surface water run-off into the pond.
 - Consideration should be given to the increase in overland flows once the new road network is connected to the existing road infrastructure. The drainage drawing indicates that possibility and gives the direction of the overland flows that exceed the design criteria of the site. This situation

increases flood risk in two key areas; At the end of Road 3 where arrows indicate overland flows directed towards properties already at high risk of flooding along Thorn Drive/Rolleston Drive; and at the bottom of Acorn Avenue where arrows indicate overland flows falling to existing properties who already suffer flooding from storm events. Without mitigation measures this will increase their flood risk. Both of the above flooding scenarios can be prevented at design stage.

- 5.13 In response to the amended plans one email from a local resident has been received confirming they are pleased to see the amendments, but raise concerns regarding overland flows to the lower section of Acorn Avenue, a number of properties here already experience flooding.

6 Appraisal

- 6.1 The application seeks to construct an attenuation storage feature on land which is currently within the ownership of Langridge Homes, but is required to be transferred to the Council under the obligations contained within the Section 106 Agreement signed in relation to planning permission 15/00010/FUL for 67 dwellings. The main considerations with the application are the principle of locating the feature in this area; the design of the feature and if there will be any loss of amenity to neighbouring properties; the potential flood risk of the feature and whether it will be effective in managing existing and future flood risk; and the ecological impact and benefits of the proposal.

7 Principle

- 7.1 A previous application has been approved for the location of a similar flood attenuation feature (15/00018/REG3) directly to the south west of the site within Smithurst Meadows Local Nature Reserve for the same purposes associated with the application for 67 dwellings (15/00010/FUL). This application proposes to move the feature northwards, moving it outside of the Local Nature Reserve to an area of land belonging currently to Langridge Homes (the applicants).
- 7.2 As part of the Section 106 Agreement which was signed for the 67 dwellings approved on land adjacent to the site (15/00010/FUL) the owners are required to transfer the land to the council for flood alleviation purposes. This land transfer has not yet taken place, but demonstrates an accepted use for the site to alleviate surface water flooding issues in the area.
- 7.3 The Broxtowe Local Plan (2004) allocates the site for informal open space (Policy RC8) and as a 'Greenway' (Policy RC16) which runs through Giltbrook Farm from Portland Road. With regard to the greenway, the footpath and route through the site would remain and would not be harmed. The proposed development would retain a green corridor along the north/west boundary.
- 7.4 The Part 2 Local Plan (draft) allocates the site for a mix of informal open spaces and flood mitigation measures (Policy 28), which supports the requirement of the associated Section 106 Agreement.
- 7.5 The proposal would not result in the loss or infringement of the public right of way or Greenway through the site. In addition, whilst the flood alleviation

measures for the wider surrounding area have not been devised the proposed attenuation feature retains a significant amount of land to the north and north-east free from development and therefore there would still be a significant amount of land safeguarded for further flood alleviation purposes.

8 Design and amenity

8.1 The drawings submitted with the application indicate the footprint of the proposed attenuation feature and site sections through the site demonstrate how the existing land levels will be altered in light of the findings of the detailed drainage design for the development of the adjacent residential site.

8.2 The land to the rear of the recently approved dwellings on Acorn Avenue will be cut into to provide relatively steep banks, designed to direct water runoff to the bottom of the basin. The bank will be less steep towards the public footpath and rear of the properties on Thorn Drive, with a bank being built no more than 1.2 metres in height to ensure any water is contained within the basin.

8.3 As this would be a landscaped feature, set at a lower level than existing properties on Acorn Avenue, and being over 10 metres from the rear boundaries of properties on Thorn Drive it is considered that there would be no loss of amenity arising from the development itself. Whilst there may be some disturbance during the construction phase of the development this would only be for a temporary period.

9 Flooding

9.1 The application forms part of the flood risk and management scheme for the adjacent housing development (15/00010/FUL). There have been historical instances of flooding in the area, in particular to properties on Thorn Drive and Gorse Close, which have been flooded internally.

9.2 The attenuation pond and associated drainage scheme has been designed to divert surface water from the adjacent housing development (15/00010/FUL) away from the culverted watercourse 'The Daisy Brook', allowing for water to be discharged further downstream from the site and will allow water to be discharged into the watercourse at Greenfield equivalent rates. The amended location of the attenuation feature is still satisfactory in terms of its need to be in close proximity to the adjacent residential development and at a lower level. In the event that the drainage system fails, the attenuation feature has been designed to include an 'overflow spillway' to allow for a safe overtopping of the feature towards the Daisy Brook, protecting surrounding residential properties.

9.3 Whilst local residents are generally in support of the application to site the proposal on this land as opposed to the LNR, they raise some concerns regarding the increase in overland flows once the new road network (on the adjacent residential site) is connected to the existing road infrastructure, specifically at two locations, at the end of Road 3 and at the bottom of Acorn Avenue. Without due mitigation measures, concern is that flood risk will increase to existing properties in these areas.

9.4 The LLFA also raised concern and requested additional information and clarification on a number of matters including:

- details of the flow and discharges of a diverted surface water sewer;
- demonstration that flows have been considered with regards to pond sizing;
- the possibility for a spur to drain into the site to retain the flows which emanate from the development within the development site;
- evidence to support the proposed pond location to demonstrate that the position of the pond will not impede any surface water flows or bottleneck flows; and
- Further details need to be submitted to provide assurance that the pond will not increase flood risk elsewhere or pose a risk in the proposed location.

9.5 The applicants have provided additional information and amended plans by way of a response to these concerns and comment that:

- Full calculations for the drainage network have been submitted. This will be a section 102/104 sewer adoption and has been approved by Severn Trent as such;
- We propose to landscape the open space to divert any over land flood flows from road 3 towards the proposed attenuation basin to alleviate fears of local residents. Site levels are such that it is not possible to fall this back into the site, nor would it be desirable. The nature of Acorn Avenue falling to the south west is such that we are unable to divert flows anywhere else. The roads within 15/00010/FUL have been designed to have an excess of road gullies to intercept flood flows within the highway which forms the flood flow route;
- The flood exceedance paths are precisely that though, they are paths in the event of exceedance of the drainage systems. The drainage systems have been designed appropriately to reduce flood risk;
- The flood flow route has been amended through the open space above the pond to direct any overland flow into the pond rather than the adjacent housing, by proposing to landscape the open space to create a shallow channel;
- The water retention depth of the proposed detention basin has been designed to be within existing ground, rather than being behind the built up bank. The built up embankment will retain the 'freeboard' over the working depth of the detention basin only; and
- The attenuation basin is designed for the 100 year plus 30% climate change allowance for the site. The feature still has freeboard on this design storm. There is little more we can sensibly do to prevent the site contributing to surrounding flooding.

9.6 Having considered this response and the amended information, the LLFA are content with this as detailed below:

- They don't have any further objections based on the response provided. As addressed in these comments much of the flooding comes from upstream and where possible the development has looked to reduce these

impacts, more importantly it has been evidenced that it will not be increasing flooding off site, therefore it satisfies the NPPF.

- The information that has been submitted is sufficient and shows a viable surface water management scheme for the development site with regards to national planning policies. However, as works were completed on site prior to the submission of this information they would advise that all drainage infrastructure installed to date should be checked to ensure it is in accordance with the submitted plans/ details.
- The issue of whether the construction of the attenuation feature may jeopardise any future flood alleviation works for which the proposed land is set aside is not one that the LLFA can provide an answer. Until further details emerge of what the proposed scheme will require we cannot say what impact the attenuation feature will have for a future scheme. The decision therefore, is one for the Local Planning Authority to make.

9.7 Whilst it is unfortunate that, despite the significant amount of time that the project has been with the LLFA (and now Severn Trent Water Ltd), no detailed proposals have been confirmed for the wider flood land measures, the council has an application to consider and it would not be reasonable to delay a decision pending confirmation of these measures.

9.8 The proposal would retain a significant area of land to the north and north-east of the site which has been set aside for flood alleviation purposes. A strip of land along the current culverted brook would also be retained free from any development. Whilst no proposals have been confirmed regarding the alleviation measures which may be considered, it is reasonable to conclude that the amount of land remaining would be sufficient to implement a strategy which would deal with the wider flood issues in the immediate area.

10 Ecology

10.1 Nottinghamshire Wildlife Trust (NWT) comment that they are pleased to see the attenuation feature moved away from the LNR. They consider that this will provide an opportunity to retain and improve the habitat corridor along the Daisy Brook.

10.2 Concerns have however been expressed about the engineered solution that the proposal presents which could result in limited biodiversity value being created. They have also questioned whether the basin could be designed to be permanently wet to provide habitats for a number of different species.

10.3 The applicants have commented that due to the relatively small size of the basin, it would not be possible to create a more meaningful irregular shape. In addition, its size prevents the basin being designed to be permanently wet as such small basins tend to dry out in the summer and can become muddy, smelly features.

10.4 The applicants have been asked to provide additional landscaping information to enable an assessment of the biodiversity and habitat value of the proposal, this

has been submitted and shared with NWT and the Council's Business & Projects Manager (Environment). This shows areas of planting around the perimeter of the pond and along the flood flow route from the bottom of road three towards the pond. Both NWT and the Council's Environmental Manager raise concerns with the planting proposed, advising that this is both insufficient and inappropriate for the location. The applicants have advised that there is no further budget for landscaping.

- 10.5 Whilst a 'softer' permanently wet feature would be preferable, the main function of the attenuation basin is to prevent surface water flooding and increasing its size simply to present these opportunities is not considered to be something which should be required, particularly given the uncertainty surrounding the flood alleviation measures for the wider area and what land will be required to facilitate this. Should any additional requirements be considered necessary as a result of the comments received in relation to the landscaping plans it is considered that this could be appropriately secured by way of condition to ensure that it comes forward in a positive, timely way.

11 Other matters

- 11.1 A knee rail is proposed to be erected surrounding the basin. This will have a dual purpose of restricting access and ensuring the landscaping is left to establish and habitats are undisturbed.
- 11.2 Local residents, the Council's Business and Projects Manager (Environment) and Nottinghamshire Wildlife Trust had made comments that the area should be fenced off. Whilst the knee rail won't prevent access, it is considered that it would warn and deter people from entering the area, and provide a more open, softer aspect to be enjoyed. Details of this fencing could be secured by way of condition.
- 11.3 The land subject to this application is to be transferred to the council as part of the Section 106 Agreement for the adjacent residential site and will therefore be the council's maintenance responsibility.

12 Conclusion

- 12.1 It is considered that the attenuation feature is designed such that it would be consistent with many similar features which function within areas of informal open space and maintains the existing public right of way and Greenway through the site.
- 12.2 Whilst it would appear that there has been limited progress by Severn Trent Water (Ltd) in respect of bringing forward a design for flood mitigation of the wider area it is considered that, on balance, there would be sufficient open space retained within the site for such purposes.
- 12.3 The LLFA are satisfied that the proposals show a viable surface water management scheme for the development site, in accordance with national planning policies and will not increase surface water flooding outside of the site. Having regard to this, it is considered that the proposals are in accordance with

National and Local Plan Policies and there are no reasons for taking a decision at variance to these policies.

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 drawings numbered AAGDR03-SLP Rev G received by the LPA on 28 January 2019 and 07282/100 Rev O, received by the Local Planning Authority on 9 January 2019, 07282/146 Rev I and AAGDR11-DSBP Rev A, received by the Local Planning Authority on 1st November 2018 and 078282/140 Rev N and 07282-125 Rev B received by the Local Planning Authority on 10th October 2018. The proposed turfed areas shall consist of a wetland mix and details of this and the proposed hedgerows shall first be submitted to and approved in writing by the LPA.**
- 3. The approved landscaping scheme shown on plan AAGDR03-SLP Rev G shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority.**
- 4. Details of the proposed fencing and any access points surrounding the attenuation feature shall first be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first planting season following the substantial completion of the development.**

Reasons

- 1. In accordance with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To ensure a satisfactory standard of external appearance which will enhance the visual amenity of the area and in accordance with the aims of Policy RC16 of the Broxtowe Local Plan (2004) and Policies 10 and 16 of the Broxtowe Aligned Core Strategy (2014).**
- 4. To ensure a satisfactory standard of external appearance and aid safety and maintenance of the attenuation feature in accordance with the aims of**

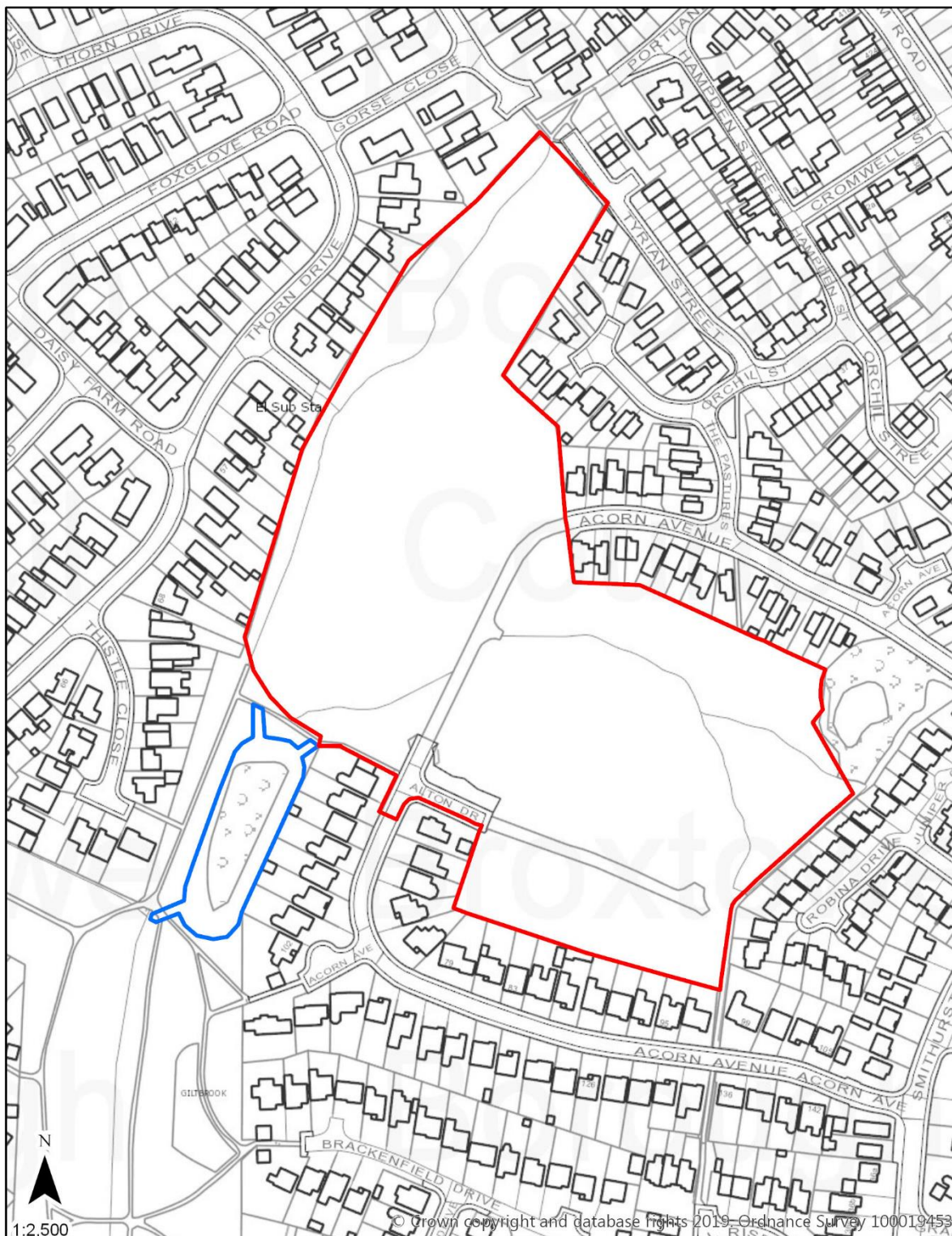
Policy RC16 of the Broxtowe Local Plan (2004) and Policies 10 and 16 of the Broxtowe Aligned Core Strategy (2014).

Notes to Applicant

- 1. The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent during the course of the application.**

2. Greasley Public Footpath Number 100 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contracted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.
3. Vegetation clearance should be avoided during the bird breeding season of March-August inclusive.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.gov.uk/government/organisations/the-coal-authority

Background papers
Application case file



Legend

- 15/00018/REG3
- 18/00687/FUL

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Report of the Chief Executive

18/00873/FUL
CHANGE OF USE FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5)
42 DERBY ROAD, STAPLEFORD, NOTTINGHAMSHIRE, NG9 7AA

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

1 Details of the Application

- 1.1 The application seeks permission to change the use of the ground floor from retail to hot food takeaway with a staff area at first floor.
- 1.2 No external or internal changes are proposed to the application site.

2 Site and Surroundings



Front elevation.



Looking west towards no. 46 (Bargain Buys), no. 44 (Greggs) and application site.



Looking north west towards application site and no. 40 (pharmacy).



Rear elevation.

2.1 The application site is a two storey terraced flat-roofed building with a single storey element to the rear and is located within Stapleford Town Centre and a prime shopping frontage. It was last used as a butchers but is currently vacant. The building is brown brick and concrete, with an aluminium shop front. The rear is open to a courtyard, with the rear garden of no. 1 Warren Avenue 10m from the rear elevation of the unit.

2.2 The adjoining units are both A1 retail use (no. 44 is a Greggs and no. 40 is a pharmacy). To the south of the application site is a large A1 retail unit (no. 41-57, a Pound Stretcher). Beyond this unit is Victoria Street Car Park (50m from the application site), which has 51 spaces and free parking for one hour.

3 Relevant Planning History

3.1 Unconditional planning permission was granted in 1978 to construct an extension to form a store (78/00989/FUL) and unconditional permission was granted in 1990 to construct a new shop front (90/00732/FUL).

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 planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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 Stapleford is a 'District Centre' in need of enhancement and that the vitality and viability of all centres will be maintained and enhanced, including widening the range of uses.

