



Tuesday, 5 March 2019

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 13 March 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 P D Simpson  
M Brown T A Cullen

## 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 13 February 2019.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 18/00737/FUL PAGES 15 - 36

Change of use from public house (Class A4) to a house in multiple occupation comprising 3 flats (total 17 bedrooms) including side extension above flat roof, dormers to front and rear, and external alterations. Demolition of outbuilding and creation of three parking spaces.

Queens Hotel, Queens Road Beeston, Nottinghamshire, NG9 2FE

5.2 18/00516/FUL PAGES 37 - 58

Erect 10 one bedroom apartments

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

5.3 18/00628/FUL PAGES 59 - 74

Construct seven dwellings, including associated access road, garaging, parking and landscaping

Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT

5.4 18/00849/FUL PAGES 75 - 82

Construct two storey side extension and single storey front and rear extensions

4 Muriel Road, Beeston, Nottinghamshire, NG9 2HH

5.5 18/00662/FUL PAGES 83 - 90

Retain two storey rear/ side and single storey rear extensions, including rear dormer (revised scheme)

84 Boundary Road, Beeston, Nottingham, NG9 2QZ

6. INFORMATION ITEMS

6.1 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.**

6.2 Delegated Decisions PAGES 91 - 98

## PLANNING COMMITTEE

WEDNESDAY, 13 FEBRUARY 2019

Present: Councillor M Handley, Chair

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

Apologies for absence were received from Councillors L A Ball BEM and R S Robinson

46 DECLARATIONS OF INTEREST

There were no declarations of interest.

47 MINUTES

The minutes of the meeting on 9 January 2019 were confirmed and signed as a correct record.

48 NOTIFICATION OF LOBBYING

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

49. PROPOSED DIVERSION OF BEESTON FOOTPATH NUMBER 55 – WILMOT LANE, BEESTON, NOTTINGHAM

The item was brought to Committee to make a Diversion Order under the Town and Country Planning Act 1990 following an application for a public path diversion order to stop up and divert Beeston footpath number 55 to allow for development to take place.

**RESOLVED that the public path diversion order be made.**

50 DEVELOPMENT CONTROL

50.1 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

The application had been brought before Committee because of the history of the site and previous Councillor involvement with the linked application for 67 houses on land at Acorn Avenue.

The late items for this item were noted, including an amended note to the applicant and an additional response from a resident's spokesperson.

There were no public speakers.

The Committee considered the application, including the section 106 agreement which would see the land that the attenuation facility was on handed over to the Council and an additional £100,000 for flood mitigation measures. It was noted that the scheme was independent from the wider flood mitigation strategy, but that it would not be an impediment to any future flood mitigation measures.

Debate moved on to the length of time that it had taken to build the scheme and the safety of the attenuation pond.

**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 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).

#### Note to Applicant

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

#### 50.2 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 had requested that this application be determined by Planning Committee.

There was one late item, a written statement from Councillor J W McGrath, which was considered by the Committee.

There were no public speakers.

The Committee considered that the changing nature of the high street meant that there were fewer traditional businesses such as butchers and more restaurants and food service venues. The plan for Stapleford Town Centre was also noted, as it had looked in detail at bringing empty shop units back into use. There was a

discussion about deliveries and it was noted that there was a no stopping area in front of the unit.

It was proposed by Councillor R D MacRae and seconded by Councillor G Marshall that the item be deferred to allow for Stapleford Town Council to have a meeting at which the proposal was discussed. It was noted that Stapleford Town Council had been consulted as part of the planning process. On being put to the meeting the motion fell.

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the 'Site Location Plan' (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](http://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.

50.3 18/000808/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

This application had been referred to the Committee for consideration by Councillor M Handley.

In respect of late items there was an email from the agent that was given due consideration by the Committee.

There were no public speakers.

It was noted that the application sought to regularise the building which had taken place at odds with the original planning application, namely the roof lights and differences to window and door heights.

The Committee discussed the appearance of the building and the need to protect the Green Belt.

Concerns were raised by members of the Committee that when the original proposal to construct the dwelling was approved by the Committee in 2016 that the decision was taken on the basis that a bungalow was required for the applicant's specific needs, as documented in the Planning Committee minutes from the 9 November 2016. It was noted that the dwelling as constructed has roof lights and a stair case to provide first floor accommodation and therefore had not been built in accordance with the approved plans and does not reflect the specific needs of the applicant. The Committee felt that the way the building had been erected meant that very special circumstances were not demonstrated for the building as constructed, and the dwelling was therefore inappropriate development that would be harmful to the openness of the Green Belt.

As the dwelling has not been constructed in accordance with the approved plans it was felt that enforcement action would be justified.

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

Reason

The dwelling as erected is inappropriate development that would be harmful to the openness of the Green Belt. No very special circumstances have been demonstrated to override the presumption against inappropriate development in the Green Belt and the development is therefore not in accordance with Policy E8 of the Broxtowe Local Plan (2004) and the Broxtowe Draft Part 2 Local Plan (2018) Policy 8.

50.4 18/00737/FUL

Change of use from a public house (Class A4) to a house in multiple occupation comprising of three 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

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

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

Mr Matthew Roberts, objecting and Councillor L A Lally, Ward Member, made representations to the Committee prior to the general debate.



The debate considered concerns over the lack of car parking for the scheme, emergency access and over development. There was also concern about the number of conversions to houses in multiple occupation that were taking place in the Beeston area. There was a discussion regarding the outbuilding and whether that could be demolished to accommodate further car parking spaces.

It was proposed by Councillor R I Jackson and seconded by Councillor P J Owen that the application be deferred.

**RESOLVED that the application be deferred.**

Reason

To allow for discussion with applicant about the provision of more parking on site and reduction in the intensity of the development.

50.5 18/00791/FUL

Installation of a natural gas facility and associated infrastructure  
Land off Long Lane, Watnall, Nottinghamshire

Councillor J M Owen had requested that this application be determined by Planning Committee.

There was a late item pertaining to a change to condition 5.

Mr Ed Jessamine, the applicant, made representation to the Committee prior to the general debate.

The application sought to install 20 generators, 20 transformers, a gas kiosk, a security fence and office.

The Committee noted that the installation had a lifespan of 40 years, that the generators would not be environmentally friendly and that the height of some of the proposed structures was around 13 feet tall. There was concern that, by refusing to allow the development there was no potential for transitioning to a low carbon economy in future. It was concluded the development constituted inappropriate development within the Green Belt and that very special circumstances had not been demonstrated.

**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

The site lies within the Nottinghamshire Green Belt, within which there is a clear presumption against 'inappropriate' development. The proposed development amounts to inappropriate development in the Green Belt, and is harmful to the openness of the Green Belt due to the size of the 20 generators and associated

equipment which amounts to an additional encroachment into the countryside. In the opinion of the local planning authority, the applicant has not demonstrated that very special circumstances exist such as to warrant treating this proposal as an exception. The development would, therefore, be contrary to Policy E8 of the Broxtowe Local Plan, Policy 8 of the Broxtowe Part 2 Local Plan (2018) and the National Planning Policy Framework.

50.6 18/00628/FUL

Construct seven dwellings, including associated access road, garaging, parking and landscaping

Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT

With the permission of the Chair, this application was deferred prior to the meeting as the site visit could not take place as planned.

50.7 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

The item had been brought before Committee by Councillor P Lally.

There was a late item in the form of an amendment to condition 2, which was noted by the Committee.

Mr David Hargreaves, the applicant and Councillor L A Lally, Ward Member, addressed the Committee prior to the general debate.

The Committee noted that an additional four car parking spaces had been provided, but there was still concern that this was not adequate. There was a discussion about the saturation of certain parts of Beeston with student accommodation and that the character of the area was being negatively impacted by this.

**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 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>

#### 50.8 18/00794/FUL

Construct replacement stable block

69 Hobsic Close, Brinsley, Nottinghamshire, NG16 5AX

The application sought permission to construct a stable block to replace the existing timber stable on the site, which operated as an animal rescue centre. The proposed stable was of a similar size, but more in keeping with the character of the surroundings.

There were no late items for consideration in conjunction with this item.

Mr Jon Beresford, the applicant and Mr Ian Stapleton, objecting, addressed the Committee prior to the general debate.

It was agreed by the Committee that the work of the animal rescue centre, only 10% of which was in the Green Belt, represented very special circumstances. It was also noted that the proposed development was not considered to impact on

the openness of the Green Belt. However, the impact on neighbour amenity was noted, though it was considered that the improvements to the stables could reduce the amount of mud and oil that was being spilt because of the hard standing. Discussion progressed on to practical means by which to reduce the spread of mud from the site on to the public highway.

It was proposed by Councillor M Radulovic MBE and Councillor D Bagshaw that a condition be added to include the provision of a wheel washing facility. On being put to the meeting the motion was carried.

**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 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.**
- 5. Prior to the first use of the development hereby approved details of wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved wheel washing facilities shall be installed prior to the first use of the development and shall remain in place 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. 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).**

5. To reduce the possibility of mud and similar substances from the site being deposited on the public highway.

**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.

51 INFORMATION ITEMS

51.1 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.

51.2 Appeal Decisions

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

51.3 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 22 December 2018 and 18 January 2019.

52 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 1, 2 and 3 of Schedule 12A of the Act.

53 17/00630/HIGH

High hedge remedial notice  
86 Central Avenue, Beeston, Nottingham, NG9 2QS

**RESOLVED** that direct action be taken and that works in default are carried out to remove the trees in question and that a charging order be placed against the property only for the monies equivalent to reducing the trees to 7.5m in height, should the invoice remain unpaid.

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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 17 BEDROOMS) INCLUDING SIDE EXTENSION ABOVE FLAT ROOF, DORMERS TO FRONT AND REAR, AND EXTERNAL ALTERATIONS. DEMOLITION OF OUTBUILDING AND CREATION OF THREE PARKING SPACES.**

**QUEENS HOTEL QUEENS ROAD BEESTON NOTTINGHAMSHIRE NG9 2FE**

1 Details of the application

- 1.1 The application was first brought before Planning Committee on 13 February 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 reducing the intensity of the occupation of the building, and 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 1 to 3, achieved by the demolition of the outbuilding along the boundary with 1 Mona Street, and reduced the number of bedrooms by one. The bedrooms are also now shown to be single occupancy, were shown as having double beds within each room previously.

2 Re-consultations

- 2.1 Amended plans were submitted and a further seven day consultation has been undertaken with the occupants of neighbouring properties, and additionally all those who responded to the original consultation. As a result of re-consultation on the amended plans received following January committee, an additional nine letters have been received, with the following comments:
- Whilst an improvement, still consider the proposal to have too many bedrooms
  - Still not enough parking spaces for the amount of occupiers
  - Remain concerned regarding safety of visitors in regard to the proposed side extension (during construction)
  - Layout of proposal still overcrowded (three kitchens for the 17 bedrooms)
  - Unclear as to the boundary treatment once outbuilding demolished
  - Concerns regarding external appearance of the building, if the blue and white (render) is still being proposed
  - Additional student housing not required in the area, as there are many vacant properties on nearby streets
  - New housing needs to be aimed at affordable housing for families to buy

2.2 The County Council as Highway Authority have no concerns in principle to the amendments, subject to conditions in regard to the provision of an extended dropped kerb, and to the provision of parking spaces prior to occupation.

3 Appraisal

3.1 It is considered that the additional parking would provide an acceptable level of off street parking spaces proportionate to the proposed number of occupants, which has been reduced to 17 bed spaces, and that the proposal would not, therefore, have an unacceptable impact upon on-street parking provision in the immediate surroundings.

3.2 One bedroom has been omitted from Flat 2 and the space used instead to enlarge the communal kitchen/living space. This is considered to be of a positive benefit to the future occupants in regard to the provision of an improved standard of living accommodation.

4 Conclusion

4.1 The increase in off street parking provision, provision of cycle storage spaces, the decrease in occupancy, and the fact that the site is in a sustainable location close to the town centre and to good public transport links, means it is still considered that this application is acceptable, 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 this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings numbered: 702 003 rev E; 702 004 rev D; and 702 005 rev E received by the Local Planning Authority on 19 February 2019.**
- 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.
8. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing has been extended and is available for use and constructed in accordance with the Highway Authority specification.
9. No part of the development hereby permitted shall be brought into use until the parking areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 702 003 Rev E. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.

**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 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 H4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
8. In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of highway safety in accordance with Policy 10 of the Aligned Core Strategy (2014).

**Note to applicant**

1. The Council has acted positively and proactively in the determination of this application 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](http://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.**
- 5. The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.**

Background papers

Application case file

Appendix – report to Committee 13 February 2019

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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**

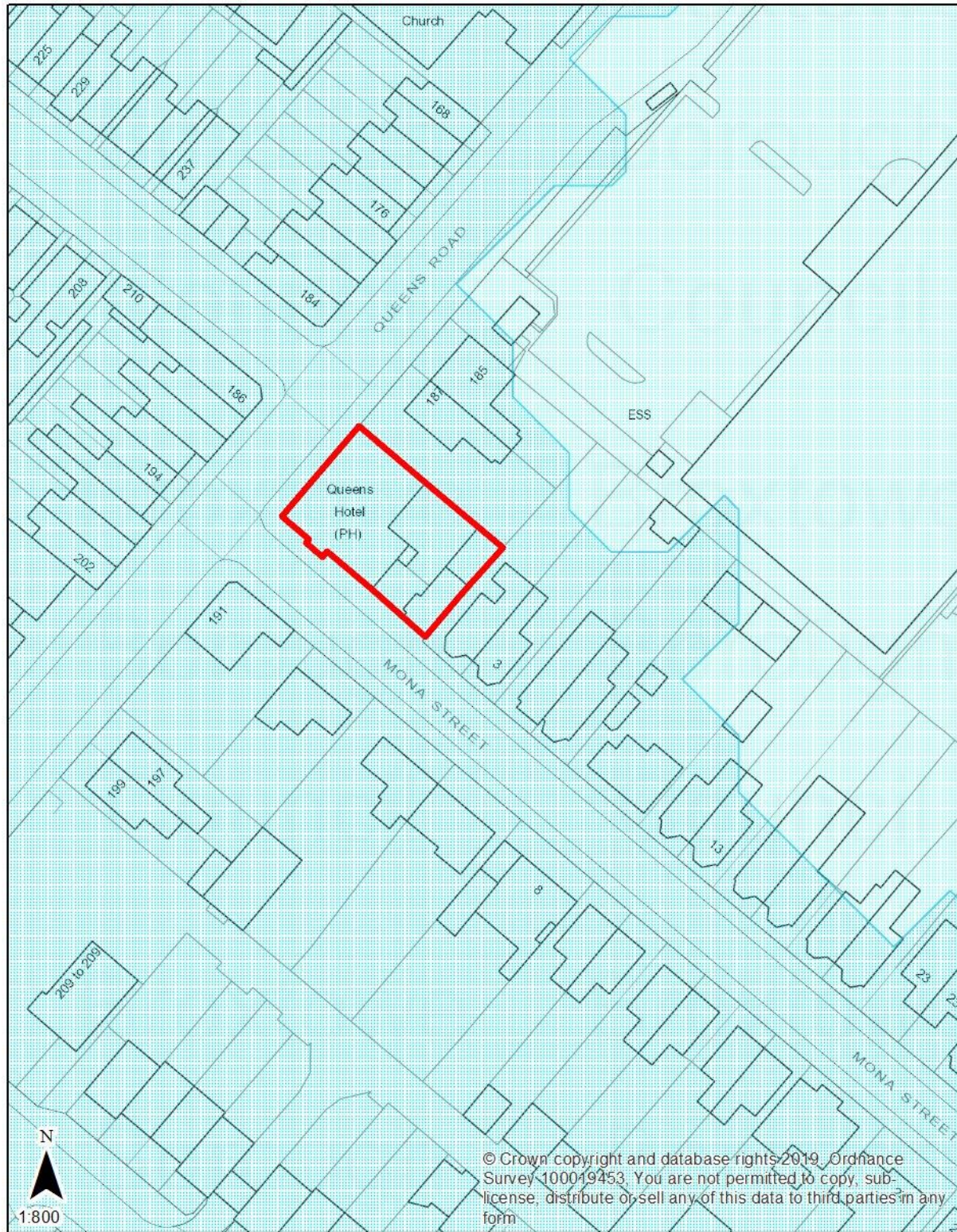
1. The Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.
2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature 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](http://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

**18/00516/FUL****ERECT 10 ONE BEDROOM APARTMENTS****147 - 151 QUEENS ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2FE**1. Details of the application

- 1.1 This major planning 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 providing parking provision on site and reducing the size of the building to reduce the impact on neighbour amenity.
- 1.2 The applicant has considered the issues raised by Planning Committee and has provided one internal parking space on site and reduced the overall height of the building by 0.3m - 0.4m. As a result of the parking space, the internal bin storage has been relocated to the south west of the building.