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 K4: Town Centres' states that Stapleford, as a town centre, should continue to provide appropriate shopping, employment, social, community and leisure uses.

- 4.3.3 'Policy S1: Shopping and Associated Uses within Town Centres' states that within town centres, planning permission will be granted for the creation, redevelopment or expansion of shops, financial and professional services and food and drink uses, providing proposals do not have an unacceptable impact on neighbouring uses, or the vitality and viability of the town centre.

- 4.3.4 'Policy S4: Prime Shopping Frontages' states permission will not be granted for a change of use from Class A1 (Shops) use at ground floor level if it would result in the proportion of Class A1 use falling below two thirds within the primary shopping frontages. Permission will also not be granted if a resulting break in Class A1 use within the prime shopping frontage would be created of more than 2 units.

- 4.3.5 'Policy E26: Pollution' states planning permission will not be granted for development which would result in a significant deterioration in air quality or significant loss of health or amenity to the occupants of nearby premises due to pollution.

- 4.3.6 'Policy E34: Control of Noise Nuisance' states that planning permission will not be granted for other noise-sensitive development if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 7 no. representations in relation to Policy 10 and 4 in regards to Policy 19. Given that there remain outstanding objections to Policies 10 and 19, 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 within Town Centres, planning permission will only be granted for development which comprises Use Class A1 or another 'main town centre use' as defined by the

NPPF (subject to no more than 10% of the ground floor frontage of the centre falling within this use class or result in over 60% of the primary frontage of the centre falling within a Use Class other than A1).

- 4.4.3 'Policy 19: Pollution, Hazardous Substances and Ground Conditions' states that conditions will be applied relating to the restriction or mitigation of pollution effects where appropriate.

5 Consultations

- 5.1 Four neighbours have been consulted, and a site notice has been posted at the site.
- 5.2 Two objections have been received which raise the following concerns:
- No information has been provided on the style and type of takeaway, opening hours or number of staff to be employed,
 - Noise to residential dwellings near site,
 - Litter,
 - Customers parking on the pavement to the front of the site,
 - Possible damage to nearby properties associated with the late night use,
 - Area is already well-served by takeaways.

6 Appraisal

- 6.1 The main issues to consider with this application are the impact on the vitality and viability of the town centre and the impact on neighbour amenity.
- 6.2 The application site is within Stapleford Town Centre and forms part of the primary shopping frontage. The adjoining units are Greggs (Class A1) at no. 44 Derby Road and a pharmacy (Class A1) at no. 40 Derby Road. No. 39 Derby Road, to the south west of the site beyond the intervening road, is an office (Class A2). The nearest takeaway (Class A5) is located at no. 84 Derby Road (approximately 170m south west of the application site), and there is also a takeaway at no. 19 Nottingham Road (approximately 200m north east of the application site). There are 10 takeaway (Class A5) units within Stapleford Town Centre, which make up 9% of the overall units. 49% of the units in the town centre are in A1 retail use.
- 6.3 The proposed change of use would result in 10% of the units within Stapleford Town Centre falling under A5 takeaway use. The supporting text to Policy 6 of the Aligned Core Strategy states a District Centre (which Stapleford is) should be the focus for employment and social uses, and retail (Class A1) should make up the highest concentration of uses, encouraging increased footfall to improve the vitality and viability of the District Centre. Although A5 use differs from this, a takeaway is considered to be an acceptable town centre use because it would attract visiting members of the public and the building has a shop window. The proposed use is defined as an appropriate town centre use in Policy S1 of the Broxtowe Local Plan. The application form does not specify the type of takeaway which would operate from the site. This information is not required because the application is to establish whether a takeaway in this unit is acceptable, and the 'type' of takeaway could change without requiring planning permission.

- 6.4 Seven of the 12 units which are currently vacant (excluding the application site) within the Town Centre are currently A1 use and as such it is considered there is ample capacity for new A1 uses within the centre. The proposed change of use to A5 would, therefore, not be detrimental to the vitality of the town centre by way of limiting the variation of businesses, as a result of a reduced proportion of A1 units.
- 6.5 The nearest residential properties are no. 1 Warren Avenue, located 10m to the north west of the site beyond the rear boundary, and two residential flats located at no. 37 Derby Road, 15m to the south east of the application site. No information has been provided regarding the opening times of the proposed takeaway. A condition will be included which restricts opening times to between 10.00 and 00.30. Given the town centre location, it is considered unnecessary to restrict commercial delivery times. Whilst there might be increased noise from customers using the takeaway, it is considered that this noise is acceptable and expected, given the town centre location. It is considered that because the application site is within the town centre, and there is no residential accommodation directly above the unit, the proposed opening hours are appropriate and the proposed use would have no significant negative impact on neighbour amenity.
- 6.6 No information has been provided detailing the location for storing waste and the provision of ventilation and filtration equipment. Two pre-commencement conditions will be included to require this information to be submitted and approved before development can commence.
- 6.7 The proposed takeaway is 50m from the Victoria Street Car Park, which provides 51 spaces and free parking for one hour. Due to this, and the Town Centre location, it is considered there is sufficient parking provision for the proposed use. The pavement outside of the application site is adopted highway. Customers parking on the pavement would be dealt with by Nottinghamshire County Council as Highways Authority, and is not a material planning consideration. Although there may be an increase in litter from the proposed use, it is considered the potential for increased litter is not significant enough to warrant a refusal for an appropriate town centre use. Any damage to properties associated with the late night use would be a legal matter and is not a material planning consideration.

7. Conclusion

- 7.1 In conclusion, it is considered that the development is not harmful to the vitality and viability of the town centre and neighbour amenity. The proposal therefore accords with Broxtowe Local Plan Policies K4, S1 and S4, with Policy 6 of the Broxtowe Aligned Core Strategy, Policy 10 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the 'Site Location Plan' (18902 01), the 'Site Plan' (18902 02) and the 'Existing and Proposed Plans and Elevations' (18902 101) received by the Local Planning Authority on 27 December 2018.
3. No development shall commence until details of the storage of waste on the site have been submitted to and approved in writing by the Local Planning Authority. The storage of waste shall take place in accordance with the agreed details.
4. No development shall commence until details of suitable ventilation and filtration equipment have been submitted to and approved in writing by the Local Planning Authority. The ventilation and filtration equipment shall be installed in accordance with the agreed details.
5. The use hereby permitted shall not be open to customers, nor be open for takeaway deliveries, except between 10.00 – 00.30 hours.

Reasons

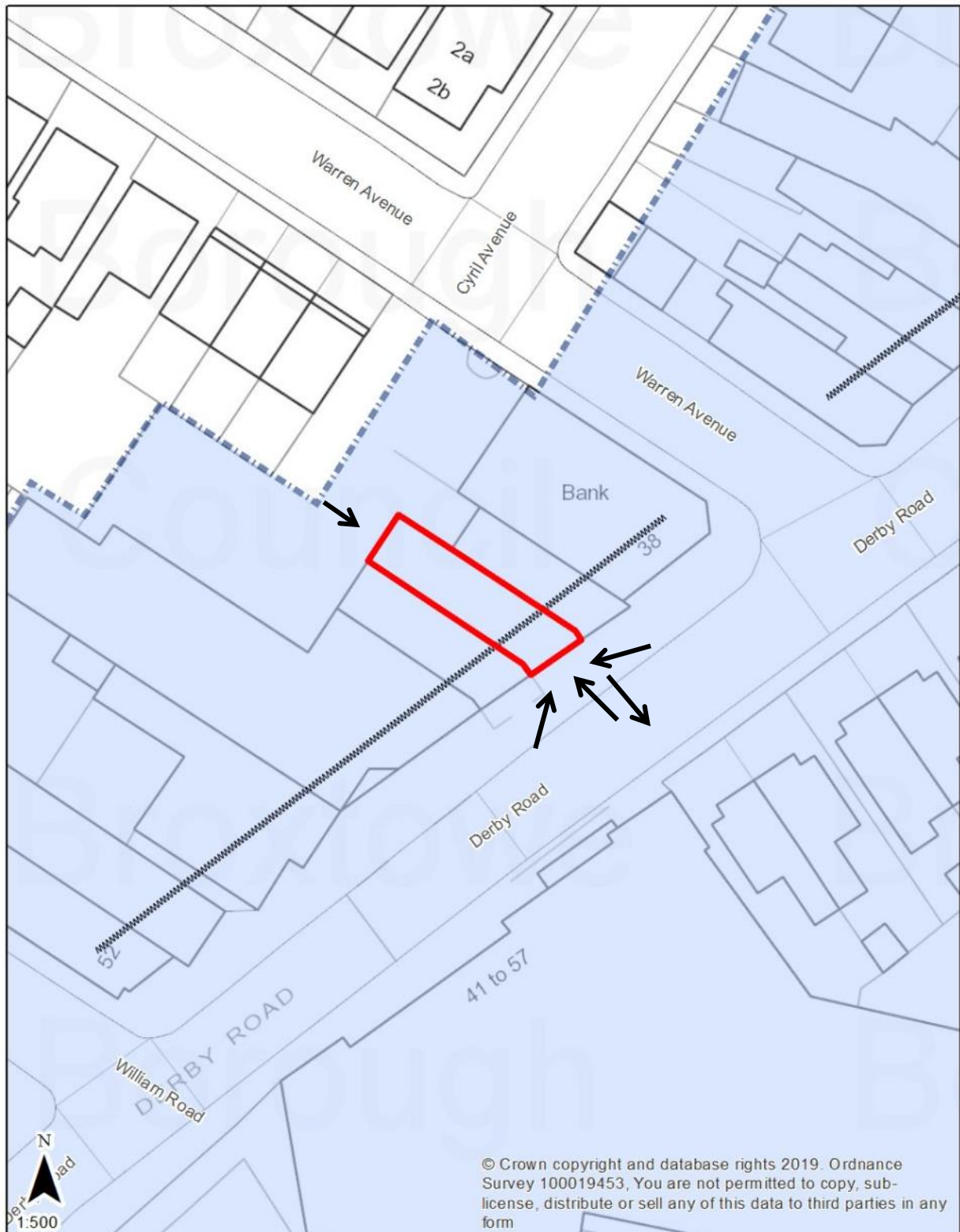
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted with the application and the development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory in the interests of the amenities of nearby residents and in accordance with Policy E34 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 the amenities of nearby residents and in accordance with Policy E26 of the Broxtowe Local Plan (2004).
5. In the interests of the amenities of nearby residents and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).

Note to applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3. Any external ventilation/filtration equipment may require planning permission. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent continuous noise level as measured according to the current British Standard BS4142 at any adjoining or nearby residential property.
4. The internal layout, design and construction of the premises must meet with the current Food safety and Health & Safety requirements and the food activity will need to be registered with the council. The applicant must contact the Council's Food and Occupational Safety Section on 0115 917 3485.

Background papers

Application case file



Legend

-  Site
-  Prime shopping frontages
-  Town centre
-  Photos

Report of the Chief Executive

**18/00808/ROC
 VARIATION OF CONDITION 1 (THE DEVELOPMENT SHALL BE CARRIED OUT IN ACCORDANCE WITH THE PROPOSED LOCATION PLAN AND FLOOR PLANS...) OF PLANNING REF: 17/00245/REM
 178 MOORGREEN, NEWTHORPE, NOTTINGHAMSHIRE, NG16 2FE**

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

1 Details of the Application

- 1.1 This application seeks permission to vary condition 1 of planning reference 17/00245/REM. Condition 1 requires that the development is carried out in accordance with the drawings submitted with the application. During construction certain aspects of the building have been altered from the approved plans and therefore the development is currently in breach of condition 1 of planning permission 17/00245/REM.
- 1.2 The variations in the built form of the building largely relate to the openings on the rear and side elevations. Six roof lights have been installed in the roof on the rear elevation to allow for first floor accommodation. The first floor window on the north west side elevation has been altered from a circular window to a traditional rectangular window, and the first floor window on the south east side elevation has been removed altogether. The ground floor window on the north west side elevation has also been altered from a full height window to a more traditional style window.
- 1.3 Members will recall that this matter was presented to them at Planning Committee on 7 November 2018, where it was resolved to give the owners the opportunity to regularise the breaches of planning control. This planning application is their attempt to do so.

2 Site and Surroundings



Front elevation.



Rear elevation.



Rear elevation.



North west side elevation.



South east side elevation.

2.1 The application site is situated to the north west of 176 Moorgreen. The property is set on an elevated position to the main road off which it is accessed, and is therefore set above the residential properties on the other side of the road. The new dwelling is set 8.7m from the front boundary which is made up of a hedgerow approximately 1.7m high. It is 4m from the south east boundary adjoining 176 Moorgreen and approximately 9.5m at its closest point from the rear boundary to the north. The property is set 35m from the north west boundary of the site which is made up of hedgerow in excess of 2m high.

2.2 The application site is set within the Nottinghamshire Green Belt, with land to the rear being open agricultural land.

3 Relevant Planning History

3.1 Planning ref: 16/00532/OUT was granted outline permission to construct a detached bungalow in November 2016. The decision was made at Planning Committee on 9 November 2016. The minutes from this meeting states that

Members took the decision to approve the proposed dwelling due to the applicant's specific needs.

3.2 Planning ref: 17/00245/REM was granted permission in June 2017 for the approval of reserved matters relating to access, appearance, landscaping, layout and scale. One condition of the planning permission removed permitted development rights for any extensions to the property including dormer windows. The roof lights and other alterations to the dwelling require planning permission as they are deviations from the dwelling as approved.

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 144 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.2 **Broxtowe Aligned Core Strategy**

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

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

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

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 E8: Development in the Green Belt states that planning permission will not be permitted in the Green Belt except where it constitutes appropriate development.

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 10 no. representations in relation to Policy 8 and 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policies 8 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 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Policy 17 'Place-making, Design and Amenity' states that 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; two-storey extensions should avoid a terraced or cramped effect; dormers should not dominate the roof; development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

5 Consultations

5.1 The Highways Authority has been consulted on this application and no objections have been raised.

5.2 Consultation letters in respect of this application have been sent out to 10 neighbouring dwellings. One response has been received in support of the application, with no specific reasons having been stated.

6 Appraisal

6.1 The main issues to be considered with this application are the impact on neighbouring amenity, the design and appearance of the proposal, and whether or not the proposal would be considered appropriate development in the Green Belt.

6.2 Green Belt

6.2.1 The development is within the Green Belt. Local Plan Policy E8 states that planning permission will not be granted for development in the Green Belt, except where it constitutes appropriate development. The policy includes under appropriate development limited extension, alteration or replacement of existing dwellings, provided that it does not result in disproportionate additions over and above the size of the original building.

6.2.2 Although the construction of a new dwelling is inappropriate development in the Green Belt, the alterations relate to the insertion of roof lights and amendments to previously approved openings. The alterations will therefore not result in any additions to the dwelling that will increase the size of the building. Taking this into account it is considered that the proposed alterations would not impact the

openness that characterises the Green Belt and would not be inappropriate development in accordance with Local Plan Policy E8 and NPPF paragraph 145.

6.3 Neighbouring Amenity

6.3.1 The alterations to the dwelling do not result in additions to the built form, and therefore will not result in an overbearing impact or sense of enclosure for any neighbouring dwellings.

6.3.2 The nearest neighbouring dwelling to the application site is No. 176 Moorgreen, the side elevation of which is approximately 16m from the side elevation of No. 178. No. 178 is positioned beyond the rear elevation of No. 176 and the roof lights therefore do not allow for any clear overlooking of No. 176, especially considering the significant separation between the two dwellings.

6.3.3 There are no neighbouring dwellings directly adjoining either the rear boundary or the north west boundary of the site. Therefore, neither the roof lights on the rear elevation, or the first floor window on the north west side elevation will have an adverse impact on neighbouring amenity.

6.3.4 Overall it is considered that the proposal will not result in the unacceptable loss of amenity for any neighbouring dwellings.

6.4 Design and Appearance

6.4.1 The alterations are on the side and rear elevation of the dwelling and will not have a significant impact on the street scene or character of the area. The roof lights are on the rear elevation and not visible from the street scene, and the amendments to the windows on the side elevations will not have an overly prominent impact on the appearance of the dwelling. Overall it is considered that the proposals are acceptable from a design point of view.

7 Conclusion

7.1 It is considered that the proposal represents limited alterations to a previously approved dwelling in the Green Belt and that it will not result in a loss of amenity for any neighbouring properties or have a harmful impact on the street scene or character of the area. The proposal is therefore considered to be in accordance with Broxtowe Local Plan (2004) Policy E8, Broxtowe Aligned Core Strategy (2014) Policy 10, and Broxtowe Draft Part 2 Local Plan (2018) Policies 8 and 17.

Recommendation

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

- 1. The development hereby permitted shall be retained in accordance with drawing numbers 17/770/01 Rev F (1:100, 1:250), 17/770/02 Rev G (1:100), 17/770/3 Rev B (1:250), 17/770/05 (1:100); received by the Local Planning Authority on 29 November 2018.**

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any order revoking or re-enacting this order, no extensions or enlargements shall be carried out to the dwelling hereby approved which come within Class A or B of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.
3. The surface of the driveways and parking areas shall be retained in a hard bound material (not loose gravel) and drained to prevent the unregulated discharge of surface water onto the public highway for the lifetime of the development.
4. The dwelling hereby approved shall retain visibility splays of 2.4m x 43m in both directions. The visibility splays shall be kept free of all obstructions above 0.6 metres in height for the lifetime of the development.