2. Supporting information

- 2.1 Supporting information has been provided which includes a travel plan statement, parking survey, review of census data and sunshade analysis. The conclusions of each report will be summarised below. One objection was received which in summary, explains that even with the amended height of the building, it is still unnecessarily tall in comparison to neighbouring properties and that the proposal of one car parking space is insufficient to service the amount of flats proposed. Photographs were provided to demonstrate the level of parking on Queens Drive and Hawthorn Grove. Further concerns raised have already been addressed in the original report.
- 2.2 The travel plan statement discusses pedestrian accessibility, accessibility by cycle and accessibility by public transport in relation to the proposed development. It is concluded the site is well serviced by regular bus services within walking distance of the site and beyond this, a regular tram and train service. A 'residential travel planning pack' will be provided for each resident which will include several promotions and incentives for alternative methods of transport (e.g. free travel cards, car clubs and information on local taxi services).
- 2.3 On-street car parking occupancy surveys have been undertaken within the vicinity of the area and when considering Hawthorn Grove alone, it was found that some capacity remains to accommodate a small level of additional on-street parking. The surveys conclude that the increases in demand for on-street parking that may result from the development proposals will be negligible and can be accommodated sufficiently on Hawthorn Grove and neighbouring roads.
- 2.4 A review of the most recent census data demonstrates that the Central Beeston Ward has an extremely high proportion of 'no car households'. 47% of households do not have access to a private vehicle compared with the national average of 26%. The information provided concludes there is a recent trend of

falling levels of car ownership amongst younger people and that this area of the Borough has a higher proportion of younger people.

- 2.5 The sunshade analysis has been provided for the months of March, June, September and December at the times of 12:00 and 17:00. It concludes that whilst there will be a loss of sunlight experienced by no. 145 Queens Road and no. 1 Hawthorn Grove which directly adjoin the site (and some neighbouring properties), this will not be to a detrimental level.

### 3. Re-consultations

- 3.1 Amended plans were submitted and a further seven-day consultation has been undertaken with the occupants of neighbouring properties.

### 4. Appraisal

- 4.1 It is considered the provision of one car parking space is within an acceptable location that would not cause an unacceptable impact on the surrounding neighbours' amenity due to it being accommodated internally within the building. The original roller shutter door has been removed and the car parking space will be visible from Hawthorn Grove. It is considered the removal of the roller shutter door provides more visibility to this side of the building and is an acceptable change in design.

- 4.2 The relocated bins to the south east of the building will be 1.1m from the boundary with no. 1 Hawthorn Grove and will be obscured from view by a 2.5m high fence. As the bins will be sheltered by an overhang of the building and the 2.5m high fence, it is considered they are in an acceptable location that they will have minimal impact on the surrounding neighbours.

- 4.3 The overall height of the building has been reduced by 0.3m – 0.4m which is considered to be an acceptable amount that reduces the impact of the building on surrounding properties, in particular the south west (side) window of no. 145 Queens Road. The reduced height building is considered to have an acceptable impact on the street scene of Hawthorn Grove and Queens Road, whilst remaining a prominent feature on this corner plot.

- 4.4 The supporting information provided concludes that it is likely that car ownership associated with one bedroom apartments within this area will be low and that any parking associated with the flats can be accommodated on Hawthorn Grove and nearby roads. It is acknowledged that there will be some impact on a loss of sunlight to neighbouring properties but this is considered to be within acceptable levels. Furthermore, the proposed plans show the view from the south west (side) window of no. 145 Queens Road as being improved from the reduction in height of the building and provides a line of sight to show the loss of light to this window will not be detrimental.

### 5. Conclusion

- 5.1 The supporting information, alongside the lack of objection from the Highways Authority, and the fact the site is located within a sustainable location supported



by regular bus services along Queens Road, means it is still considered that the application would not lead to a detrimental impact on highway safety. Furthermore, it is considered the reduction in height of the building demonstrates the proposed flats will have an acceptable impact on the surrounding neighbours and reduces the impact of the building within the street scene. 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: 003 Rev J and 004 Rev N received by the Local Planning Authority on 30 November 2018 and drawing numbers: 002 Rev P and 006 Rev Q received by the Local Planning Authority on 19 February 2019.**
- 3. No development above slab level shall be carried out until samples of the materials to be used in the facing walls have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**
- 4. No development, including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.**
- 5. The building hereby approved shall be constructed to include the noise mitigation measures as detailed within section 4 of the noise assessment report ref: 12581.01.v2 dated November 2018. Confirmation of the installation of these measures shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.**
- 6. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:**
  - (a) numbers, types, sizes and positions of proposed trees and shrubs;**
  - (b) planting, seeding/turfing of other soft landscape areas;**
  - (c) details of the site boundary treatments;**
  - (d) a timetable for implementation of the scheme.**

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

7. No development shall commence until a detailed surface water drainage scheme based on the principles of sustainable drainage and in line with the approved preliminary drainage layout plan, SCC / 001 rev A, OCT 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 practical completion of the development. The scheme to be submitted shall:
- Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to a maximum of 2 l/s for the development area.
  - Provide surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments'.
  - Provide surface water run-off attenuation storage for the 100-year 40% climate change storm event of a minimum of 3m<sup>3</sup>.
  - 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.
  - Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
  - Provide 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.
8. The windows in the north east elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and fixed shut and retained in this form for the lifetime of the development.
9. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

#### Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.

3. Full details of materials were not submitted and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
4. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
5. To protect residents from excessive external noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. 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; 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).
8. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

#### Note to applicant

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. Given the proximity of residential properties, contractors should limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.
3. The drainage information submitted during the course of the application will be taken into account when condition 7 is considered.

Background papers  
Application case file

Appendix – report to Planning Committee 9 January 2019

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## APPENDIX

## Report of the Chief Executive

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

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

1 Details of the Application

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

2 Site and Surroundings



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



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



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



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

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

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

### 3 Relevant Planning History

3.1 An application for a sales office (74/00185/FUL) was granted permission in July 1974.

3.2 An application for an extension to an office to form a car valeting bay (81/00504/FUL) was granted permission in August 1981.

### 4 Policy Context

#### 4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be 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 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 105 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

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

4.1.4 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.

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

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

## **4.2 Broxtowe Aligned Core Strategy**

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

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

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

4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.

4.2.5 'Policy 4: Employment Provision and Economic Development' seeks retention of good quality existing employment sites which are an important source of jobs.

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

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

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

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



4.2.10 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

### 4.3 Saved Policies of the Broxtowe Local Plan

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

4.3.2 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.

4.3.3 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.

4.3.4 Policy H5 'Affordable housing' states that on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.

4.3.5 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.

4.3.6 Policy H7 'Land Not Allocated for Housing Purposes' small scale residential development within existing built-up areas will be permitted providing the residents of the new dwellings would have a satisfactory degree of privacy and amenity, that satisfactory arrangements can be made for access and parking and that the development would not result in an undesirable change in the character or appearance of the area. The development should not prejudice the potential for future development of a larger area and the development should not have an unacceptable effect on the privacy and amenity of the occupiers of nearby properties.

4.3.7 Policy RC6 'Open space: requirements for New Developments' provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.

4.3.8 Policy T1 'Developers' Contributions to Integrated Transport Measures' planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.

4.3.9 Policy T11 'Guidance for Parking Provision' planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

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

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included seven representations in relation to Policy 1, three representations in relation to Policy 9, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17, seven representations in relation to Policy 26 and 11 no. representations in relation to Policy 32. Given that there remain outstanding objections to Policy 1, 9, 15, 17, 26 and 32 with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.
- 4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.
- 4.4.3 Policy 9 'Retention of Good Quality Existing Employment Sites' - permission will not be granted for other purposes unless it is demonstrated that the site is not viable for its specified employment use.
- 4.4.4 Policy 15 'Housing Size, Mix and Choice' states that 30% or more of housing should be affordable if more than 10 dwellings are proposed. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.
- 4.4.5 Policy 17 'Place-making, Design and Amenity' states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.
- 4.4.6 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sqm or more gross floor space.
- 4.4.7 Policy 32 'Developer contributions' financial contributions may be sought from developments of 10 or more dwellings or 1000 sqm or more gross floorspace for

provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

## 5 Consultations

- 5.1 The Council's Waste and Recycling Officer has no comments due to the bins being privately managed.
- 5.2 The Environmental Health Officer raises no objection subject to a condition requiring implementation of noise mitigation measures prior to occupation as stated within the noise report. An advisory in respect of working hours has been advised.
- 5.3 The Private Sector Housing Officer has no objection but has stated that appropriate ventilation, fire prevention detection measures, emergency lighting and fire blankets are required within the building.
- 5.4 The Housing Strategy and Development Officer raises no objection and has not requested an affordable housing contribution.
- 5.5 The Business and Projects Manager (Environment) would not require on-site provision of open space or a financial contribution towards off-site provision as 10 dwellings are proposed.
- 5.6 The County Council as Highways Authority raise no objection following the submission of amended plans but have requested a condition that all windows and doors on the corner elevation of the building should open inwards to prevent any overhang onto the highway.
- 5.7 The County Council as Lead Local Flood Authority (LLFA) initially objected to this application in the absence of a drainage strategy. Further information has been provided and the comments of the LLFA are awaited.
- 5.8 The County Council Planning Policy team have not requested a transport or education contribution.
- 5.9 The Environment Agency were consulted but did not provide comments as the site is within Flood Zone 2 and standing advice applies.
- 5.10 Severn Trent Water Ltd were consulted but did not provide comments.
- 5.11 A site notice and amended site notice were posted and nine neighbouring properties were consulted. Six responses were received (four objecting and two observations). Comments received can be summarised as follows:
- Plans are missing information in regards to the dimensions of the building and internal measurements
  - Design and Access Statement states a separate planning statement has been prepared but unable to find this and states the flats will be affordable but numbers have not been provided to support this

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

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

## 6 Appraisal

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

## 6.2 **Principle**

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

6.2.2 Whilst it is acknowledged there will be a loss of a small car sales business, it is considered the loss is outweighed by the proposal of residential units which make an efficient use of the land. Whether there is sufficient space for 10 apartments

and the impact a development of this size will have on neighbouring properties will be discussed below.

### 6.3 Flood Risk

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

### 6.4 Amenity

- 6.4.1 During the course of the application the plans were amended to reduce the building in size, reduce the number of apartments (from 13 apartments to 10),

reduce and reposition the fenestration, remove the roof terrace and introduce a boundary fence. Concerns have been raised in regards to the impact the building will have on a loss of light/sunlight to the adjoining neighbours and the creation of a sense of enclosure.

- 6.4.2 No. 1 Hawthorn Grove is a semi-detached dwelling adjoining the south east of the site. The plans were amended to remove the majority of the third floor and all windows above the ground floor level in the south east elevation of the building. The third floor element of the proposed building is relatively in line with the main east (rear) elevation of no. 1 and is set back 1.2m from the adjoining boundary. Beyond this, the building reduces to two storeys and is set back 3.4m from the boundary with no. 1. A 2.5M high fence is proposed across the boundary with no. 1 which will largely obscure the ground floor windows from view. Whilst it is acknowledged the building is positioned to the north west of no. 1 and will cause some loss of light to the rear garden, it is considered the separation distance, reduction in height and removal of first and second floor windows is sufficient that an acceptable amount of amenity will be retained and there will not be a detrimental impact on a loss of sunlight or daylight. No. 1 has a second floor window in the north west (side) elevation. It is acknowledged the three storey element of the building will be opposite this window causing a loss of light but it is considered the separation distance of 3.2m is sufficient that it would not be detrimental to the light received into this window that would warrant refusal of the application.
- 6.4.3 A large portion of the third floor of the building facing the north east has been removed and the fenestration has been changed so that three windows which will be obscurely glazed and fixed shut, face the south west (side) elevation of no. 145 Queens Road. It is considered necessary to condition these windows accordingly to protect the amenity of the adjoining neighbours. No. 145 has a second floor window which is the only source of light to a primary room. Given the removal of part of the third floor and the separation distance of 9.4m from the third floor, it is considered the impact on this window is acceptable. Whilst it is acknowledged no. 145's garden is positioned to the south east of the building, it is considered the main impact of the building will be the two storey element which could be compared to the impact a house may have.
- 6.4.4 To conclude, it is acknowledged that no. 1 Hawthorn Grove and no. 145 will be most directly affected by the development but due to the reduction in the height of the building, removal of the roof terrace, carefully placed windows and the separation distance of 3.4m from part of the building to the south east boundary, it is considered the impact on these neighbours is acceptable.
- 6.4.5 It is considered the proposed building is a sufficient distance from the remaining neighbours consulted that there will not be a detrimental impact on their amenity.
- 6.4.6 With regards to the amenity of the prospective occupiers, whilst apartments 3 and 8 are relatively small, it is considered all of the apartments are an acceptable size and would have an adequate outlook to provide an acceptable standard of living. Although no outdoor amenity space is provided, this is commonly accepted with flats. However, the building is within walking distance to Broadgate Recreation

Ground. It is considered the amenity of the future occupants has been considered adequately.

- 6.4.7 To conclude, it is accepted the difference of a car sales business to an apartment block on this plot of land is relatively significant but after seeking amendments from the applicant in order to reduce the size of the building, it is considered the development is acceptable in regards to impact on neighbour amenity.

## 6.5 Design and Layout

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

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

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

## 6.6 Parking

- 6.6.1 It is evident within the consultation responses that there is concern that the development does not include any parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area.
- 6.6.2 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe.

Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.

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

## 6.7 Financial Contributions

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

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

## 6.8 Other issues

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

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

## 7 Conclusion

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



so car ownership is unlikely and the sustainable location of the site. Therefore, it is considered the proposal is acceptable for the reasons set out above.

**Recommendation**

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

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

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

- 7. Prior to the first occupation of the flats hereby approved, a surface water drainage scheme shall be submitted to and approved in writing by the Local**

Planning Authority. The scheme shall then be constructed in accordance with these details.