Reasons

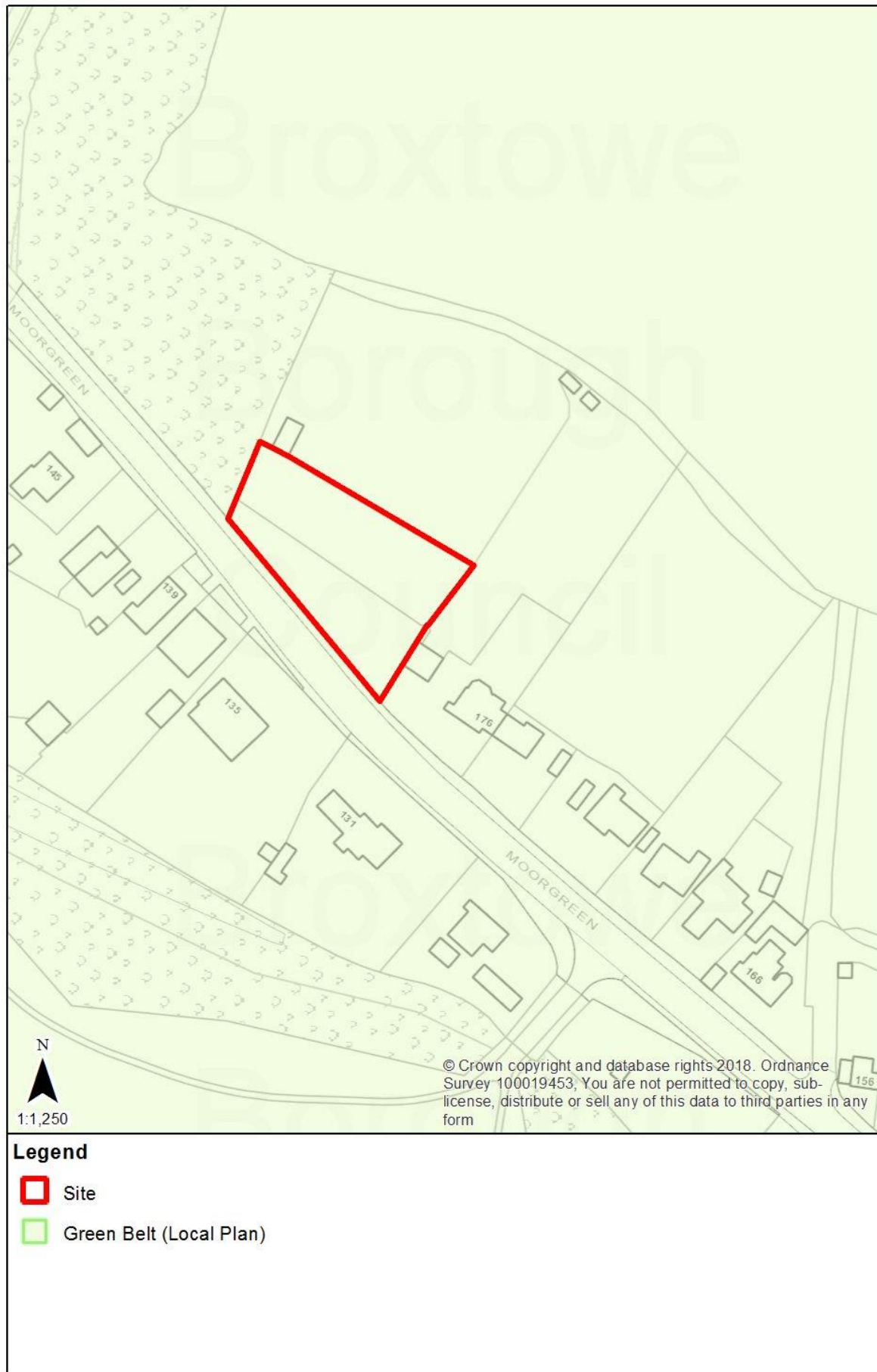
1. For the avoidance of doubt.
2. In the interests of retaining a spacious plot where occupiers have a satisfactory degree of amenity and to ensure that the building remains of a suitable scale and size which is appropriate within the Green Belt. This condition accords with the aims of Policies E8 & H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (2018).
3. In the interests of highway safety
4. To maintain visibility splays throughout the life of the development and in the interests of highway safety.

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

18/00737/FUL**CHANGE OF USE FROM PUBLIC HOUSE (CLASS A4) TO A HOUSE IN MULTIPLE OCCUPATION COMPRISING 3 FLATS (TOTAL 18 BED ROOMS) INCLUDING SIDE EXTENSION ABOVE FLAT ROOF, DORMERS TO FRONT AND REAR AND EXTERNAL ALTERATIONS QUEENS HOTEL, 189 QUEENS ROAD, BEESTON, NG9 2FE**

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

1 Details of the Application

- 1.1 This is a planning application for the change of use of the public house to a house in multiple occupation comprising three flats with a total of 18 bedrooms, including a north east side extension above the flat roof, three dormers to the front and two to the rear, and external alterations including insertion of roof lights to the front roof; insertion of window at ground floor level to the Mona Street elevation; removal of door and secondary windows to rear elevation at ground floor; enlargement of a rear ground floor window; and replacement of existing window frames. The outbuilding to the rear would be retained, and used as a storage area and communal room. The yard between would be used for bin and cycle storage, an outdoor seating area, and, fenced off from the yard, the proposal would provide one parking space. The application as originally submitted included a two storey rear building and link to the existing building, and comprised five flats with a total of 26 bedrooms, and alterations to the front elevation. The two storey rear building and link have now been omitted from the scheme.
- 1.2 There would be one flat per floor and each flat would have a shared living / kitchen space, and shared bathroom facilities. The ground floor would have six bedrooms, the first floor would have eight and the second floor, which is within the roof level, would have four bedrooms.

2 Site and Surroundings

- 2.1 The Queens Hotel is a two storey public house no longer in operation which is located to the north east of the junction of Queens Road and Mona Street. The building sits in an elevated position adjacent to the highway. Single storey flat roofed extensions are to the front, with the main entrance accessed via a flight of external stairs. A further flat roofed single storey extension is to the side, adjacent to the north east boundary with 187 Queens Road. There is a secondary pedestrian entrance within the Mona Street elevation, with a stepped access. There is a single and two storey extension to the rear. A gated yard separates the building from two adjoining outbuildings which are sited to the south east of the site, forming the common boundary with 1 Mona Street. The yard provides a servicing area of around 25 square metres accessed from Mona Street, and a beer garden enclosed from the servicing area, of around 50 square metres, behind this. The outbuildings comprise a skittle alley and a separate storage area.

- 2.2 There are a mix of uses in the surrounding area. The north west side of Queens Road, opposite the site, is predominately retail uses with residential above. Other commercial uses, such as a chiropractor business, are on the south east side of Queens Road. Mona Street is wholly residential in character. In the wider area, there are other uses such as leisure and places of worship.
- 2.3 The site shares a common boundary with 1 Mona Street, to the south east, a two storey semi-detached dwelling which is currently being extended and altered under planning permission reference 17/00703/FUL. This property has an existing window within the gable end which serves accommodation in the roof. The planning approval sees a two storey rear extension to the width of the property, and the insertion of windows at both ground and first floor level in the existing side elevation facing the outbuilding within the Queens Hotel site.
- 2.4 The site also shares a common boundary with 187 Queens Road, which is to the north east. This is a two storey semi-detached property which is a mixed use as chiropodist and dwelling.
- 2.5 The site is within Flood Zones 2 and 3.



Front elevation of the site, showing 187 Queens Road to the north east



The site, showing junction with Mona Street, side elevation and 191 Queens Road



Side elevation to Mona Street, and outbuilding with 1 Mona Street adjacent



1 Mona Street, adjacent to outbuilding

Second floor window in 1 Mona St with on-site outbuilding below



Looking north west from the south eastern end of Mona Street toward Queens Road

3 Relevant Planning History

3.1 There have been two applications for advertisement consent, in 1991 and 2011, both granted consent (references 91/09020/ADV and 11/00696/ADV).

3.2 In 2007, planning permission was granted for the construction of a shelter to the rear of the building (reference 07/00270/FUL).

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 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 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.

4.1.6 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.

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.

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 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.

4.1.11 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 (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 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' 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.

4.3 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 H4: Subdivision or Adaptation of Existing Buildings. Development will be permitted subject to the development providing an acceptable standard of amenity and the development not resulting in an unacceptable level of parking problems either by itself or setting a precedent.
- 4.3.3 Policy H6: Housing Density. Seeks to ensure an appropriate density of housing for sites, which should be higher where close to frequent public transport services.
- 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 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 7 no. representations in relation to Policy 1, 12 no. representations in relation to Policy 15 and 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policies 1, 15 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 1 'Flood Risk' seeks to ensure that development does not increase risk of flooding to the development and the wider area and would not result in harm through flooding for the occupiers.
- 4.4.3 Policy 15 'Housing Size, Mix and Choice' seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.
- 4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

5 Consultations

- 5.1 The Environmental Health Technical Officer has no objection subject to a condition requiring a noise report to be submitted and agreed prior to the commencement of the development.
- 5.2 The Private Sector Housing Officer has no objections.
- 5.3 The Environment Agency has no objection subject to the development being carried out in accordance with the Flood Risk Assessment as submitted.
- 5.4 The County Council as Highway Authority have no objections to the development, since there is no off-street parking currently available for the use as a public house.
- 5.5 The Conservation Advisor considers the property to be a non-designated heritage asset. The original submission would have been harmful to the asset through the design, scale, massing and detailing of the proposed extensions and alterations that would have left the historic building illegible. The amended proposal overcomes these concerns through the omission of the front extensions, the omission of the rear building and link, and the amendments to the dormers to the front and rear.
- 5.6 12 neighbouring properties were consulted. 55 letters of objection have been received in regard to the proposal. Three petitions have also been received, on behalf of residents of the street (61 signatures), customers of the chiropractors at 191 Queens Road (100 signatures) and the chiropodists at 187 Queens Road (five signatures). As a result of re-consultation, a further ten letters of objection were received.
- 5.7 The objections on the scheme as originally proposed raised concerns in regard to:
- the number of future occupiers which would result in an increase in on-street parking in an area where there is pressure for on-street parking spaces, and possible restriction for emergency vehicle access
 - increase in HMO in the area, which should be restricted by the Council
 - increase in occupants which would give rise to anti-social behaviour through noise and disturbance
 - loss of privacy, outlook and light for existing properties
 - design and scale of the alterations and extensions which would not be in keeping with the character of the building and would result in the loss of a heritage asset
 - access to adjacent properties during construction (scaffolding and vehicles)
 - scaffolding should not be erected on neighbouring property
 - scale, massing and height of the new building
 - impact on drains and other services
 - too many transient occupants which is leading to a loss of community
 - no loading or servicing provision in the site
 - increase in traffic generation

- public transport is poor (in provision)
- intensity of occupation could lead to major fire hazard
- noise during construction / development
- burning of waste on the site is occurring
- could potentially house 52 occupants as double beds are shown
- need for permit parking on Lower Regent Street (to deter parking by non-residents)
- front entrance should be maintained
- lack of amenity space and opportunity for biodiversity
- amount of waste generated by the use
- access to bin storage is poor
- alternative uses should be sought.

Whilst all the letters received raised objections, two letters gave support to the principle of residential conversion.

- 5.8 Letters received as a result of re-consultation raise similar concerns, specifically:
- lack of off-street parking provision leading to congestion and pressure for on-street parking spaces
 - already sufficient student accommodation in the area, need family housing instead
 - the proposal only benefits the developer and not the community
 - no commitment to the protection or promotion of biodiversity
 - works already being carried out at the property prior to planning permission being granted
 - concerns over access and safety to occupiers / users of adjacent property
 - impact on privacy through overlooking into habitable room windows
 - noise nuisance and other anti-social behaviour from future occupiers
 - high density of occupation is a potential fire risk
 - no provision for drop off / pick up of students at start and end of term
 - no details of soundproofing
 - the development would not contribute to a sustainable community
 - the development on Mona Street appears too heavy and dominant
 - the outbuilding could be removed in order to provide more space for parking
 - the kitchen to the eight bed flat appears too small for the number of residents.

6 Appraisal

6.1 The main considerations relate to the principle of residential accommodation in this location, impact on the occupiers of neighbouring properties, impact on highway safety, and the design and appearance of the proposed building.

6.2 **Principle**

6.2.1 Whilst the site is not allocated for housing purposes in the adopted Local Plan, it is acknowledged that the surrounding area, predominately to the south east, is residential in character. The site is not identified as being safeguarded for any particular use in the Local Plan. There would have been an element of residential

accommodation to the upper floors of the public house. Subject to the design and an assessment of the proposal in terms of its impact on the amenities of neighbouring uses, the principle of residential use on this site is acceptable and would contribute to providing a mix of house type, size and tenure sufficient to meet the needs of a wide range of residents.

6.3 Amenity

- 6.3.1 There are two properties directly adjoining the application site. 1 Mona Street, to the south east, has its' side elevation facing the site. There is an existing window at second floor level in the gable end, which serves accommodation in the roof. The property is currently implementing planning permission for a rear single storey extension, and the insertion of two windows in the side elevation at ground and first floor level facing the site (planning reference 17/00703/FUL). The proposal at the Queens Hotel as originally submitted would have seen the erection of a two storey building in the place of the existing outbuildings. This was proposed to have a pitched roof with a gable end facing 1 Mona Street. The proposed new building would have had an unacceptable impact on the amenities of the occupiers of 1 Mona Street by virtue of a loss of light and outlook to the new windows and from the existing second floor window in particular. The proposal has been amended and the proposed rear two storey building has been omitted. This has ensured that there is no significant impact on light for the occupiers of 1 Mona Street. Whilst it is acknowledged that some overlooking would be possible from bedrooms 3 and 4 of proposed flat 2 on the first floor, in the rear elevation, toward the new window at first floor of 1 Mona Street, and to a lesser degree the proposed windows in the dormers, it is noted that the new window in 1 Mona Street is required due to the two storey extension at the rear of that property, which saw the removal of the rear window to that room, and has been granted permission on the basis that it would look toward the rear elevation of Queens Hotel. As such, this should not prejudice the consideration of development at the adjacent site. The existing first floor window of the pub would have served living accommodation, and it is therefore considered that the existing and proposed windows in the rear elevation facing 1 Mona Street would not have a significant impact on privacy for the occupiers of that property.
- 6.3.2 187 Queens Road, which is understood to be a mixed use of chiropodist and residential, is to the north east of the site. The new building which was proposed to the rear would have had habitable room windows in the elevation facing over 187, at 6.3m from the common boundary, which would have led to a loss of privacy for the occupiers of that property. This element has now been omitted from the scheme under the amended plans. The proposed first floor extension to the north east side would not have any windows inserted in the side elevation. It is considered that the front and rear dormers would not result in any significant overlooking of this property. As the former use was as a public house, which would have been open until late at night with frequent comings and goings by the customers, and the potential for late night music and events, then it is considered that the conversion to a house in multiple occupation, where comings and goings would potentially be more regular and the activity of the residents self-contained, would not result in a significant impact on the amenities of the occupiers of 187 Queens Road compared to the existing use as a public house.

- 6.3.3 No.2 Mona Street, to the opposite side of the road from the site, would have directly faced the glazed link. Whilst the distance between the two would otherwise have been acceptable given the character of Mona Street, it was considered that the fully glazed link, which housed the stairs leading to flats in the new and existing building, would have had the potential for an unacceptable level of overlooking, which would have resulted in a detrimental impact on the amenities of the occupiers of 2 Mona Street. As this element of the proposal has now been omitted, it is considered that the proposal as amended would not have a significant impact on the amenities of the occupiers of 2 Mona Street, as the view would be unchanged due to the retention of the outbuilding.
- 6.3.4 In regard to the living standards of the future occupiers, concerns were raised in regard to the restricted floor area of some of the shared spaces. The amended plans now address this concern and it is considered that the future occupants would have an adequate level of internal space and access to natural light and to an acceptable outlook. Due to the proximity of the busy Queens Road, a noise assessment would be required to be agreed prior to the commencement of the development and the mitigation measures identified in the assessment to be installed prior to occupation, in order to safeguard the amenities of the future occupants. The inclusion of a pre-commencement condition to this effect has been agreed with the agent.
- 6.3.5 Concerns have been raised in regard to anti-social behaviour from the future occupants in terms of noise nuisance, particularly late at night, due to the intensity of occupation. It is considered that the proposal, for residential accommodation, would potentially have no greater impact on the amenities of the existing residents compared to the last use of the property, as licensed premises. Concerns have also been raised in regard to noise and disturbance whilst the development is being carried out. A note to applicant will set out reasonable hours of works and also that no bonfires shall be allowed on the site at any time. Any anti-social behaviour or unreasonable disturbance which occurs can be reported to the relevant body, being either the Environmental Health section of the Council, or the Police.

6.4 Design and scale

- 6.4.1 The application as originally submitted saw alterations to the front elevations with the introduction of cladding and render to the elevations, and modifications to the roof slope. Render panels would also have been introduced to the side elevation on Mona Street. Other additions included dormer windows to the front and rear. The building is in a prominent location and it is considered that these alterations would have, in the whole, detracted from the character of the building and its non-designated heritage asset status. In addition, the link and the new building to the rear would have failed to respect the character and appearance of the site and the street scene, by virtue of their scale and design, and have resulted in the loss of the hierarchy of the buildings as it would have challenged the primacy of the main building.
- 6.4.2 The application as amended sees the omission of the link and rear building, and more sympathetic alterations to the front extensions, retaining the character and appearance of the building. Both the front and rear dormers have also been

modified, to the betterment of the scheme. The side extension at first floor is set down from the main ridge height, and set back slightly from the front elevation, with a design that reflects the features of the host building. The proposed materials would match those used in the existing building and no longer include elements of render or cladding. Accordingly the scale and design of the proposal as amended now respects the character and appearance of the building, and its status as a non-designated heritage asset.