8. The windows in the north east elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and fixed shut and retained in this form for the lifetime of the development.
9. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

#### Reasons

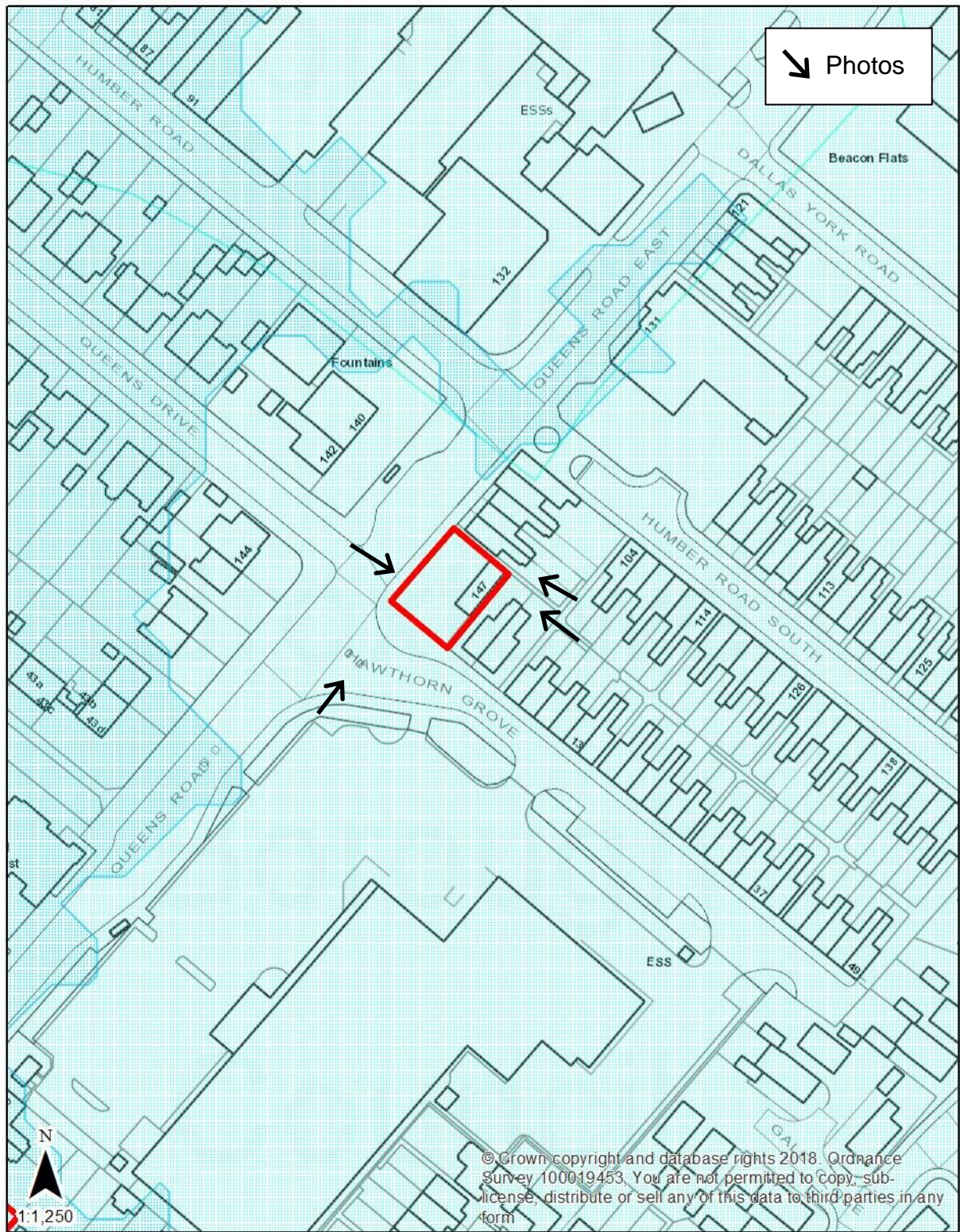
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. Full details of materials were not submitted and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
4. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
5. To protect residents from excessive external noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).
6. To ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies H7 and E24 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To prevent an increase in flood risk and to improve and protect water quality and in accordance with the aims of the NPPF and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
8. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).
9. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to applicant

- 1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.**
- 2. Given the proximity of residential properties, contractors should limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.**

Background papers

Application case file



↘ Photos

**Legend**

-  Site
-  Flood Zone 3
-  Flood Zone 2

**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 Goad requested this application be determined by the Committee and if approved, the development would constitute a material departure from policy. This application was deferred from February’s Planning Committee in order to allow members to attend a site visit.

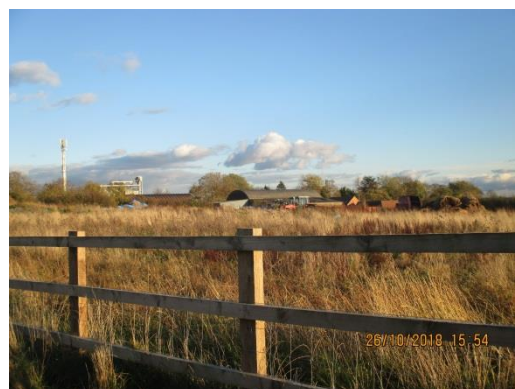
**1     Details of the Application**

- 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 142m<sup>2</sup> to 224m<sup>2</sup> (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 is 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. If permission was granted, 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 made 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.

6.10.3 The applicant provided an additional statement as a late item when this application was reported to February's Planning Committee. The statement includes that the case law within paragraph 6.3.4 did not benefit from the 'fall-back' position and that in paragraph 6.3.7 relates to mobile storage containers and not permanent buildings. Furthermore, the case referenced in paragraph 6.4 was decided by The Court of Appeal and paragraph 6.5 refers to refused planning applications where planning policies would have changed since the decision was made. A reference was made to an application that was granted approval for 14 new build dwellings to replace farm buildings within Gedling Borough Council (reference 2016/0306). In response to these comments, it is considered that the report clearly identifies the fundamental concerns with this application and has referenced relevant case law. The process of recommending a refusal of this application has been done so in line with national planning policy and the Council's policies, and it is considered the case law referenced within the report supports this.

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**

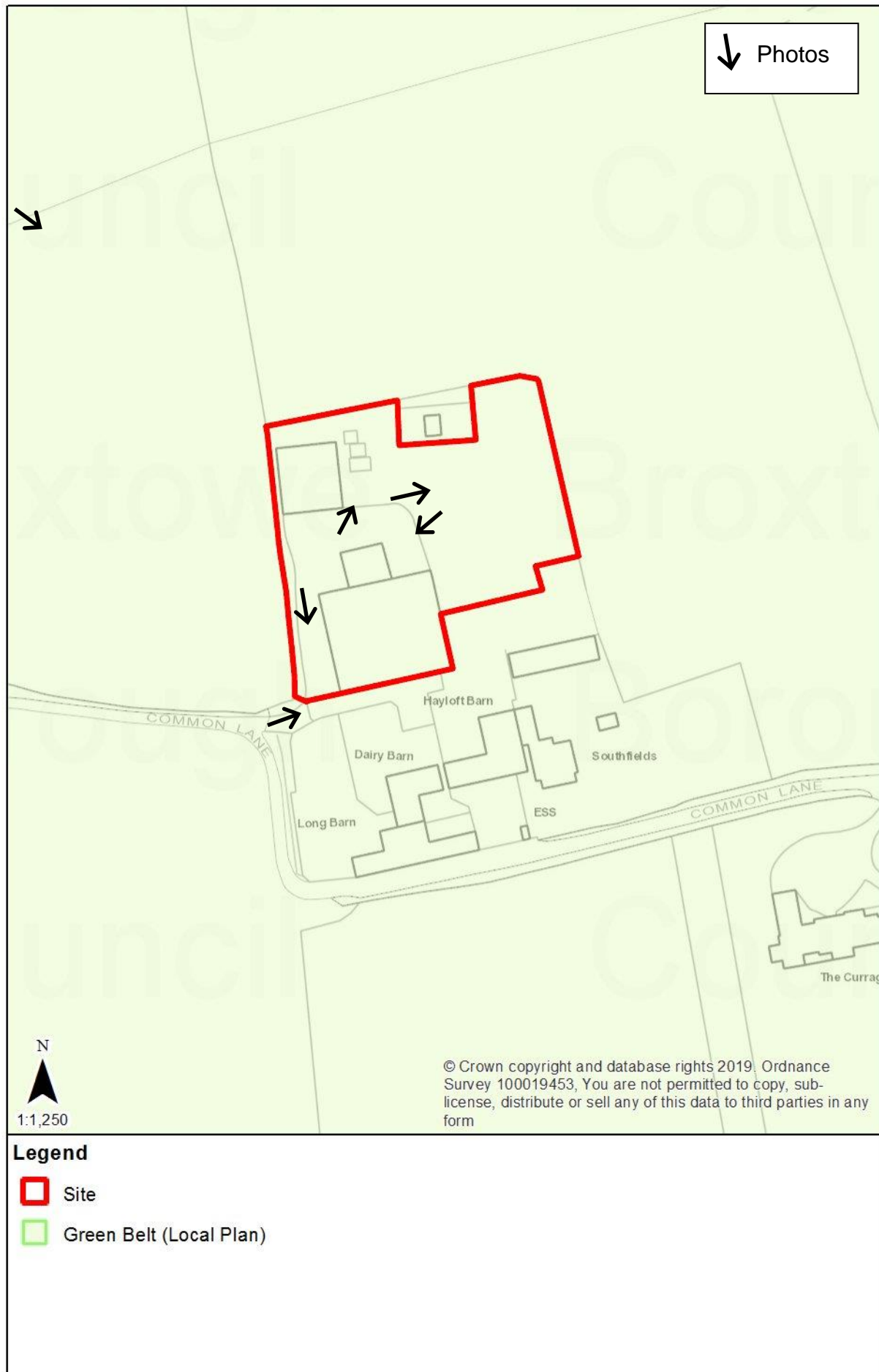
(2018) and Section 13 of the National Planning Policy Framework (NPPF) 2018.