6.5 Highway Safety

- 6.5.1 It is clear from the consultation responses that there is significant concern that the development does not include sufficient parking provision within the site and that this would lead to increased demand for on-street parking. Concerns are also expressed in regard to existing congestion along the road.
- 6.5.2 In regard to assessing the highway impacts of a proposal, paragraph 109 of the NPPF 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 applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.
- 6.5.3 The site lies within close proximity to Beeston town centre, being 1km to the north west of the site and therefore within walking distance. The Skylink bus route runs along Queens Road, which gives access to Nottingham and Long Eaton, as well as to East Midlands Airport. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along Mona Street. However, it is considered that there would not be a severe highways impact and the future residents of the proposal would have the opportunity to use more sustainable transport options. Secure cycle storage is included as part of the proposal. Furthermore, the Highways Authority states no objection and it is considered that a pragmatic approach also needs to be taken in respect of developing sites within existing urban areas. Based on the above, it is considered that there would not be sufficient policy justification for refusing the application on transport or parking grounds.
- 6.5.4 As a result of the amendments, one parking space has been shown. Whilst this would not, in itself, address concerns in regard to pressure for on-street parking, it would provide the opportunity for servicing and deliveries to the site, and for loading and unloading, to the benefit of highway safety.
- 6.5.5 Some letters of objection have suggested that Mona Street and surrounding streets would benefit from a parking permit scheme. Nottinghamshire County Council would be responsible for these schemes as it would be outside the scope of the planning process to require a scheme as part of any planning approval.

6.6 Other Matters

- 6.6.1 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted and the contents are considered acceptable, subject to the development being carried out in accordance with the FRA.
- 6.6.2 Concerns have been raised in regard to the lack of details of the impact on drainage and other services; soundproofing; and that the high density of occupation would be a fire risk. A noise assessment would be required by condition. The drainage of the site and a fire risk assessment would need to conform to Building Regulations. The Environment Agency raise no objections to the proposal subject to the development being carried out in accordance with the Flood Risk Assessment.
- 6.6.3 Concerns have been raised in regard to works already being started on the site. It is understood that the property has been cleared internally and that no works which would require planning permission have been undertaken. Notwithstanding this, any works undertaken prior to obtaining relevant planning permission would be at the developers' own risk.
- 6.6.4 Concerns have been raised in regard to access and safety of users / occupiers of the adjacent properties, in regard to scaffolding or other works either over or adjacent to these properties. This would be a civil matter between the developer and the owners of the adjacent properties which would be separate to the planning process.
- 6.6.5 Concerns have been raised in regard to lack of protection or promotion of biodiversity on the site. It is noted that the existing site is mainly hard surfaced. The proposal does not include any landscaping within the site however there is the potential for the developer to introduce areas of landscaping. This would be secured by condition.
- 6.6.6 Adequate provision for the storage and collection of waste has been included as part of the application. The storage area would be within the rear of the site, and there would be space within the site for the bins to be collected close to the highway.
- 6.6.7 Comments have been received which question why family housing could not be provided as there is plenty of student accommodation in the area. It is considered that it would be difficult to convert the public house into family housing of a suitable size and without access to a usable private outdoor amenity space. In addition, as the building has the status of a non-designated heritage asset, it would be undesirable to demolish the building in order to build replacement family housing. The conversion of the building to flats could potentially allow for family housing in the area to be retained as such. It would also contribute to the creation and maintenance of a sustainable community by providing a mix of housing tenures, types and sizes, to the benefit of the wider community.
- 6.6.8 The proposal for three flats with a total of 18 bedrooms would be of benefit as the Council do not currently have a 5 year land supply. The development is considered to provide much needed housing in a sustainable location.

7. Conclusion

- 7.1 It is concluded that the proposal to convert the public house to a house in multiple occupation comprising three flats, including side extension and dormers to front and rear, is acceptable and will not have an adverse effect on neighbouring amenity or highway safety, and would respect the character of the non-designated heritage asset. The proposal therefore accords with Policies E34, H4, H6, and T11 of the Broxtowe Local Plan, with Policies 1, 2, 8, 10 and 14 of the Aligned Core Strategy, Policies 1, 15 and 17 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered: 702 003 rev D; 702 004 rev C; and 702 005 rev D received by the Local Planning Authority on 18 December 2018.**
- 3. No development shall commence until a report, prepared in accordance with the provisions of DoT Calculation of Road Traffic Noise, to predict noise levels at the nearest noise sensitive location has been submitted to and approved in writing by the Local Planning Authority.**

Predictions shall be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations and a comparison of noise level with appropriate current criteria.

Where current criteria are exceeded at any location, the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. Any mitigation measures agreed shall be installed prior to occupation and be retained for the lifetime of the development.

- 4. No above ground development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:**
 - (a) numbers, types, sizes and positions of proposed shrubs**
 - (b) proposed boundary treatments**
 - (c) proposed hard surfacing treatment**
 - (d) proposed lighting details**
 - (e) planting, seeding/turfing of other soft landscape areas**

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

5. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development or occupation of the building(s), whichever is the sooner and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by SCC, November 2018. Specifically finished floor levels shall be set no lower than 27.67m above Ordnance Datum (AOD), as stated in section 3a of the FRA. Finished floor levels shall be retained and maintained at this level thereafter throughout the lifetime of the development.
7. The extensions and dormers shall be constructed using bricks and tiles 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. In the interests of the amenities of the future residents and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
4. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H4 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
5. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).
6. To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).
7. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to applicant

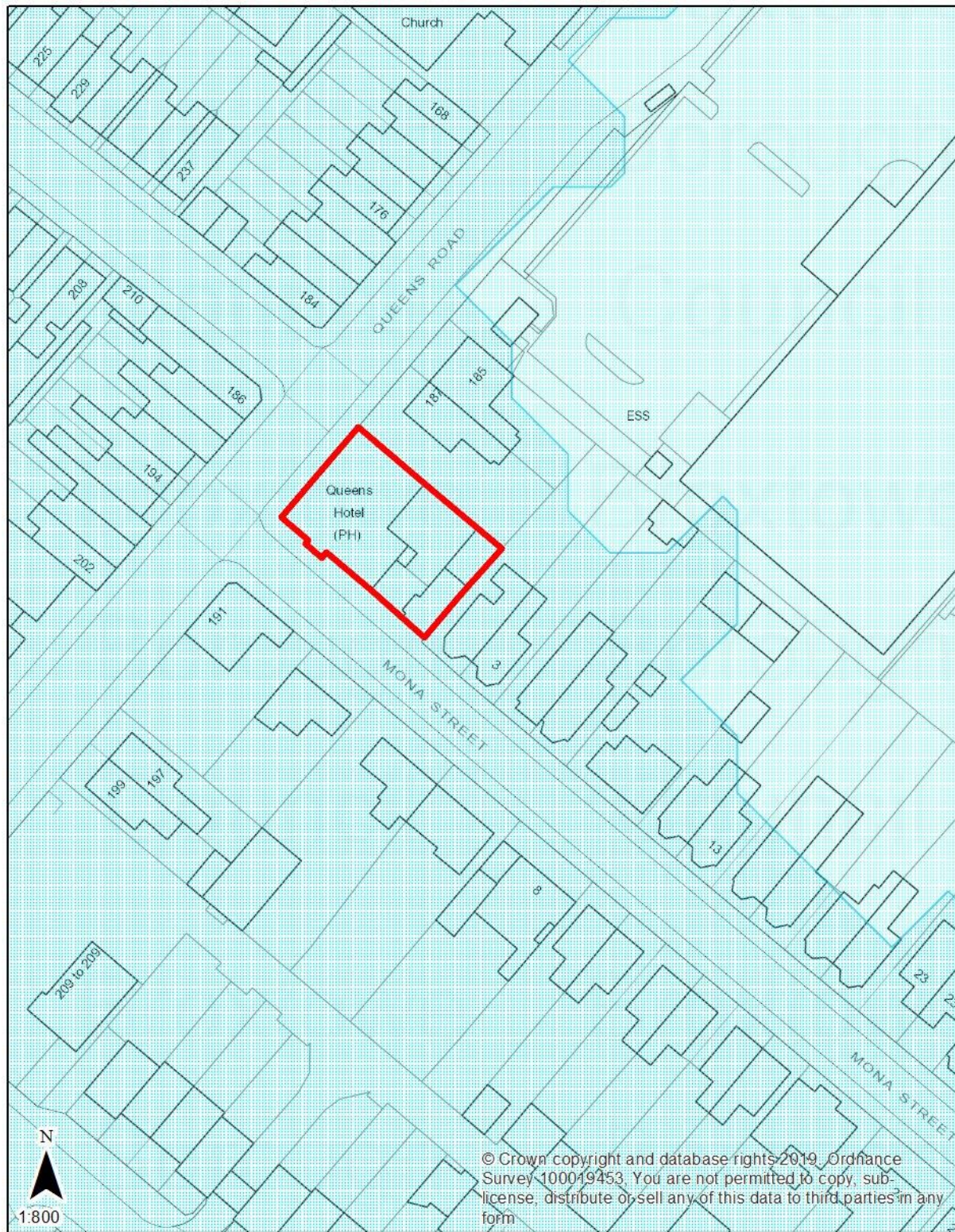
1. The Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

3. Given the proximity of residential properties, it is advised that contractors 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. There should also be no bonfires on site at any time.
4. It is recommended that the developer signs up for the Environment Agency's early flood warning system.

Background papers
Application case file



Legend

- Road Names
-  Site
-  Flood Zone 3
-  Flood Zone 2

Report of the Chief Executive

**18/00791/FUL
INSTALLATION OF A NATURAL GAS ENERGY FACILITY AND
ASSOCIATED INFRASTRUCTURE
LAND OFF LONG LANE, WATNALL, NOTTINGHAMSHIRE**

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

1 Details of the Application

- 1.1 In January 2016, planning permission was granted for the erection of a solar farm on the former Watnall Brickworks site, which included both the brownfield area to the north and some greenfield land south of it. The 24.5 ha site is located wholly within the Nottinghamshire Green Belt and the approved scheme proposes the installation of 68,000 solar arrays, with six accompanying small supporting buildings and 10 CCTV cameras.
- 1.2 The solar farm, as approved, when complete would generate 17MW of power that would feed into the national grid. This is equivalent to providing for 5,151 homes per annum and would result in a saving of 6,700 tonnes of CO² per year. Research has shown that this would result in the creation of 119 jobs either directly or indirectly resulting from this development.
- 1.3 This proposal seeks planning permission to install a natural gas energy facility on the concrete base to the north of the site. This development would cover an area of approximately 0.42ha, and is proposed to provide 'Grid support' to both the local and national electricity network. Essentially to provide backup when the grid is under stress at peak times, local demand is high and/or the solar farm is not generating at peak capacity. Thus ensuring no 'drop' in power supply and in order to guarantee a secure and uninterrupted supply.
- 1.4 The Natural Gas Energy Facility (NGEF) is proposed to work in conjunction with the already approved solar farm, and due to removal of subsidies, companies investing in renewable energy solutions need to maximise the investment opportunities available to them. Companies producing renewable energy also need to effectively be 'flexible power generators' and guarantee a constant supply of power to the national grid. The NGEF would, at times of power shortage, tap into the local gas supply and complement the solar farm when there is a need. This generally tends to be for a period of fifteen minutes to four hours, and is most relevant in the winter months when the solar generation is lower and there is greater demand on the energy network.
- 1.5 In the future it is hoped that battery storage systems will be able to supply the backup power needed to solar farms such as this, but currently this technology is unproven, hence the request for the NGEF.
- 1.6 The built form of a NGEF will consist of:
- 20 generators that would be 12.7m in length, 2.5m in width and 3m in height for the main structure (4m to the top of the stack).

- 20 transformers that would be 2m x 2m by 2m located adjacent to the generators.
 - A substation measuring 12.2m in length, 2.4m wide and 2.9m high.
 - A site office measuring 6.6m in length, 2.4m in width and 2.6m in height.
 - A supporting building measuring 6.6m in length, 2.4m in width and 2.6m in height.
 - A gas kiosk measuring 5m in length, 4m in width and 2.4m in height.
 - Palisade security fencing 2.4metres in height, a communications dish and some CCTV monitoring cameras.
- 1.7 The operating hours of this proposal may vary significantly with demand over the course of the year, particularly with seasonal variations in solar output. However, it is estimated that the gas generators will be operating for approximately five hours a day on average over the year, or 20% of the total hours per annum.
- 1.8 The suite of measures with regard to the wider landscaping of the site (already approved under the previous approval) will not be affected by this proposal.

2 Site and Surroundings



Views of access to the hardstanding area where NGEF proposed



The north of the site, showing hardstanding Northern boundary

- 2.1 The wider site is largely surrounded by open countryside and is located adjacent to the M1 motorway, which runs close to the western boundary and 1km north west of the settlement of Watnall. Hucknall Aerodrome (currently being

redeveloped for housing) is 300m to the south east of the site. It is currently proposed that the HS2 line will be constructed just beyond the eastern boundary, and the location of this proposed NGEF was amended to accommodate this. There is a Public Right of Way that crosses the wider site, but does not cross the site of the NGEF directly. However, the NGEF is wholly located on the area of hard standing within the existing local designated wildlife site.

- 2.2 The current boundaries of the wider solar farm site consist of a mix of post and rail fencing, and various vegetative boundaries. It is proposed that 4200metres of wire mesh security fencing would surround the site which would be 1.8metres in height and contain a small gap at the bottom to allow for wildlife roaming.
- 2.3 The site changes level throughout, with large variations in topography towards the northern end of the site, however the concrete platform proposed for the NGEF is level. Access to the site is from the existing road that leads up from Long Lane to the south.

3 Relevant Planning History

- 3.1 Change of use from agricultural land to 17MW PV solar farm and associated infrastructure . Refused permission on Green Belt policy grounds 15/00174/FUL.
- 3.2 Change of use from agricultural land to 17MW PV solar farm and associated infrastructure (revised scheme). Granted conditional permission 15/00525/FUL.
- 3.3 Installation of 40 generators and associated works. Refused permission on Green Belt policy grounds as no very special circumstances were demonstrated. 16/00368/FUL.
- 3.4 Install liquefied natural gas (LNG) energy facility and associated infrastructure. Application withdrawn 17/00863/FUL.
- 3.5 Variation of condition 4 of Planning Ref: 15/00525/FUL (life of the solar farm extended to 40 years). Granted conditional planning permission 18/00694/ROC

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 134 states that the Green Belt serves five purposes which includes to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

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 which provides strong in principle support for proposals that will assist in mitigations against climate change.
- 4.2.4. Policy 3 The Green Belt largely repeats guidance laid down within the NPPF.
- 4.2.5 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan 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 E8 'Development in the Green Belt' - largely reflects national guidance, advising that only appropriate development in the Green Belt shall be permitted unless very special circumstances can be demonstrated.
- 4.3.3 Policy E16 'sites of Importance for Nature Conservation' suggests that planning permission would not be granted for developments that are on or adjoining local wildlife sites which would damage or devalue their nature conservation interest.
- 4.3.4 Policy E29 'Contaminated Land' - explains that development of land which may be contaminated may not take place unless a site investigation to assess the degree and nature has taken place, details of remedial measures have been approved, there is no significant risk to health and safety to occupants of the land and there is no contamination to any surface water, groundwater or adjacent land.

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 10 no. representations in relation to Policy 8. Given that there remain outstanding objections to this policy and the Inspector's view on these is not yet known pending her report, this policy can only be afforded limited weight.
- 4.4.2 Draft Policy 8 'Development in the Green Belt' - the health and well-being benefits of changes of use of open land to outdoor sport and outdoor recreation will

constitute 'very special circumstances' (VSC) which clearly outweigh the 'by definition' harm to the Green Belt, subject to assessment of their effect on the openness of the Green Belt, and on the purposes of including land in the Green Belt.

5 Consultations

- 5.1 Coal Authority: - raise no objections to the proposal and repeat standing advice.
- 5.2 Nottinghamshire County Council (Highways) raise no objections.
- 5.3 The Environment Agency raise no objections to the proposal, but suggest some conditions and standard Note to Applicant if planning permission is granted.
- 5.4 Highways England: Raise no objection to the proposal.
- 5.5 HS2 raise no objections to the application as no part of the application red line boundary is within land currently safeguarded for Phase 2b of HS2, or land identified as potentially required during construction and/or operation of the high speed railway.
- 5.6 The Environmental Health Officer raises no objections.
- 5.7 Ashfield District Council raises no objections to the proposal but makes reference to the relevant policies that need to be considered.
- 5.8 Greasley Parish Council object to the proposal as they believe it constitutes an unnecessary industrial intrusion into the Green Belt and do not believe that the applicant has demonstrated that VSC exist.
- 5.9 A site notice as posted on the 2 January 2019. One neighbour response was received and can be summarised as follows:
 - This is a non-environmental development.
 - Concrete bases for all the containers and concrete is non environmental.
 - Generators produce waste products such as oil and waste filters.
 - Insufficient surveys historically to suggest that these solar farms are more sustainable than power stations.
 - Gas generators should put more measures in place to reduce emissions.
 - Small generator packages have not become more economical to run; they have just been re-purposed.

6 Appraisal

- 6.1 The main issues to consider as part of this application relate to whether the proposal constitutes appropriate development in the Green Belt, whether it would preserve the openness of the Green Belt and the potential very special circumstances relative to development in the Green Belt.
- 6.2 Whilst the NGEF is located on brownfield land and this development would assist in reusing an area of derelict land, the site lies within the Nottinghamshire Green Belt where there is a presumption against inappropriate development other than

in exceptional circumstances. Gas generators and associated equipment are not forms of appropriate development within the current policy framework, nor are solar farms, therefore by definition this development is inappropriate. Thus the main issues with this proposal relate to the appropriateness of this type of development in the Green Belt and whether very special circumstances (VSC) exist to justify allowing such a proposal.

6.3 Principle and Green Belt

6.3.1 It was previously accepted that the Solar Farm development was acceptable in this location, following a comprehensive analysis of the VSC submitted, and was therefore granted approval. If this proposal was for the NGEF scheme alone, it is likely that it would be considered contrary to policy due to it being a form of inappropriate development within the Green Belt. The NGEF is however intrinsically linked with the wider solar farm scheme that has already been approved. This proposal should be considered alongside the wider solar farm and it is impractical to decouple the two. Therefore, when assessing the appropriateness of this development, it will be assessed as part of the wider 24ha development.

6.3.2 The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. To this end the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built up areas.
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns, and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3.3 The applicant submits that the M1 acts as a significant barrier to the west, and the HS2 line could be a significant barrier in the future to the east, thus preventing the merging of towns and that no sprawl will result as a consequence of this development. Effectively it is argued that the site could be sterilised in the future by these two transport links. There are no historic towns within the immediate vicinity.