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, Policies 8 and 17 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



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## Report of the Chief Executive

**18/00849/FUL  
CONSTRUCT TWO STOREY SIDE EXTENSION AND SINGLE STOREY  
FRONT AND REAR EXTENSIONS  
4 MURIEL ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2HH**

Councillor S J Carr has requested this application be determined by Planning Committee.

1 Details of the application

- 1.1 The application seeks permission to construct a two storey side extension and single storey front and rear extensions.
- 1.2 The two storey side extension will have a 7.5m high hipped roof and will be set down 0.5m from the main ridge. It will be set back 0.4m from the south east (front) elevation and align with the north west (rear) elevation of the main property. The extension will have a first floor dormer window, ground floor window and garage door in the front elevation. It will have a ground floor, high level, obscurely glazed, non-opening window in the south west (side) elevation and a first floor dormer window in the rear elevation. A roof light is proposed in the south west and south east roof slopes.
- 1.3 A single storey rear extension with a 3.2m high lean-to roof is proposed to adjoin the two storey side extension. It will be 3.8m in width and project 0.8m in length. It will have a roof light in the lean-to roof, glazed doors in the north west (rear) elevation and a blank south west (side) elevation.
- 1.4 A single storey extension with 3.6m pitched roof is proposed on the front elevation of the main property and will be 1.5m by 2.4m. The front elevation will have a door with glazed surround that extends into the apex of the pitched roof. It will have a window in the north east (side) elevation and a blank south west (side) elevation.
- 1.5 At ground floor level, the extensions will serve a porch, store (labelled garage), utility room, WC/ shower room and study/garden room. At first floor level, the extension will serve two bedrooms and a shower room. An existing bedroom will be converted into an office. The application form states matching render and plain roof tiles will be used.
- 1.6 During the course of the application, amended plans were received which included the following changes: gable roof changed to hipped roof on two storey side extension and set down 0.5m from main ridge, dormer windows in front and rear elevations included, removal of first floor windows in front side and rear elevations, ground floor window in south west (side) elevation reduced in size, roof light in south west roof slope and garage door and ground floor window in front elevation repositioned.

2 Site and Surroundings



South east (front) elevation



Front/side boundary with no. 6 Muriel Road



View of nos. 6 and 8 Muriel Road from rear garden of application property



South west (side) elevation of application property from rear garden of no. 8 Muriel Road

- 2.1 The application property is a detached dwelling with hipped roof, front bay window, front porch with pitched roof, single storey rear extension with hipped roof and a detached, flat roof garage positioned to the side. The property is finished in a white smooth render and the roof constructed from plain tiles. The garage is built up to the south west (side) boundary with no. 6. The rear garden is enclosed by a 1.8m high fence. A 1.2m high stone wall extends across the front and north east (side) boundary with no. 2. The wall wraps around the boundary with no. 6 and adjoins the detached garage.
- 2.2 Muriel Road is a street formed of bungalows, semi-detached and detached dwellings with varying character. The site is relatively flat. A number of properties have had permission for two storey extensions, including nos. 1, 3, 5, 6 (partially constructed), 8, 14, 28 and 32.

3 Relevant Planning History

- 3.1 An application (78/00997/FUL) for a detached garage and single storey rear extension received permission in November 1978.

- 3.2 An application (01/00707/FUL) for a porch received permission in October 2001.
- 3.3 An application (91/00751/FUL) for a two storey side extension was refused in January 1992. The reason for refusal stated the following: *The proposed extension would, by reason of its height, length and location have an overbearing effect on the adjacent property and result in an unacceptable loss of amenity to residents of that property. The garage would be too short to be used by all but small cars and, given the absence of a full length hardstanding, the proposal would result in an unacceptable reduction in parking provision on the 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 plan-led, decisions should be approached in a positive and creative way and high quality design should be sought.

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

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 Policy A 'Presumption in Favour of Sustainable Development' - reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 Policy 10 'Design and Enhancing Local Identity' - states that development should be assessed in relation to its massing, 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 H9 'Domestic Extensions' - states that extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.
- 4.3.3 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 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policy 17 with the Inspector's view on these not yet known pending her report, this policy can be afforded only limited weight.

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

## 5 Consultations

5.1 There have been seven representations received, two objections and two no objections to the original plans and three objections in relation to the amended plans. The responses are summarised as follows:

- Reasonable extension which is in keeping with others constructed in recent years
- Reduction in natural light
- Extension follows footprint of existing single storey garage but this does not impact on a loss of natural light in the same way as proposed two storey extension would
- Sense of enclosure
- Visually overbearing due to proximity to boundary
- Overlooking and loss of privacy from first floor rear window
- Application for a two storey side extension was refused and nothing has changed to make this application now acceptable
- Devalue property.

5.2 Councillor Carr objects to the application as the application property has a garage that is up to the boundary with no. 6 and as this is single storey with the addition of another storey, this would mean it is overbearing and have an unacceptable impact on neighbour amenity.

## 6 Appraisal

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

6.2 Muriel Road is a street formed of bungalows, semi-detached and detached dwellings with a varying character. A number of properties have had permission for two storey extensions in the area. Some of these are within close proximity to the application property, including no. 6, which has had permission for a single storey rear and two storey side/ rear extension (partially constructed), no. 8 which has had permission for a two storey side and single storey front extension and no. 1 which has had permission for a two storey side extension.

6.3 An application for a two storey side extension with hipped roof was refused in January 1992. The reason for refusal stated the following: *The proposed extension would, by reason of its height, length and location have an overbearing effect on the adjacent property and result in an unacceptable loss of amenity to*



*residents of that property. The garage would be too short to be used by all but small cars and, given the absence of a full length hardstanding, the proposal would result in an unacceptable reduction in parking provision on the site. It is acknowledged that the previous refused application is not dissimilar to the current proposal in terms of scale, height and massing as this application was for a two storey side extension with hipped roof. However, planning policies have changed significantly since this application was determined and additional development has been undertaken since then which has a bearing on the impact on neighbours.*