6.3.4 Whilst it is not believed that this development would result in either unrestricted sprawl or create coalescence of settlements, the encroachment argument is harder to justify. If this development is allowed, it would have an operational time frame of 40 years and would be reversible, but it would still result in an area of land covered in solar panels and gas generators, which are not consistent with the rural landscape. It is accepted that over 40% of the site is brownfield, therefore lessening the strength of this argument, nevertheless this development would result in some encroachment into the countryside.

6.3.5 With regard to the argument for openness, the impact of this development is more significant. The land area covered by solar panels and generators is 24.5 hectares and these include some subsidiary brick buildings, support offices, CCTV towers and 1.8 metre high wire mesh fencing around large areas of the site. The applicant argues that this development would have a local impact with

regard to openness and long and medium distance views are largely unaffected by this proposal due to the low level height of the development. The generators would be largely hidden by the wider solar farm development, which is similar in appearance to man-made modern agricultural practices such as polytunnels, sheeted row formations and frames for hops and fruit. These points are all relevant and can be justified, nevertheless it cannot be argued that this development has either minor or no impact on the openness of the Green Belt, and as such is contrary to one of the aims of Green Belt policy. This impact is tempered by the fact that the existing Watnall Brickworks site consists of large swathes of concrete slabs and piles of bricks, all of which would be removed by this development and its associated landscaping.

6.3.6 The development contravenes one of the aims of the Green Belt in terms of detrimentally affecting openness, and is a form of inappropriate development, therefore this should be refused unless VSC can be demonstrated. The VSC case submitted by the applicant is largely based on the need for renewable energy and a reduction in the need for carbon fuels, and is supported by an argument that there is no other viable site with suitable grid capacity for a site of this size in the wider locality. This case is further supported by other elements such as economic benefits, farm diversification, biodiversity enhancements and the temporary and reversible nature of the proposal. The case submitted is that these elements when considered cumulatively are sufficient to justify that VSC exist and these outweigh the usual Green Belt policy considerations. Each of the elements will be assessed in turn.

6.3.7 Need for Renewable Energy.

The NPPF is very clear in its support of renewable energy projects and moving towards a low carbon economy and achieving energy security are key government aims. The Climate Change Act in 2008 and The Renewables Directive in 2009 set targets for the UK to achieve and 15% of the Country's energy consumption should be from renewable sources by 2020. As of 2013 only 5.2% came from these sources and therefore there is still a sufficient gap to fill in order to meet this target. Policy 1 of the Aligned Core Strategy also recognises and encourages the decentralising of energy production. This farm would generate 17MW of renewable energy for the national grid and, whilst the NPPF states that all renewable developments regardless of how small their respective contribution in energy production is, all provide a valuable contribution, 17MW would result in approximately 6,700 tonnes of CO₂ being saved a year equivalent to 5,151 homes. This would only be possible with an uninterrupted continuous supply and to that end the flexible generation solution of both the solar panels, with the gas generators, would be required. It is considered that this amount of CO₂ reduction would be a significant contribution locally and as such significant weight in planning policy terms should be given to this aspect.

6.3.8 Alternative Site Assessment:

An alternative site assessment has been carried out to determine if this the best location for this type of development. The assessment concluded that this site was the only realistic prospect for delivering 17MW of renewable energy within this locality and there are no alternative sites that are capable of providing equivalent outputs of renewable energy or are demonstrably better than the application site. The methodology for reaching this conclusion is explained below.

- 6.3.9 To determine the specific parameters for the search some of the technical issues behind locating large scale renewable energy schemes were outlined. Across the UK the national grid only has certain points where there is specific capacity to add additional electrical power into the network. Within this locality the only viable location to add power to the network is at a particular point in Hucknall. Indeed, according to Western Power, the next available grid capacity location is near Basford (within Nottingham City) and there are no other currently accessible locations on the grid within Broxtowe. However the search area is then further restricted by the connection costs and outputs in relation to this specific connection point, and consequently the search area was defined as a radius of 4.25km from this point and is comparable to other solar farm site assessments that have been undertaken. Alternative sites within this search area were then examined, based on sites that could sufficiently achieve the outputs of the proposal, sites that appear readily available, and that any alternative site should be suitable for the proposed development without any significant alteration and with no disaggregation.
- 6.3.10 Other criteria covered by the assessment included researching the possibility of other options such as roof mounted technology, looking for sites with lower quality farmland than the proposal site, and removing constrained land from the assessment such as airfields, golf course and land covered by specific planning policies. Once all these criteria were implemented a list of 35 potential sites were determined, this list was quickly reduced to 16 once it had been filtered further, and these 16 sites were then assessed in greater detail. The report concluded that only three reasonable credible alternative sites existed and these all would have required unviable mitigation measures in order to overcome operational or physical constraints. Consequently, these were all discounted. The report also dismissed the option of roof mounted solar based on the fact that the site area of the available roofs was smaller than required and spread over an extremely wide area making it impractical to manage.
- 6.3.11 The alternative site assessment indicates that there are no viable alternatives to this proposal within the locality. Indeed, Western Power has confirmed that there is no other suitable grid connection for a site of this size within a 10-mile radius of the site, which effectively discounts most of the Borough apart from a small section of Attenborough Nature Reserve. Consequently, if this proposal does not take place at this particular location, then the opportunity to generate 17MW of renewable power would not be realised within Broxtowe. This factor therefore should be given significant planning weight in the overall VSC case, and arguably could be considered a VSC in its own right.
- 6.3.12 Economic Benefits and Farm Diversification:
Farm diversification is recognised by planning policy as necessary in order to ensure the long term economic stability of farmers. Due to the government tariffs available for these schemes, the land owner of this land will receive a steady stream of income for the life of the solar farm, which is a more reliable resource than current farming practices. Furthermore, due to the layout and general operational practices of solar farms, agricultural use of the land can continue albeit largely restricted to livestock grazing but the agricultural use of the land can continue alongside the solar farm itself. With respect to employment, research

has shown that for every MW installed for ground mounted projects, approximately seven jobs are created. Consequently, this site, if permitted, could result in the creation of 119 jobs. The jobs created, and the stability of the project in terms of farming income, can both be given appropriate weight with regard to the overall VSC case. However, considering the scale of the development when compared with the relatively small outputs in job terms, it is not considered that anything more than some planning weight can be given to this element.

6.3.13 Landscaping and Biodiversity:

A landscaping appraisal accompanied the previously approved 2015 solar farm scheme, and has been resubmitted with this application, and amended appropriately. The general landscape quality of this area is poor or ordinary, and it is quite apparent that there are no significant landscape features worthy of protection here. Nevertheless, the landscape strategy proposes to protect and enhance the existing trees, woodlands and hedges on site, with some of the hedges augmented where appropriate to encourage biodiversity and including infilling of gaps. The perimeter fence will be planted with native hedge and climbers for wildlife benefit and soils enriched where appropriate. There are also plans to grow wildflowers through over seeding, meadow areas will be created and habitat boxes located throughout the site. Other biodiversity enhancements include new woodland planting (adjacent to the bridleway), habitat enhancement for reptiles, nesting boxes for bats and birds, ponds created for newts and Great Crested Newts to inhabit, log piles for invertebrates and some woodland scrub area are to be created. Additionally, a landscape and visual impact assessment has been submitted that shows the development of the solar farm over time taken from key vantage points, usually footpaths. The impact assessment indicates that once the proposed landscaping has had opportunity to establish itself, views of the development would be limited.

6.3.14 The majority of these enhancements would only happen if this development takes place in its entirety, with the gas generators. To that end the landscaping strategy can be considered as part of the VSC case. Indeed, the case officer has visited other solar farms within the Midlands and has noted the biodiversity benefits that such developments can bring. Consequently, considering the current state of the landscape in question with the NGEF located on the area of hardstanding, it is likely that this development would result in significant landscape and biodiversity enhancements across this site. To that end landscape and biodiversity enhancements should be given significant weight in the wider planning considerations.

6.3.15 Irreversibility:

The operational shelf life of solar farms is currently 40 years. After this they are decommissioned and the existing land use restored. The impact these developments have on the landscape is therefore both temporary and reversible, albeit over a long time frame. Considering the temporary nature of the scheme and the reversibility of it, but over a 40-year time frame, moderate planning weight can be given to this issue.

6.4 Other Issues:

6.4.1 Ecology:

The 2015 appraisal outlined that over the wider site, works will be carried out creating additional habitats for varying species and ecological enhancements that would result in the betterment of the ecological situation. It was noted that due to the location of the solar arrays proposed, there may be a negative impact on the ecological progression of the LWS area of the site, but overall the ecological benefits of this development are positive. When looking holistically at the ecological benefits of the site overall, they are significant, and would result in ecological betterment. The NGEF proposal would be located on the brownfield section of the site, but wouldn't alter the main landscaping proposals already outlined. Consequently, it is considered that the main aims of the NPPF are met and the impact on the LWS from this development is acceptable.

6.4.2 Heritage:

The heritage desk based survey determined that there was, at best, a low potential for archaeological evidence within 2km of the site (including the site itself). Additionally, that the proposed development would not have an adverse impact on the views currently afforded to heritage assets in relative close proximity to the site. It is not considered therefore that heritage assets would be affected by this proposal.

6.4.3. Illegal Motorbike Riding:

Motorbikes and quad bikes have been riding illegally on the site on and off for years, and whilst there has been involvement from enforcement and the Nottinghamshire Police, this issue has never been resolved. Nottinghamshire Police have also informed the Council that criminal damage has occurred to adjacent crops by bikers trying to gain access to the site. If this site is redeveloped then it is anticipated that this issue would be largely resolved as much of the terrain for riding bikes on would be removed and access to the site would be far harder. Redeveloping the site would therefore be beneficial from both enforcement and a policing perspective, preventing further time and money being expended in trying to resolve this issue. In accordance with Section 17 of the Crime and Disorder Act 1998 the Council is under an obligation to give due regard to the likely effect of the exercise of its functions and to do all that it reasonably can to prevent crime and disorder. Whilst the issue of illegal motorcycling cannot be considered as a form of VSC, it can be considered as another positive element to add into the wider VSC case for allowing this development.

6.4.4. Highways:

The highways department has raised no objection to this development, and following the construction of the solar farm the traffic generated in order to serve this site is insignificant.

6.4.5. Noise and Air Quality:

The noise levels outlined to be generated from the NGEF are at least 10db(A) below the typical background levels and will therefore have minimal if any impact on the closest residential properties.

With respect to air quality the generators will emit small levels of nitrogen dioxide, but these levels are negligible and assessments show that these will have

insignificant impacts on both ecological and human receptors and as such as considered acceptable.

6.4.6. Additional Surveys.

The submitted application outlines the benefits of solar energy and the need for the natural gas backup system, but does not submit comparable surveys with other forms of electricity production. However the NPPF is clear that any renewable developments, regardless of the level of their respective contribution in energy production is considered, a valuable contribution, therefore comparable surveys are not considered necessary for this application to be determined.

7. Conclusion:

7.1 It is not considered that this development would contravene the main purposes of the Nottinghamshire Green Belt, other than that of the impact on openness and some encroachment into the countryside. The land use proposed is not one which would usually be considered an ‘acceptable’ use within a Green Belt location and as such VSC need to be demonstrated. In this case the VSC put forward by the applicant can be summarised as follows:

- The lack of significant harm to the purposes of including land in the Green Belt.
- The development would recycle derelict land.
- The urgent and current need for renewable energy reflected in current policy.
- Ecological benefits resulting from the development.
- The reversibility of the development.
- This is the only viable site within Broxtowe that could accommodate this level of renewable energy.

7.2 It can be argued that the identified need for renewable energy, coupled with the relatively localised harm to the Green Belt in openness terms on a part brownfield site is sufficient VSC on its own to outweigh usual policy considerations. Notwithstanding these factors the current grid capacity within Broxtowe can only take 17mw of renewable energy at a specific point, and the alternative site assessment has demonstrated that this site is the only viable option to locate such a development. This, particularly in the context of current policy, should be given significant weight when assessing the overall VSC case.

7.3 When other factors are considered as well, cumulatively it is considered that they amount to sufficient VSC to override the usual policy consideration within this Green Belt location. Consequently, planning permission is recommended for approval.

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 PR-SD-002, PL401, PL402, GPP/AI/WB/NG/18/09 Rev 2, GPP/AI/WB/NG/18/07 Rev 1, GPP/AI/WB/NG/18/06 Rev 1, GPP/AI/WB/NG/18/03 Rev 1, GPP/AI/WB/NG/18/04 Rev 2, GPP/AI/WB/NG/18/08 Rev 2, GPP/AI/WB/NG/18/02 Rev 2 and GPP/AI/WB/NG/18/05 Rev 1 received by the Local Planning Authority on the 23 November 2018.
 3. If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a remediation statement detailing how this contamination will be dealt with, has been submitted to and approved in writing by the Local Planning Authority.
 4. No surface water drainage systems (other than those already approved) shall be installed on site, without consent from the Local Planning Authority.
 5. The planning permission hereby granted is for a period of 40 years from the date of first export of electricity from the solar farm to the grid (the 'first export date') after which the development hereby permitted shall be removed in accordance with the approved Decommissioning Method Statement. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.
 6. Unless further planning permission has been obtained for its retention not less than 12 months before the expiry of this permission, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of a timetable for the removal of the panels, cables and buildings from the site. The DMS shall also include details of the proposed restoration of the land and its subsequent aftercare. The site shall be decommissioned and restored in accordance with the approved DMS.
 7. The site shall be landscaped in accordance with the submitted landscaping scheme within the landscape visual impact assessment and received by the local planning authority on 16 September 2015. Notwithstanding these plans the following details shall be submitted prior to development commencing on site:
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development
 - (b) footpath surfacing details and associated boundary treatment
 - (c) details of the specific ecological habitats created and their locations
- The approved scheme shall be carried out strictly in accordance with the agreed details.

8. The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.
9. No vegetation shall be cleared on site between March and August inclusive.

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 prevent pollution of controlled waters and in accordance with paragraph 109 of the NPPF.
4. To prevent pollution of controlled waters and in accordance with paragraph 109 of the NPPF.
5. To ensure that the turbines are removed from the site at the end of their operational life in the interests of protecting the character of the Green Belt
6. In the interests of protecting the visual character and appearance of the Green Belt.
7. No such details were submitted and to ensure that the landscaping is appropriate for the locality and no development occurs until suitable landscaping has been agreed.
8. To ensure the development presents a more pleasant appearance in the locality.
9. To ensure that any nesting birds are not disturbed by the development.

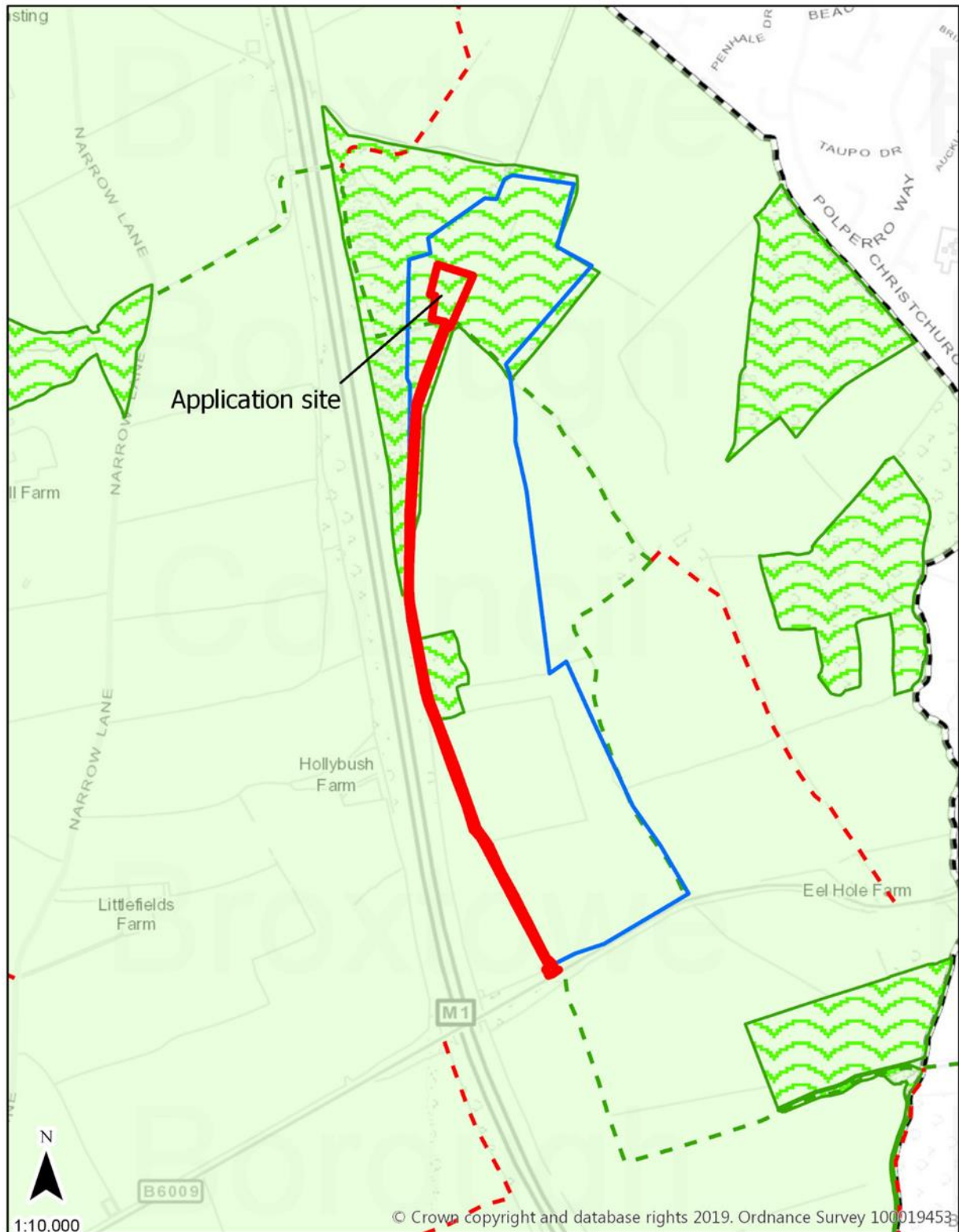
Note to applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application and working to agreed timescales.
2. The applicant is reminded that they need to get the relevant Environmental Permits in place to operate this facility, if required.
3. Where infiltration drainage (soakaways or similar) are proposed on site the following measures should be implemented:

- appropriate pollution prevent methods (trapped gullies or interceptors) to prevent hydrocarbons draining into the ground. Clean uncontaminated roof water should drain directly to the system, entering after any pollution prevention methods.
- no infiltration system should be sited in, or allowed to discharge into, made ground or contaminated land.
- There must be no direct discharge to groundwater. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems shall be preferable to systems such as deep bored soakaways.