- 6.4 The design of the extension is considered to be appropriate for this domestic property and will be in keeping with other extensions in the area. As the plans do not state the materials proposed, they will be conditioned to ensure they match the main property. The two storey side extension will be set down 0.5m from the main ridge and set back 0.4m from the front elevation which creates a subservient appearance and ensures a shadowing effect is created between the extension and main property. The dormers are considered to be an acceptable size and positioning and replicate the pitch of the porch roof which is considered to be a positive design feature. Whilst it is acknowledged the front dormer is not located centrally above the garage door, the window next to the garage door would need to be removed to centralise it which would reduce light into the hallway. It is considered the garage door is in an acceptable position and will not appear out of character in the street scene of Muriel Road. The single storey front extension is not dissimilar to the existing porch in relation to size and scale and is considered to be an acceptable addition to the property. The glazing in the front elevation of the porch extending into the apex, represents a contemporary appearance alongside the smooth white render of the main property. Overall, it is considered the extensions achieve an acceptable level of design and are in keeping with the main property and surrounding properties on Muriel Road.
- 6.5 During the course of the application, several amendments were made to the application (as mentioned above). The most significant change was from the gable to hipped roof and the reduction in ridge height by 0.5m. It is acknowledged that no. 6 will experience the greatest impact from this extension. However, it is considered the reduction in ridge height by 0.5m and the hipped roof improve the relationship with no. 6 to an acceptable level. No. 6 have a partially constructed extension which has resulted in a 2.1m – 3m long rear garden. In addition to this, no. 6's rear garden faces north east meaning it will already experience restricted sunlight. The application that was granted permission for no. 6 (16/00214/FUL), clearly shows three areas annotated as 'garden area' which are land to the rear of the extension and two areas to the front of the property. It is clear from the plans that the primary amenity space has shifted from the rear to the side as a result of their extensions. It is acknowledged that the impact of a two storey extension will cause a loss of light to the rear garden area of no. 6 but the 11m garden length to the side and front of the property is considered sufficient and useable space that the overall amenity of this neighbour would not be detrimentally affected. Furthermore, due to the orientation of no. 6, the 11m garden to the front receives the most sunlight/daylight. The ground floor level window and roof light facing south west will both be conditioned to be obscurely glazed in order to protect the amenity of no. 6. As the ground floor window is 1.7m above the floor level it is considered

this is a sufficient distance that it does not need to be conditioned to be non-opening. As the roof light serves an en-suite and is not a primary room, it is considered unnecessary to condition this to be non-opening.

- 6.6 No. 8 is positioned to the south west of the application property and has a north east facing garden meaning it already experiences restricted sunlight. Whilst it is acknowledged there will be some loss of light created from the two storey extension, it is considered the orientation of the application property would not cause an additional significant amount of restricted daylight or sunlight due to the orientation of no. 8. The proposal of the rear dormer window is considered to be an acceptable size and whilst it is acknowledged it is closer to the boundary with nos. 6 and 8, it is not dissimilar to the amount of overlooking from the first floor rear windows in the main property. It is considered the dormer window would not cause an unacceptable amount of additional overlooking as these three properties mutually overlook each other's gardens. It is considered the proposed porch and single storey rear extension, due to their modest size and positioning will not have a detrimental impact on the amenity of the occupants of nos. 6 and 8.
- 6.7 It is acknowledged that the application property and nos. 6 and 8 are in close proximity to each other. However, nos. 6 and 8 both have two storey extensions meaning these extensions already contribute to the restricted amount of sunlight and daylight received in their own rear gardens. The proposed extensions will contribute to some additional loss of sunlight and daylight but it is considered this would not be so detrimental as to warrant refusal.
- 6.8 It is considered the proposed extensions due to their size and proximity will not have a detrimental impact on the amenity of the remaining surrounding occupants, nos. 1, 2, 3 and 10 Muriel Road.
- 6.9 It is acknowledged the garage will be removed meaning there will be no parking associated with this property. However, the majority of Muriel Road and Endsleigh Gardens are subject to parking restrictions for permit holders (Monday to Saturday 09:00 – 10:00 and 15:00 -16:00) in order to prevent on road parking at potential busy periods or long periods of stay. Furthermore, only one additional bedroom will result from the extension. Any further cars on this road would be subject to a permit. It is considered that any further cars parked on nearby roads in association with this property would not be at the detriment of highway safety and therefore refusing this application on grounds of lack of parking would be unjustified.
- 6.10 The matter raised in relation to the proposed extension devaluing neighbouring properties is not a planning consideration that can be taken into consideration.
- 7.1 Conclusion
- 7.1 In conclusion, it is considered that the extensions are in keeping with the original property in terms of style and proportion, and will not have a detrimental impact on the street scene of Muriel Road. It is considered the extensions would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties. The proposal therefore accords with Policy H9 of the

Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Draft Part 2 Local Plan (2018) and with the National Planning Policy Framework (2018).

**Recommendation**

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

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 14 December 2018 and Proposed Block Plan (1:500) and Proposed Elevations and Ground/First Floor Plans received by the Local Planning Authority on 21 February 2019.**
- 3. The walls shall be finished in a matching render and the roofs constructed with tiles of a type, texture and colour so as to match those of the existing house.**
- 4. The ground floor window in the south west (side) elevation and roof light in the south west roof slope shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the life time of the development.**

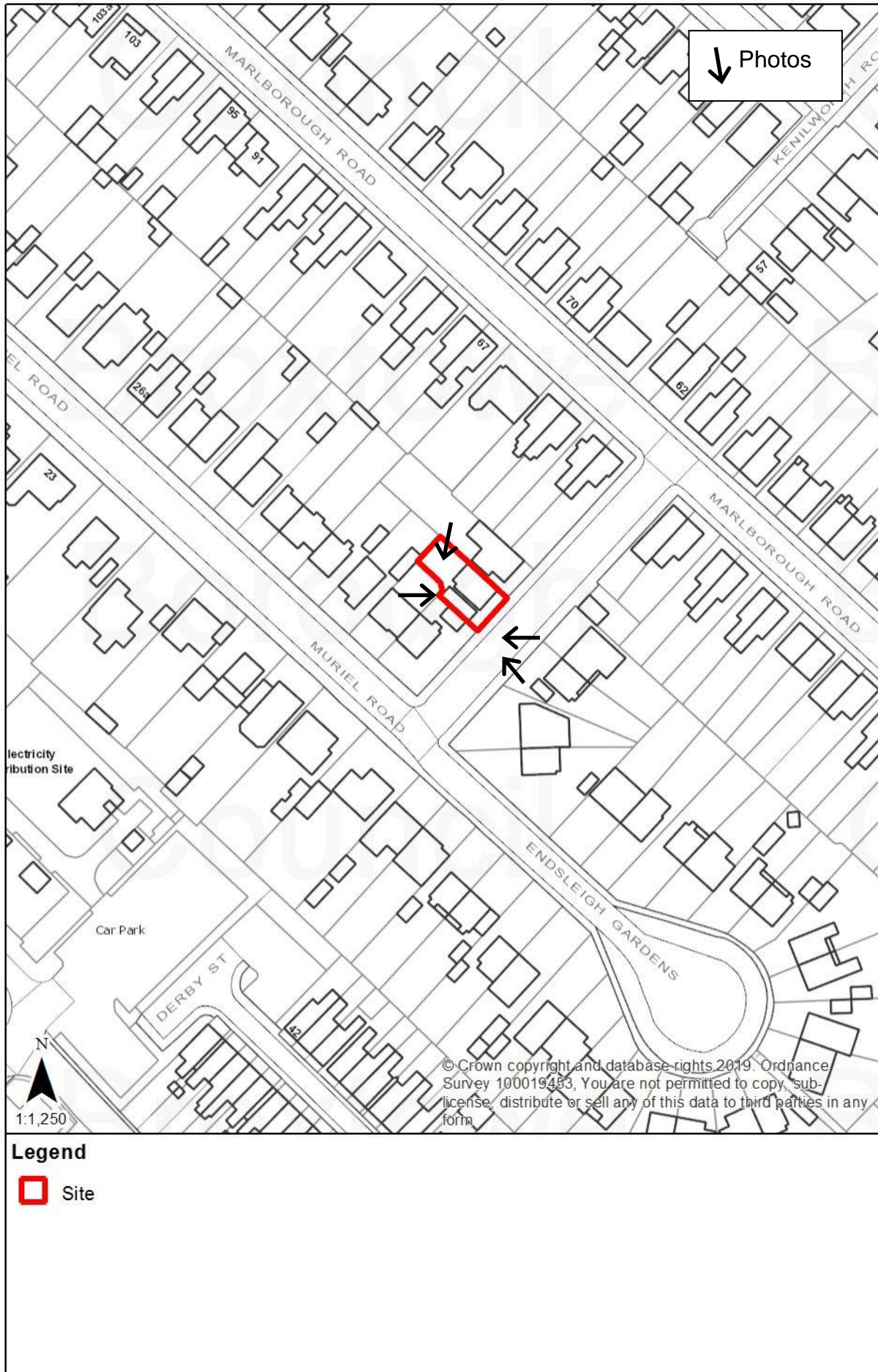
**Reasons**

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

**Note to applicant**

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

Background papers  
Application case file



**Report of the Chief Executive**

**18/00662/FUL  
 RETAIN TWO STOREY REAR/SIDE AND SINGLE STOREY REAR  
 EXTENSIONS, INCLUDING REAR DORMER (REVISED SCHEME)  
 84 BOUNDARY ROAD, BEESTON, NOTTINGHAM, NG9 2QZ**

Councillor S J Carr requested this application be determined by the Committee.