4. This planning permission shall be read in conjunction with planning permission 15/00525/FUL.

Background papers
Application case file



Legend

- Solar Farm Site
- 18/00791/FUL
- Bridleway
- Footpath
- Local Wildlife Site
- Byway open to all traffic
- Green Belt

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Report of the Chief Executive

**18/00628/FUL
 CONSTRUCT SEVEN DWELLINGS, INCLUDING ASSOCIATED ACCESS
 ROAD, GARAGING, PARKING AND LANDSCAPING
 SOUTHFIELDS FARM, COMMON LANE, BRAMCOTE,
 NOTTINGHAMSHIRE, NG9 3DT**

Councillor J C Goold requested this application be determined by the Committee and if approved, the development would constitute a material departure from policy.

1 Details of the Application

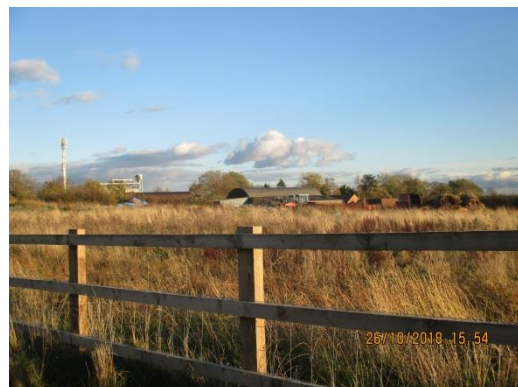
1.1 The application seeks permission to construct seven, two storey, detached dwellings on agricultural land within the Green Belt. At ground floor level, each dwelling will have a living room, kitchen, snug, utility room and WC and at first floor level will have either three or four bedrooms with a minimum of one en-suite and a bathroom. Each dwelling will have a mixture of hipped/gable/lean-to roofs and a minimum of three car parking spaces including either a detached or integral garage and private drive. Each dwelling would have a private rear garden. The dwellings will have a maximum height to ridge of 7.3m and maximum height to eaves of 5.4m. They will range from a footprint of 142m² to 224m² (including the garage). The application form states the dwellings will be constructed from bricks and clay pantiles.

1.2 Amended plans and additional information was received during the course of the application. The height of the dwellings was reduced, chimneys were added to all dwellings (excluding House Type C), double garage doors were separated into two single doors, a lean-to roof was added above the garage on House Type B, brick detailing was repositioned and the porch design was amended.

2 Site and Surroundings



North boundary of farm yard



View of north west of farm buildings from Burnt Hill



East boundary of farm yard



View of main shed



Southern view of entrance to farm yard



Southern boundary of site (rear of main shed)

2.1 Southfields Farm is located north of Common Lane in Bramcote within the Nottinghamshire Green Belt and the site area is 0.4ha in size. There are two large agricultural buildings and a grain silo within the farm yard. The site is generally used for storage. Access into the site is from Common Lane to the south west. Immediately south of the site is Southfields Farmhouse and three brick barn conversions which compromise dwellings: Hayloft Barn, Long Barn and Dairy Barn. The site is enclosed by a hedge, trees and vegetation. The fields to the north and south of the site are owned by the applicant.

3 Relevant Planning History

3.1 Farm Site

3.1.1 An application to erect a lean-to store (94/04004/AGR) was granted prior approval in June 1994.

3.1.2 An application to convert the barns and outbuildings to seven residential units (01/00729/FUL) was refused permission in November 2001 (on site and to the south).

3.1.3 An application to convert the hay store to two dwellings and convert the grain store to garaging (03/00125/FUL) was refused permission in March 2003.

3.1.4 An application to extend and implement alterations to the farmhouse (03/00992/FUL) was granted permission in February 2004.

3.1.5 An application for Prior Notification under Class R - change of use from agricultural buildings to flexible commercial use (18/00279/P3MPA) was granted approval in June 2018. This related to two buildings on site, two parts of a large barn and one separate smaller barn, changing to an office (Class B1) and storage (Class B8) use.

3.1.6 An application for Prior Notification under Class Q - Change of use of agricultural barn to residential development comprising five dwellings (18/00270/PMBPA) was granted approval in June 2018. This related to part of the large barn.

3.2 South of the site

3.2.1 An application to develop the land to the south of Common Lane as a golf course with ancillary facilities (93 ha) (90/00811/FUL) was refused permission in September 1990.

3.2.2 An application to convert barns and outbuildings to form three residential units (01/00949/FUL) was granted permission in February 2002.

3.2.3 An application to convert the barns and outbuildings to the south of the site to form three residential units, including variation of condition 8 on the previous permission (01/00949/FUL) relating to the creation of additional windows (revised scheme) (04/00857/FUL) was granted permission in December 2004.

3.2.4 An application to construct a balcony (07/00339/FUL) was granted permission in June 2007 (building to south east of site).

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 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.

4.1.3 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 134 states that the Green Belt serves five purposes which includes to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces and limited infilling in villages.

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 3 'The Green Belt' - summarises the purpose of the Nottingham and Derby Green Belt.

4.2.4 Policy 8 'Housing Size, Mix and Choice' - outlines that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes.

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

4.2.6 Policy 17 'Biodiversity' - explains that new development should provide new biodiversity features which protect and improve existing biodiversity features wherever appropriate.

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 E8 'Development in the Green Belt' - states that permission will not be granted for development except where it constitutes appropriate development.

4.3.3 Policy E29 'Contaminated Land' - explains that development of land which may be contaminated may not take place unless a site investigation to assess the degree and nature has taken place, details of remedial measures have been approved, there is no significant risk to health and safety to occupants of the land and there is no contamination to any surface water, groundwater or adjacent land.

4.3.4 Policy T11 'Guidance for parking provision' - new development will not be permitted 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 10 no. representations in relation to Policy 8, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17, 4 no. representations in relation to Policy 19 and 7 no. representations in relation to Policy 31. Given that there remain outstanding objections to Policies 8, 15, 17, 19 and 31 with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

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

4.4.3 Draft Policy 15 'Housing size, mix and choice' - 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.

4.4.4 Draft Policy 17 'Place-Making, Design and Amenity' - states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area, integrates well into its surroundings, provides, or is close to community facilities, has sufficient, well-integrated parking and incorporates ecologically sensitive design, with a high standard of planting and features for biodiversity.

4.4.5 Draft 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 Draft Policy 31 'Biodiversity Assets' - permission will not be granted for development that results in any harm to a Biodiversity Asset, unless the benefits of the development are clearly shown to outweigh the harm.

5 Consultations

5.1 Severn Trent Water has advised that foul sewerage would be subject to a sewer connection approval and that surface water is proposed to discharge into soakaways and therefore have no comments to make in regards to this.

- 5.2 Nottinghamshire County Council as Highways Authority has no objection subject to a precommencement condition that requires improvements to visibility are undertaken at the junction of Chilwell Lane/Common Lane, passing places are constructed on Common Lane, and the bend is widened on Common Lane.
- 5.3 The Environmental Health Officer has no objection subject to a precommencement condition in relation to contaminated land.
- 5.4 The Nottinghamshire Wildlife Trust has advised that the methodology used is satisfactory and there is no expectation the proposed development would have a negative impact on protected species providing the recommendations in the report are carried out.
- 5.5 The Environment and Business Development Manager has advised on the requirements for waste and recycling.
- 5.6 The Coal Authority advises if the application were to be granted permission, standing advice should be applied in the interests of public health and safety.
- 5.7 A site notice and amended site notice were posted and three neighbouring properties were consulted. Two responses were received, one objecting and one making observations in relation to the first set of plans. One objection was received in relation to the amended plans. Comments received can be summarised as follows:
- New dwellings should reflect the design and agricultural appearance of existing barns and farmhouse and not detract from these
 - Significant loss of privacy due to the gradient of the land
 - Should ensure that no existing properties are overlooked
 - Plot 4 will in particular cause a loss of privacy into main garden
 - Development would mean triple the amount of cars passing houses to the south of site
 - Access is difficult along Common Lane and three 'pinch points' need to be addressed for the safety of dog walkers and pedestrians.
 - No access for two cars when turning into Chilwell Lane, there is a long section passing the scout field with no passing point with poor visibility and at the bottom of the hill is a difficult corner with reverse camber which is blind and could be dangerous, especially in winter with ice
 - Increased highway safety concerns due to Common Lane being a single track, potential for collisions and damage to property
 - Common Lane is in a state of disrepair and an increase in traffic is likely to increase damage to road and cause risk to pedestrians and vehicles
 - Noise disturbance from traffic, in particular from the entrance into the site and from construction
 - Increased amount of dwellings will reduce the speed of connectivity for internet
 - Consideration should be given to effect of occupants living so close to a tall phone mast
 - The revised scheme still demonstrates a significant loss of privacy due to the gradient of the land.

6 Appraisal

6.1 The main issues to consider as part of this application relate to whether the proposal of seven dwellings constitutes appropriate development in the Green Belt, whether it would preserve the openness of the Green Belt and the potential very special circumstances relative to development in the Green Belt. Also relevant are amenity, design and highway safety.

6.2 Principle and Green Belt

6.2.1 This application proposes residential development on Green Belt land. The construction of new houses within the Green Belt is regarded as inappropriate and it is considered that the scheme would not fall under any of the criteria for appropriate development in Green Belt as listed in the NPPF and under Policy E8 of the Broxtowe Local Plan (2004). The scheme therefore constitutes inappropriate development which by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

6.3 Very Special Circumstances

6.3.1 The applicant has submitted a statement of Very Special Circumstances (VSC) which can be summarised as follows below.

- the land is previously developed land and therefore constitutes appropriate redevelopment in accordance with the NPPF
- calculations have been provided that demonstrate the volume of the buildings on site would be reduced by 32.5% if replaced with the proposed seven dwellings and that the spacing between the properties mitigates the overbearing appearance of the site
- the openness of the site will be improved due to the removal of the dilapidated structures
- Landscape and Visual Impact Assessment (LVIA) concludes that the site is visually well contained and has a very small influence on the surrounding area
- Broxtowe Borough Council cannot demonstrate a five year housing land supply.

6.3.2 In response to the above, the NPPF states within the glossary under 'previously developed land' that land which is or was last occupied by agricultural buildings are excluded from this classification and this applies to the application site.

6.3.3 The calculations provided demonstrate there is a reduction in footprint, height and volume and from the information provided, the application would result in a reduction in the volume of buildings of approximately 10%. Although it is acknowledged the volume is reduced, agricultural structures such as those on the site are commonly seen within rural locations and retain the character of the open countryside. The proposal of domestic dwellings with their associated domestic paraphernalia would be significantly different to the current farm buildings in

terms of materials, appearance and location which would be detrimental to the character of this rural area.

- 6.3.4 Despite the cumulative volume of the new dwellings being less than the existing farm buildings, it is considered the openness of the site would not be improved by the replacement of dilapidated farm buildings with the seven dwellings proposed. The site is currently read as one single space and the proposal of subdividing this land for the purpose of seven dwellings would amount to an encroachment into the countryside. Formalised gardens, the amount of hardstanding, parking and the associated paraphernalia that accompanies residential dwellings would detract from the rural and agricultural character of this location. The harm that this can cause was considered in recent case law (*Gould v East Dorset District Council* [2018] EWCA Civ 141). In this case it was decided that the replacement of a detached workshop with a two bedroom holiday accommodation unit would prove harmful to the openness of the Green Belt despite a reduction in footprint. Although each application needs to be determined on its merits, this case supports the point that the reduction in size of buildings is not in itself reason to support inappropriate development proposals in the Green Belt.
- 6.3.5 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA describes the topography and main characteristics of the area and outlines key receptors and nearby points of interest such as settlements and Heritage Assets. The report also outlines Landscape Character Areas such as Bramcote Wooded Hills and the Beeston and Stapleford Urban Fringe. The report outlines that the development would have limited impact on these landscape areas and that visually, the impact would be minimal, particularly if existing hedgerows are maintained and supplemented. The LVIA outlines that suitable conditions requiring a landscape scheme and landscape management plan could be attached to mitigate the impact of the development.
- 6.3.6 The report does not assess or comment on the difference between the visual appearance of the agricultural buildings compared to more 'suburban' buildings in this location despite outlining that this area has a general 'arable farming character' to it. Furthermore, although the LVIA may conclude the visual impact is minimal; this does not outweigh the argument that the proposal represents inappropriate development within the Green Belt and the change in built form is significantly different.
- 6.3.7 It is acknowledged that the Council cannot demonstrate a five year housing land supply. In accordance with Section 2 of the NPPF, this means that for decision making, permission should be granted for applications unless there is a clear reason for refusal (including land designated as Green Belt) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It is considered the provision of seven dwellings would not significantly contribute to housing supply so as to outweigh the harm caused to the openness of the Green Belt. In the case of *Neal and Sons v South Cambridgeshire District Council* [2016] ref: APP/W0530/W/16/3142834 the Inspector stated '*the provision of eight houses towards the Council*' shortfall in its five year housing land supply should be afforded limited weight but would not, on its own constitute the very special circumstances necessary to outweigh the harm caused by the

inappropriate development in the Green Belt. The same principle is considered to apply in respect of this application.

6.3.8 To conclude, it is considered that the applicant has not demonstrated very special circumstances and the proposal of seven dwellings would represent inappropriate development in the Green Belt that would have a detrimental impact on openness.

6.4 Fall-back position

6.4.1 The site has received prior approval under Class R to change the use of two parts of a large barn and one separate smaller barn to a flexible commercial use (18/00279/P3MPA) and prior approval under Class Q to change the use of part of the large agricultural barn into five dwellings (18/00270/PMBPA) (see history section). The applicant has stated that this is a fall-back position that should be afforded significant weight in determining this application. The applicant has referenced recent case law (Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314) which will be discussed below.

6.4.2 An existing planning permission, permitted development rights and the existing use of a site are all examples of possible fall-back options that could be taken into account when deciding whether or not to grant planning permission. In the case of Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314, a barn was authorised to be converted into three residential dwellings subject to a combined floorspace limit of up to 450sqm under Class Q of the General Permitted Development Order 2015 (as amended). Thus meaning that including the existing bungalow on site, there could be four residential dwellings on site pursuant to prior approval being granted under Class Q. Planning permission was granted for four dwellings as the Council considered that use of permitted development rights would be visually detrimental to the site and that by granting planning permission, there was an opportunity for a more comprehensive and coherent redevelopment of the site. The appeal was made by a member of the public challenging the view the Council had taken on the fall-back position. The appeal was dismissed and it was concluded that the use of the fall-back position by Tonbridge and Malling Borough Council had been fairly applied and could be considered as a material planning consideration.

6.4.3 The applicant has argued that the fall-back position in regards to prior approval being granted under Classes Q and R of the General Permitted Development Order 2015 (as amended) can be afforded significant weight in determining this application. However, in relation to the aforementioned case as referenced by the applicant, the site was not located in a Green Belt location and the application was not for additional dwellings. This proposal fails the relevant NPPF tests for appropriate development in the Green Belt and the fall-back position is for a smaller residential scheme (five dwellings). It is also relevant that the fall-back position is for the conversion of agricultural buildings, and were this fall-back position to be implemented, this would not result in the same harm to the openness of the Green Belt or to the rural character of the area when compared to this application proposal (see paragraph 6.3.4). Therefore, the use of this argument is not significant enough in providing planning weight to determining this application positively. Two previous planning applications for dwellings have

been refused on this site and insufficient evidence has been presented by the applicant that suggests this application should be viewed differently. Furthermore, it has been suggested by the applicant that the disturbance and amount of traffic created by changing the use of the farm under Class R would be significantly greater than that caused by seven dwellings. However, no evidence has been provided to suggest there would be an increased amount of traffic associated with the site if developed under Class R in comparison to the traffic created from seven dwellings. Therefore, it is considered that the fall-back position can only be afforded limited weight.

6.5 History

- 6.5.1 Whilst it has been acknowledged that prior approval has been issued for five dwellings under Class Q and an industrial use under Class R of the General Permitted Development Order 2015 (as amended), three additional applications for residential development (relevant to this application) have been made in relation to this site which will be discussed below.
- 6.5.2 An application to convert the barns and outbuildings to seven residential units (01/00729/FUL) was refused permission in November 2001. It was concluded that the buildings would constitute inappropriate development within the Green Belt and that very special circumstances were not demonstrated. The design was considered to adequately conserve the character of the existing buildings. Furthermore, the application was also refused on the amount of traffic generated along Common Lane (narrow and unlit) and poor visibility at the junction with Chilwell Lane.
- 6.5.3 An application to convert barns and outbuildings to form three residential dwellings (01/00949/FUL) was granted permission in February 2002. This application was granted permission as the proposal was considered to be a sympathetic conversion that did not involve any extensions to the existing buildings and retained the original character of the buildings.
- 6.5.4 An application to convert a hay store to two dwellings and convert a grain store to garaging (03/00125/FUL) was refused permission in March 2003. It was concluded that the structures proposed for conversion to residential use were neither permanent, substantial or worthy of retention on the basis of any architectural or historical value and that the conversion would likely result in a small proportion of the original buildings left. It was concluded the proposed development constituted inappropriate development in the Green Belt.
- 6.5.5 To conclude, the only application that has received planning permission was for a scheme that sympathetically converted an existing building and did not extend the built form. Both the other schemes proposed were refused as it was considered that they constituted inappropriate development in the Green Belt, with one refused on highway grounds.
- 6.5.6 Whilst a substantial amount of time has elapsed since these planning applications were submitted, and planning policies have been updated and amended, the main principles of Green Belt policy remain the same and are still relevant in the determination of this planning application.

6.6 Amenity, Design and Layout

- 6.6.1 It is considered the dwellings provide an acceptable amount of amenity by providing sufficient outlook from primary rooms, an acceptable amount of garden space and acceptable separation distance from each other. It is considered the properties do not overlook each other to a detrimental level.
- 6.6.2 Whilst it is acknowledged the site is at a higher level than properties to the south, it is considered there is sufficient separation distance (minimum of approximately 27m) that there would not be an unacceptable amount of overlooking or detrimental impact on the privacy of surrounding neighbours. Plots 4 and 5 have south facing rear gardens and beyond this is an intervening path then the rear gardens of Hayloft Barn and Dairy Barn beyond this. Plots 6 and 7 are north of a stable which is not in residential use. It is considered there is an acceptable separation distance proposed between the new and existing properties.
- 6.6.3 It is considered the proposed design raises a number of concerns which were not addressed during the course of the application. The design of the dwellings are considered to be unsuitable for this rural location and would be more appropriate in a suburban setting. Dwellings within this location should respond to the existing character and be respectful of their setting and surroundings. Whilst it is acknowledged that a number of changes have been implemented to improve the design of the dwellings (see paragraph 1.2), this does not overcome the overall concerns raised. It was advised that the dwellings appeared large and boxy and the footprint should be reduced in size but the applicant did not agree and this change was not implemented. To conclude, insufficient amendments have been implemented to this development and the character of the proposed dwellings is not something typically seen in a location such as this, therefore the proposed dwellings would be incongruous in this setting and harmful to the character of the surrounding area.
- 6.6.4 The materials have not been stated on the plans, but on the application form, it is stated that bricks and plain clay tiles will be used. Further details of the materials could be addressed with a pre-commencement condition advising samples are provided in advance of the development starting.
- 6.6.5 The layout of the proposed dwellings is considered to be functional to serve the purpose of the dwellings and represents a uniform, suburban layout as opposed to a more unplanned/rural character that is more commonly seen with converted farm buildings. The layout would benefit from more variety in this rural location which responds to the character of the buildings to the south. It is considered there is an unnecessary amount of hardstanding which diminishes the appearance of the site. However, it is considered the layout of the development is not so poor as to warrant a reason for refusal.

6.7 Highways

- 6.7.1 The Highways Authority have raised no objection to the proposal but recommended a precommencement condition. The condition requires that improvements to visibility are undertaken at the junction of Chilwell

Lane/Common Lane, and passing places are created and a section of bend is widened on Common Lane. The applicant has provided information which suggests these matters can be addressed. The Highways Authority are satisfied with the information provided but have still recommended that the precommencement condition remains. This is to ensure that there is a real prospect of the works being carried out before development commences.

6.7.2 Whilst it is acknowledged that Common Lane is more reflective of a country lane, the Highways Authority have suggested a condition to improve the safety of this lane (outlined above) which is considered acceptable. The Highways Authority have not highlighted the state of the road and potential damage of additional cars travelling along it as significant issues. Any concerns with regards to highway safety or the state of the road should be directed to the Highways Authority.

6.7.3 It is considered the noise and disturbance created from additional traffic created by seven dwellings would not be to a detrimental level experienced by neighbours that would warrant refusal.

6.8 Consultation Responses

6.8.1 Severn Trent Water has advised that foul sewerage would be subject to a sewer connection approval and that surface water is proposed to discharge into soakaways and therefore have no comments to make in regards to this.

6.8.2 Environmental Health have recommended a pre-commencement condition requesting an investigative survey is carried out addressing potential ground and water contamination, potential for gas emissions and any associated risk to the public, buildings and/or the environment. A contamination report has been submitted to Environmental Health and a further request has been for a remediation method statement. The pre-commencement condition would therefore still be required if permission was granted.

6.9 Protected Species

6.9.1 A protected species survey has been submitted in relation to bats and breeding birds. The report concludes that both barns are of low to negligible risk of supporting roosting bats and that no evidence of bats were found on site. In relation to breeding birds, the report concludes there is a potential for nesting birds within boundary vegetation and that a precautionary approach should be adopted to ensure any works remain lawful (which is provided within the report). The Nottinghamshire Wildlife Trust has advised that the methodology used is satisfactory and there is no expectation the proposed development would have a negative impact on protected species providing the recommendations in the report are carried out.

6.10 Other

6.10.1 The impact this development could have on the internet connectivity or the impact the existing telephone mast could have on future occupants are not planning matters that can be taken into consideration with this application.

6.10.2 A degree of noise and disturbance would be expected from construction works and anything that is considered to be excessive should be dealt with by Environmental Health.

7. Conclusion

7.1 To conclude, it is considered the proposal of seven dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. Furthermore, it is concluded there would be an unacceptable impact on openness which is the essential characteristic of Green Belt. It is considered that no very special circumstances have been demonstrated which would clearly outweigh the potential harm to the Green Belt. Additionally, the design of the proposed dwellings fails to adequately conserve the rural character of the surrounding area and subsequently reduces the openness of the Green Belt. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Aligned Core Strategy 2014, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 'Protecting Green Belt Land' of the NPPF 2018.

Recommendation

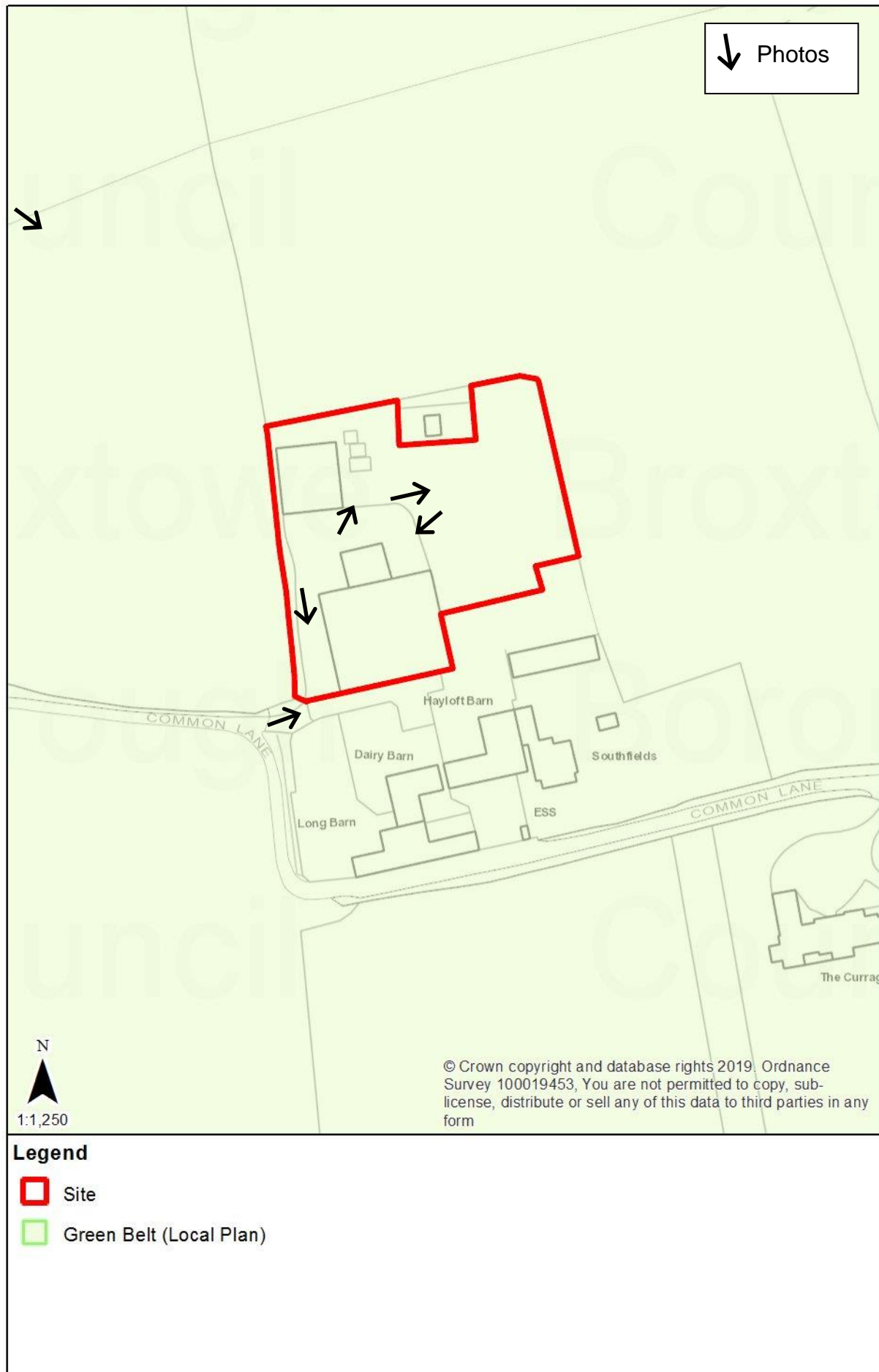
The Committee is asked to **RESOLVE** that planning permission be refused for the following reasons:

- 1. The application site lies within the Nottinghamshire Green Belt and the proposal of seven dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. Furthermore, it is concluded there would be an unacceptable impact on openness which is the essential characteristic of the Green Belt. It is considered that very special circumstances have not been demonstrated and there are no other considerations which would clearly outweigh the policy conflict and by definition, the harm to the Green Belt. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (NPPF) 2018.**
- 2. The proposed dwellings represent a suburban character which is out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 10 of the Broxtowe Aligned Core Strategy 2014, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the NPPF 2018.**

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



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**1. Details of the application

- 1.1 The application was first brought before Planning Committee on 9 January 2019 with a recommendation for approval (original report attached as an appendix). Members deferred making a decision on the application to allow further consideration to be given to increasing parking provision on site.
- 1.2 The applicant has considered the issues raised by Planning Committee and has increased the number of parking spaces on site from 19 to 23. Two spaces have been shown adjoining the north western and south western boundaries of the turning head beside 82 Lower Road. Additional information has been provided in the form of a parking survey to demonstrate the levels of parking along Lower Road and Fletcher Road which adjoin the site and nearby student accommodation on Lower Court and Albion House.

2. Re-consultations

- 2.1 Amended plans were submitted and a further seven-day consultation has been undertaken with the occupants of neighbouring properties. One observation was received in relation to noise and disturbance, which has already been addressed in the substantive report.

3. Appraisal

- 3.1 It is considered the additional parking is within an acceptable location that would not cause an unacceptable impact on the neighbouring property, no. 82 Lower Road or any other surrounding neighbours. As the parking is set back from Lower Road, the parked cars using these spaces would not be visually prominent in the street scene.
- 3.2 A parking survey has been submitted. The survey establishes parking provision on Lower Road and Fletcher Road at several points throughout the day at 9:30am, 1:00pm and 4:30pm over a 6 day period (including a Saturday).
- 3.3 The report indicates that there is sufficient parking provision within the local area that can accommodate the potential demand generated by this development. Two nearby student residences (Lower Court and Albion House, both serving Nottingham University) were included in the report and documented a maximum of 50% capacity in each car park at each of the times mentioned above. However, it must be noted that the accuracy of this report cannot be verified.

4. Conclusion

- 4.1 The provision of four additional parking spaces and the parking survey, alongside the lack of objection from the Highways Authority, and the fact the site is located within a sustainable location adjoining the tram line that directly runs outside Nottingham University, means it is still considered to not be justifiable to refuse this application based on a lack of parking provision within the locality, as the application would not lead to a detrimental impact on highway safety. As such, the recommendation for approval remains the same.

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

APPENDIX

Report to Planning Committee 9 January 2019

Report of the Chief Executive

Fiona Grocock

**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 LLFA have no objection to this subject to the inclusion of a condition requiring the submission of a surface water drainage scheme based on the submitted FRA.
- 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: 007 Rev H and 009 Rev A received by the Local Planning Authority on 13 November 2018, drawing number: 008 Rev I received by the Local Planning Authority on 11 December 2018 and drawing numbers: 005 Rev P and 006 Rev K received by the Local Planning Authority on 24 January 2019.**
- 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

18/00794/FUL
CONSTRUCT REPLACEMENT STABLE BLOCK
69 HOBSIC CLOSE BRINSLEY NOTTINGHAMSHIRE NG16 5AX

1 Details of the Application

1.1 This application seeks permission to construct a stable block to replace the existing timber stable on the site. The proposed stable block will have a maximum height of 3.77m and occupy a similar position to the existing stable block, following a similar design style in terms of its footprint.

2 Site and Surroundings

2.1 The application site is an animal rescue centre and adjoins the residential dwelling owned by the applicant. The site sits on the edge of a residential area, with open fields to the north. The application site is partly washed over by Green Belt.

2.2 To the west and south the stables adjoin land owned by the applicant. The north boundary is made up of mature vegetation and adjoins open fields. To the east is the access to the property which is off Whitehead Drive, which is a residential street



Existing stables, taken from 69 Hobsic Close.



East elevation of existing stable and aviary.



Land to the west of the stables.



Rear elevation of existing stables.



Access to site.

3 Relevant Planning History

3.1 In 2008, planning permission 08/00739/FUL was granted for a change of use on the land within which the stables are situated from residential and agriculture, to an animal rescue centre and aviary. In determining the application it was decided that the nature of the work to be carried out on the site, notably the rescuing of and caring for sick and injured animals, represented very special circumstances. It was determined that the use of the site as a rescue centre did not impact the openness of the Green Belt and therefore the potential harm did not outweigh the benefits of the proposal.

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 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

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 of the Aligned Core Strategy (2014) states that development must have regard to the local context including valued landscape/townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

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 E8 of the Broxtowe Local Plan (2004) states that planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. The policy identifies criteria that would be considered appropriate development including buildings appropriate to agriculture or forestry and essential facilities for outdoor sport and recreation.

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 10 and 11 no. representations in relation to Policies 8 and 17 respectively. Given that there remain outstanding objections to Policies 8 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 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

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

5 Consultations

- 5.1 The Coal Authority raised no objection to the proposal. They stated that it would be necessary to include the Coal Authority's standing advice in the decision notice.
- 5.2 The Environmental Health Officer raised no objection subject to a condition requiring that all waste associated with the use is removed from the site.
- 5.3 Consultation letters have been sent out to 7 neighbouring properties and a site notice was posted at the site on 12 December 2018. One letter of objection has been received in respect of this application citing impact on traffic generation, mud and oil being left on the road and noise disturbance as reasons for objection.

6 Appraisal

- 6.1 The main considerations for this proposal are whether or not it is appropriate development in the Green Belt, its impact on neighbouring amenity and the design and appearance of the stable.

6.2 Green Belt

- 6.2.1 The proposed development does not meet any of the criteria of appropriate development as set out by Policy E8 of Broxtowe Local Plan (2004). The development is therefore inappropriate development and should not be approved except in very special circumstances, in accordance with paragraph 143 of the NPPF.
- 6.2.2 The applicant has submitted a supporting statement with the application to demonstrate that very special circumstances for this development exist. The proposed stables will be used by the established charity, Brinsley Animal Rescue. The charity rescues between 700 and 1000 pets, farm animals and wild animals annually. The existing stable block is used for many purposes such as providing cover for large animals in winter, hospitalisation pens for caring for injured and ill animals, as well as storage of vital supplies for the rescue centre. The existing stable block is circa 15 – 20 years old and due to its timber construction is at the end of its usable life, with signs of rot clearly visible. The stable block is also not large enough to house the animals as well as store all the equipment required to run the centre. This results in large amounts of hay and straw being kept on the driveway of the property covered in tarpaulin, or small bales being collected regularly from outside of the site. The cumulative impact of all these factors is that the existing stable block is no longer fit for purpose.
- 6.2.3 The proposed stable block is larger than the original stable block, adding 27% volume to the size of the original. It will be built using a combination of bricks and block work to provide a more secure structure. The reason stated by the applicant for the increase in size is to allow for the storage of hay and straw and other supplies that cannot currently be stored appropriately and as previously stated are instead left on the drive, or regularly collected from an off-site source. The solid and secure store for these items will eliminate the storage of goods on the driveway, reducing any potential for rats which have been identified on site in the

past. The number of trips from the site made in tractors will also be reduced and therefore the amount of debris deposited on the road will be reduced. The workshop will also provide a space to carry out maintenance on the rescue centre's machinery and equipment, whilst also providing additional security for the assets.

- 6.2.4 The refusal of this application would have a direct impact on the charity's ability to rescue animals, with the existing stables being in such a condition that large parts of them will require demolition regardless of the outcome of this application. Not being able to replace this will result in the charity having to reduce the number of larger animals they take in. The charity would also not be able to facilitate open days and community events as the stables are required to contain the large animals during these events.
- 6.2.5 Overall it is considered that taking into account the status of the applicant as a charity and the specified need of the replacement stables that very special circumstances have been demonstrated for the proposal. Whilst the proposed stable block is materially larger than that which it replaces, it will occupy largely the same position within the site, on low level ground and will not be prominent from the public realm. Only part of the application site is located within the Green Belt, with the most substantial part of the development being outside of the Green Belt. It is therefore considered that the proposed development will not result in additional harm to the openness of the Green Belt which would outweigh the very special circumstances demonstrated.

6.3 Amenity

- 6.3.1 The proposed stable block adjoins land owned by the applicant to the south and west, therefore not raising any concerns with regards to a loss of amenity. The adjoining land to the north is open fields with a border made up of mature hedgerow and trees providing a good deal of screening. The land to the north rises significantly beyond the rear of the stables, which together with the boundary treatment means the stables will not be prominent from this side. The stable block will be approximately 26m from the east boundary of the site with the nearest neighbours to this side being on the opposite side of Whitehead Drive. It is therefore not considered that the development will result in a loss of amenity for any neighbouring dwellings.
- 6.3.2 One objection to the proposal has been received on the grounds that it will result in an increase in traffic, noise and that vehicles from the site lead to debris deposits on the surrounding roads. The supporting statement from the applicant states that the proposed stables will not result in an increase in the number of animals they are able to care for at the site, which is already limited by the grazing area of the property and financial situation of the charity. The applicant has also stated that the provision of hard standing that will accompany the development will enable tractors used on the site to be stored off the fields, reducing the amount of debris that will be deposited onto the surrounding roads. Notwithstanding these points, the principal of the use on the site was established when permission was granted for the change of use to an animal rescue centre. At this time any impact with regards to noise and pollution were considered and measures taken to ensure this would not result in an unacceptable loss of

amenity for neighbouring residents. Furthermore, the Highways Authority has powers to take action over any debris deposited on the public roads.

6.3.3 Overall it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring dwellings.

6.4 Design and Appearance

6.4.1 The proposed stable block follows a similar layout to the existing development. The height of the proposed stable block will exceed the existing block by approximately 1m, and the width of the block will exceed the existing by approximately 2.5m, although including the existing aviary which is to be demolished it will not exceed the existing width. The proposed stable block will be positioned on low level ground and will therefore not be prominent from the public realm or have any impact on the street scene. Whilst it will exceed the size of the existing stable block it is not considered to be of a size and scale that is out of keeping with the character of the surrounding area.

6.4.2 The proposed stable block will be constructed using red facing bricks on the south and east elevations and block work on the north and west elevations. The block work elevations will not be clearly visible on entrance to the site and therefore whilst they are not necessarily in keeping with the surrounding area this will not have a significant impact on the surrounding character. The red facing elevations will be in keeping with the character of the adjoining dwelling, No. 69 Hobsic Close. The roof is to be finished with Staffordshire blue tiles. The materials are not detailed on the plans and will therefore be conditioned to ensure a satisfactory standard of external appearance is achieved. Whilst traditionally stable blocks are timber structures, it is not uncommon to find more substantial structures such as this built using more hard-wearing materials such as block work and bricks.

6.4.3 Overall it is considered that the design of the proposed development is consistent with a traditional stable block, the type of which is not uncommon in rural areas such as this. The development is of a size and style that is in keeping with the character of the surrounding area and it is therefore considered that a satisfactory standard of design has been achieved.

Recommendation

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing number KJ2725/02 REV E (1:50, 1:100, 1:200); received by the Local Planning Authority on 23 November 2018.**

3. All waste resulting from the development hereby permitted shall be removed from the site. There shall be no long term storage, burning, incineration or any other means of waste disposal on this site. This means of disposal of waste shall continue throughout the duration of the use.
4. The development hereby permitted shall be constructed using red facing brickwork (south and east facing elevations), block work (north and west elevations), and Staffordshire blue tiles.

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 the immediate residents from operational odour.
4. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Draft Part 2 Local Plan (2017).

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



Report of the Chief Executive

APPEAL DECISIONS

Reference number: 18/00257/FUL
Proposal: Construct single storey front and rear extension and two storey side and rear extension (revised scheme)
Site address: 116 Marlborough Road, Beeston, Nottinghamshire, NG9 2HN
Applicant: Mr Shakeel Ahmed

APPEAL DISMISSED

The application proposed the construction of a single storey front and rear extension and two storey side and rear extension. Permission was refused based on the size and design of the extensions being disproportionate to the main property which would have been unduly prominent on a corner plot location and harmful to the character and appearance of Marlborough and Hetley Road. In addition, the height and projection of the two storey rear extension would have been overbearing, an unacceptable impact on the amenity of the occupiers of no. 114 Marlborough Road.

The Inspector considered the main issues to be the effect the proposed extension would have on the character and appearance of the host property and the street scene and the impact of living conditions on the adjoining neighbours, no. 114 Marlborough Road.

Character and Appearance

The Inspector considered that the development would cause a significant loss of spaciousness and openness associated with the junction. Furthermore, that the extensions and gable roof would significantly add to the bulk of the host property and would be a visually prominent addition when viewed from the area adjacent to the junction and along both Marlborough Road and Hetley Road. On this issue, it was concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and the street scene.

Living Conditions for no. 114 Marlborough Road

The Inspector considered that the single storey addition to no. 114 Marlborough Road would provide some screening from the appeal scheme. However, when sitting or standing on the patio directly to the rear of no. 114 and elsewhere within the garden, the siting, size and bulk of the appeal scheme would result in a visually dominant and overbearing form of development for these neighbouring occupiers. Accordingly, the proposed development would cause unacceptable harm to the living conditions of the occupiers of no. 114 Marlborough Road.

Conclusion

In conclusion, the Inspector found that the appellant's claims for the need for a five bedroom property did not outweigh the unacceptable harm that was identified and the appeal was dismissed.



Legend

 Site

Reference number: 18/00414/FUL
Proposal: Construct two storey side extension
Site address: 59 Pelham Crescent, Beeston, Nottinghamshire, NG9 2ER
Applicant: Ms J Yang

APPEAL ALLOWED

The application was refused at Planning Committee on 12 September 2018 based on the two storey extension representing an over intensive form of development which was considered to be harmful to the amenity of the surrounding neighbours.

The Inspector considered the main issues to be the impact on the character and appearance of the surrounding area and the living conditions of the neighbouring properties.

Character and Appearance

The Inspector concluded that due to the angled relationship with no. 57 and the separation distance from no. 61, the enlarged property would not appear as a cramped form of development. One parking space was indicated as being retained and the Highways Authority had not insisted upon any additional spaces even if the property was occupied as a family dwelling. The Inspector observed that there was scope to accommodate refuse and recycling containers.

The Inspector stated that due to the front elevation being set back and the set down of the ridge from the main roof, the extension appeared subservient and would not represent a disproportionate addition. The fenestration respected the size and design of the existing openings and the enlarged property would be assimilated into the character and appearance of the surrounding residential area. The Inspector determined that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area.

The Inspector considered the extension had a similar outlook to surrounding properties that there would not be an unacceptable amount of overlooking caused. It was concluded that were sufficient separation distances to avoid the enlarged property being perceived as an overbearing or visually dominant form of development for the occupiers of neighbouring properties.

Conclusion

The Inspector concluded that the extension was a subservient addition to the main property which had an acceptable design and would not be harmful to neighbour amenity. The appeal was allowed.

COSTS ALLOWED

The Inspector concludes that the reason for refusal does not state why the proposed extension is an intensive form of development and what harm this could cause to the amenity of surrounding neighbours. In addition, although parking, refuse and the diversity of the area are mentioned in the Minutes, these matters are not specifically identified in the reason for refusal as causing actual harm.

In conclusion, due to the Council's generalised, vague and unsubstantiated reason for refusal, the application for full costs was allowed as the Council had demonstrated unreasonable behaviour.



BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

**PLANNING APPLICATIONS DEALT WITH FROM
22 DECEMBER 2018 TO 18 JANUARY 2019**

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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

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr & Mrs Parsons 18/00591/FUL
Site Address : 22 Hawthorne Rise Awsworth Nottinghamshire NG16 2RG
Proposal : **Construct two storey side extension**
Decision : **Conditional Permission**

Applicant : Awsworth Parish Council 18/00669/FUL
Site Address : Awsworth Recreation Ground The Lane Awsworth Nottinghamshire
Proposal : **Retain block built pavilion**
Decision : **Conditional Permission**

Applicant : Mr Andrew Corbett 18/00678/FUL
Site Address : 28 Hawthorne Rise Awsworth Nottinghamshire NG16 2RG
Proposal : **Construct single storey side extension and external alterations**
Decision : **Conditional Permission**

Applicant : Mr R Simpson 18/00739/FUL
Site Address : 70 Park Hill Awsworth Nottinghamshire NG16 2RB
Proposal : **Construct two storey side extension**
Decision : **Conditional Permission**

Applicant : Jason Shepherd and Hannah Adkin-Walker 18/00753/FUL
Site Address : 90 Barlow Drive South Awsworth Nottingham NG16 2RR
Proposal : **Construct two-storey side and single-storey front and rear extensions**
Decision : **Conditional Permission**

Applicant : Mr R Grosberg Mr R Grosberg and Mr C Adams as Trustees 18/00796/FUL
of the Dominik B...
Site Address : 32 Station Road Awsworth Nottingham NG16 2RF
Proposal : **Construct single storey rear extension and porch**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant : Mr A Din 18/00731/FUL
Site Address : 11 Lower Road Beeston Nottinghamshire NG9 2GT
Proposal : **Construct single storey rear extension, rear dormer and hip to gable roof extension**
Decision : **Conditional Permission**

Applicant : Mr S Patai Sleepy Popper Ltd 18/00540/FUL
Site Address : The Paprika Store 1 The City Beeston Nottinghamshire NG9 2ED
Proposal : **Retain timber store and external air conditioning unit**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Tyas 18/00768/FUL
Site Address : 3 Humber Road Beeston Nottinghamshire NG9 2EF
Proposal : **Construct single storey rear and side extensions and raised patio**
Decision : **Conditional Permission**

BEESTON NORTH WARD

Applicant : Miss R Zaman 18/00772/FUL
Site Address : 16 Hetley Road Beeston Nottinghamshire NG9 2QL
Proposal : **Construct two/single storey side extension and front extension**
Decision : **Conditional Permission**

BEESTON RYLANDS WARD

Applicant : Mr & Mrs D Teece Meadow Lodge Residential Care Home 18/00714/FUL
Site Address : 21 Meadow Road Beeston Nottinghamshire NG9 1JP
Proposal : **Change of use from residential care home (Class C2) to eight residential apartments (Class C3) including increase in height of roof to rear**
Decision : **Conditional Permission**

Applicant : Mr Kevin Rogers 18/00748/PIP
Site Address : Jerusalem Church Grove Street Beeston Nottinghamshire
Proposal : **Application for Permission in Principle for residential development of between 1 and 9 dwellings**
Decision : **PIP Granted (Permsn in Pcipe Granted)**

Applicant : Mr Payne 18/00761/FUL
Site Address : Sports Ground And Pavilion Trent Vale Road Beeston Nottinghamshire
Proposal : **Construct front extension, ramps, raised patio and make external alterations to sports pavilion**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Ms Catherine Hewitt 18/00770/FUL
Site Address : 29 Dale Lane Chilwell Nottinghamshire NG9 4EA
Proposal : **Construct garage**
Decision : **Conditional Permission**

Applicant : Mr Mark Jermy 18/00776/FUL
Site Address : 53 Denison Street Beeston Nottingham NG9 1AX
Proposal : **Convert garage to habitable room and construct single storey front and rear extensions**
Decision : **Conditional Permission**

BRAMCOTE WARD

Applicant : Mr & Mrs David & Barbara Lymn 18/00706/FUL
Site Address : 5 Rivergreen Crescent Bramcote Nottinghamshire NG9 3EQ
Proposal : **Construct single storey side extension**
Decision : **Conditional Permission**

Applicant : Mr L Wilmott 18/00716/FUL
Site Address : 79 Derby Road Bramcote Nottinghamshire NG9 3GW
Proposal : **Construct two storey side, single storey rear and front extensions, hipped to gable roof including front and rear dormers and raise ridge height**
Decision : **Conditional Permission**

Applicant : Mr & Mrs J Rigby 18/00718/FUL
Site Address : 28 Park Road Bramcote NG9 3LA
Proposal : **Retain single storey rear and side extension and pitched roof over garage and construct rear decking (revised scheme)**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Kirk 18/00722/FUL
Site Address : 79 Sandringham Drive Bramcote Nottingham NG9 3EL
Proposal : **Construct rear extensions and dormer window**
Decision : **Withdrawn**

Applicant : Mr Hyde 18/00746/FUL
Site Address : 77 Arundel Drive Bramcote Nottingham NG9 3FN
Proposal : **Construct single storey rear extension to replace conservatory, convert garage to bathroom, construct new pitched roof to side**
Decision : **Conditional Permission**

Applicant : Mr & Mrs J R Lihou 18/00750/FUL
Site Address : 34 Rufford Avenue Bramcote Nottinghamshire NG9 3JH
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

BRINSLEY WARD

Applicant : Mr C Christoforou 18/00618/FUL
Site Address : 1 Moor Road Brinsley Nottinghamshire NG16 5AZ
Proposal : **Change of use from dwelling to retail (Class A1)/financial and professional services (Class A2) with flat above and associated parking**
Decision : **Conditional Permission**

CHILWELL WEST WARD

Applicant : Mr Chris Webster 18/00676/FUL
Site Address : 67 Eskdale Drive Chilwell Nottinghamshire NG9 5NA
Proposal : **Construct front extension**
Decision : **Conditional Permission**

Applicant : Mr Wightman 18/00754/FUL
Site Address : 251 Chilwell Lane Bramcote Nottinghamshire NG9 3DU
Proposal : **Construct single storey side and single storey rear extensions**
Decision : **Conditional Permission**

Applicant : Mr B Tennant 18/00855/PNH
Site Address : 27 Haddon Crescent Chilwell Nottinghamshire NG9 5JU
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.3 metres, with a maximum height of 3 metres, and an eaves height of 2.93 metres**
Decision : **Refusal**

EASTWOOD HALL WARD

Applicant : Mr Vito Lopinto 18/00762/FUL
Site Address : 6 Engine Lane Newthorpe Nottingham NG16 3PX
Proposal : **Construct single storey extension and widening of entrance**
Decision : **Conditional Permission**

Applicant : Mr Adrian Bream 18/00766/FUL
Site Address : 15 Engine Lane Newthorpe Nottinghamshire NG16 3PX
Proposal : **Construct dwelling (revised scheme)**
Decision : **Conditional Permission**

EASTWOOD HILLTOP WARD

Applicant : Mr & Mrs Limb 18/00635/FUL
Site Address : 59 Chewton Street Eastwood Nottingham NG16 3GY
Proposal : **External alterations including raising the roof height to create first floor, 2 dormer windows, porch and extension to the front and Juliet balcony to rear**
Decision : **Conditional Permission**

GREASLEY WARD

Applicant : Mr & Mrs Doyle 18/00735/FUL
Site Address : 7 Pinfold Road Newthorpe Nottinghamshire NG16 2FT
Proposal : **Construct two storey front/side extension**
Decision : **Conditional Permission**

Applicant : c/o agent Giltbrook Retail Park Nottingham Ltd 18/00741/FUL
Site Address : Decathlon 3 Giltbrook Retail Park Ikea Way Giltbrook Nottinghamshire NG16 2RP
Proposal : **Construction of mezzanine floor and external alterations to unit (as previously approved under planning permission 15/00826/FUL)**
Decision : **Conditional Permission**

Applicant	:	Mr & Mrs T Whyte	18/00751/FUL
Site Address	:	Beauvale Abbey Farm New Road Greasley Nottinghamshire NG16 2AA	
Proposal	:	Change of use from agricultural building to bakery	
Decision	:	Conditional Permission	
Applicant	:	Mrs Rita Levey	18/00789/FUL
Site Address	:	Land Adjacent 541 Nottingham Road Giltbrook Nottinghamshire NG16 2GS	
Proposal	:	Construct dwelling	
Decision	:	Withdrawn	
KIMBERLEY WARD			
Applicant	:	Punch Taverns Punch Taverns	18/00757/FUL
Site Address	:	The Stag 67 Nottingham Road Kimberley Nottingham NG16 2NB	
Proposal	:	Retain timber raised decking area and balustrade with steps	
Decision	:	Refusal	
Applicant	:	Mr & Mrs M Duggleby	18/00758/FUL
Site Address	:	42-44 Main Street Kimberley Nottinghamshire NG16 2LY	
Proposal	:	Demolish existing and construct two retail units at ground floor and 2 no. self-contained flats at first floor	
Decision	:	Conditional Permission	
NUTHALL EAST & STRELLEY WARD			
Applicant	:	Mr Darran Meli	18/00755/FUL
Site Address	:	34 Cedar Avenue Nuthall Nottinghamshire NG16 1AF	
Proposal	:	Construct single storey front extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs C Searston	18/00756/FUL
Site Address	:	Lilac Cottage Main Street Strelley Nottinghamshire NG8 6PD	
Proposal	:	Construct single-storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Yat Cheung	18/00783/FUL
Site Address	:	28 Cedar Avenue Nuthall Nottingham NG16 1AF	
Proposal	:	Construct single and two storey front extension	
Decision	:	Conditional Permission	
STAPLEFORD NORTH WARD			
Applicant	:	W Westerman's Ltd	18/00684/ADV
Site Address	:	Sales Office For Westerman Ilkeston Road Stapleford Nottinghamshire	
Proposal	:	Erect 3 flagpoles and flags and retain 3 freestanding signs	
Decision	:	Conditional Permission	
STAPLEFORD SOUTH EAST WARD			
Applicant	:	Mr Ben Cupit	18/00759/FUL
Site Address	:	181 Nottingham Road Stapleford Nottingham NG9 8BE	
Proposal	:	Construct single/two storey side and single storey rear extensions (revised scheme)	
Decision	:	Conditional Permission	
TOTON & CHILWELL MEADOWS WARD			
Applicant	:	Mr P Belton	18/00764/FUL
Site Address	:	3 Farndon Drive Toton Nottinghamshire NG9 6JS	
Proposal	:	Construct two storey side and single storey rear extensions and retain single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Brackner	18/00774/FUL
Site Address	:	16 Banks Road Toton Nottinghamshire NG9 6HD	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

WATNALL & NUTHALL WEST WARD

Applicant : Mrs L David 18/00734/FUL
Site Address : 1 Kirtley Close Watnall Nottinghamshire NG16 1FX
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mrs Yvonne Tholl 18/00765/FUL
Site Address : 64 Larkfield Road Nuthall Nottingham NG16 1EU
Proposal : **Retain single storey rear veranda**
Decision : **Conditional Permission**

Applicant : Mr Andrew Parker 18/00777/FUL
Site Address : 60 Main Road Watnall Nottinghamshire NG16 1HT
Proposal : **Construct single storey side extension and cement render to all external elevations**
Decision : **Conditional Permission**

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