1 Details of the Application

- 1.1 The application seeks permission to retain side and rear extensions and a rear dormer.
- 1.2 The front 0.65m of the side extension is single storey with a lean-to roof and a front wall level with the original front wall. It is 3.6m wide and has a front window. The two storey part of the side extension has the same ridge height as the original roof and a first floor window on the front and rear elevations. A white UPVC board covers the side of the roof of the original house where the front elevation of the extension is set back. The roof of the extension has two rooflights, one at the front and one at the rear. To the side, is a small ground floor window. The ground floor is used as a lounge, with two bedrooms at first floor.
- 1.3 The two storey side extension has a length of 6.5m. To the rear, is a 3m long single storey extension with 3.9m high lean-to roof which extends for the width of the extended property and contains two rear windows and a door in the south east side elevation. It serves a kitchen/dining room. 2m from the boundary with no. 86 Boundary Road is a two storey rear extension which has a rear gabled roof 1.3m lower than the original ridge and with the same eaves height as the original house. This rear extension has a width of 3.3m and one rear first floor window. It extends to the rear in line with the single storey extension (3m).
- 1.4 The rear dormer is located above the two storey rear extension and extends to the side of this extension, towards no. 86 Boundary Road. The dormer has a height of 2.32m, is 4.6m wide and extends from the roof by a maximum of 3.5m. It has one rear window serving a bedroom.

2 Site and Surroundings



South west (front) elevation



South west (front) elevation



North east (rear) elevation



North east (rear) elevation



North east elevation and boundary with no. 82 Boundary Road.



Rear garden towards nos.33 and 35 Brook Road

- 2.1 The application property is an end of terrace red brick and flat red tiled house. The side and rear elevations of the rear dormer are tile hung. There is a white board on the side of the roof connecting the roof of the side extension to the existing roof. The bricks that have been used on the side and front elevations of the extension differ from those of the original house as they are a mixture of colours, including some dark bricks, compared to the red bricks of the original house.
- 2.2 There is a wide wooden gated access and no current driveway, but external landscaping is not yet finished and there is parking space for two cars.
- 2.3 There is a hedge and gate on the front boundary. Beside no. 33 Brook Road, there is a 1.4m concrete block wall leading to no. 33's garage which sits on the boundary. Along the side and around the rear boundary, there is a 1.8m high fence with gravel boards and concrete posts.
- 2.4 The site is generally flat. There is a highway tree on Boundary Road to the front of the property. The site is located in a residential area of two storey terraced and semi-detached houses with a uniform look and of red brick construction. No. 86 Boundary Road (adjoining terrace) has a rear conservatory.

### 3 Relevant Planning History

- 3.1 An application to construct a garage at the property was refused permission in 1979 as it was considered to be intrusive and detrimental to neighbour amenity (79/00088/FUL).
- 3.2 Permission for a single storey rear and two storey rear and side extensions was granted in June 2017 (17/00274/FUL). The main differences between the approved scheme and the as built scheme are that no rear dormer was previously proposed and the roof of the two storey extension was shown to be set down from the main ridge of the dwelling by 0.23m.

### 4 Policy Context

#### 4.1 **National policy**

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

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

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 Policy 10 'Design and Enhancing Local Identity' states that development should be assessed in relation to its massing, scale, materials, design and impact on the amenity of nearby residents.

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

- 4.3.1 The Part 2 Local Plan has recently been examined and is awaiting the Inspector's report. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. The relevant saved policy is as follows:
- 4.3.2 Policy H9: Domestic Extensions - extensions will be permitted provided that they are in keeping with the original building in terms of style, proportion and materials, are in keeping with the appearance of the street scene, do not create a terraced or cramped effect and do not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties.

#### 4.4 **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. 11 representations have been made in relation to Policy 17. Given that there remain

outstanding objections that will need to be considered through the Local Plan examination process, this policy can be afforded only limited weight.

- 4.4.2 Policy 17 'Place-Making, Design and Amenity' states that householder developments should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene. Any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

## 5 Consultations

- 5.1 Six neighbours were consulted and one objection has been received, raising concerns regarding loss of privacy and daylight and in relation to the appearance of the extension.
- 5.2 Councillor Carr objects to the application as it is considered to be an attempt to create a House in Multiple Occupation and the builder should have known that extensions of the size proposed require permission.

## 6 Appraisal

- 6.1 The main issues to consider with this application are the design of the extensions and the impact on neighbour amenity.
- 6.2 Conditional permission was granted in June 2017 to construct a single storey rear extension and two storey rear and side extensions (17/00274/FUL). This application to retain the extension and dormer results from an enforcement case as the extension built differs from the development approved in 2017. The main differences are the inclusion of a rear dormer, the side extension now having the same ridge height as the original house (rather than a 0.23m lower ridge height) and changes to windows.
- 6.3 The dormer is to the rear and is set slightly below the ridgeline and is located above the eaves height. It has a flat roof. Concerns were raised with the applicant about the size and design of the dormer (it has an off-centre window) but no changes have been forthcoming. Given the dormer would likely have been permitted development if it had been built before the side and rear extensions and as it is not readily visible in the street scene being to the rear, it is considered the concerns about the dormer are not substantial enough to warrant refusal of the application.
- 6.4 The two storey side extension was initially approved with a lower ridge height than the original roof. The side extension as built has the same ridge height as the original house. There is a setback but a large triangle sheet of white uPVC has been used to cover the side of the original roof which has resulted in a disjointed and unsightly appearance. The applicant intends to remove this material and replace it with bricks or tiles. Subject to conditioning the replacement of this white uPVC triangle, it is considered that the design of the side extension is acceptable for this end of terrace property with no house in line to the south (so no terracing or cramped effect will result).



- 6.5 Two rooflights, one front and one rear, have been added to the side extension. It is considered these are acceptable and have no significant impact on the appearance of the property or neighbour amenity.
- 6.6 The as built side elevation is similar to that initially approved, except for the reduction in size of the ground floor side window. There are slight changes to the window design on the rear elevation, but these windows are in the same position and the same size. These changes are all considered to be acceptable.
- 6.7 Condition 3 of the previous permission states that “the extensions shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing house”. The front and side elevations of the new extension have been built with a multi coloured brick that does not match the red brick of the original house. The applicant has agreed to tint the front elevation bricks of the extension. This will be conditioned to occur within three months of the decision to ensure tinting takes place.
- 6.8 No. 86 Boundary Road is the adjoining neighbour and has a rear conservatory. The single storey rear extension projects to the rear by 3m adjacent to this conservatory, which is less than the projection of the conservatory. The north west side elevations of the two/single storey rear extensions are blank. It is acknowledged that the application property is to the south of no. 86. However, due to the two storey rear extension being 2m from the boundary and being set down 1.3m from the ridge of the main house, it is considered there will be a minimal impact on the amenity of the occupants of no. 86.
- 6.9 It is considered that the proposed development will have no undue impact on the amenities of the neighbours at nos. 33 and 35 Brook Road, whose properties are at a distance of 13.9m from the closest point of the extension or on any properties to the rear, which are 17m to the hall and 40m to the nearest rear residential boundary.
- 6.10 The application is solely for the retention of extensions and the dormer. No change of use to create a House in Multiple Occupation is proposed or required so long as no more than six residents are living together as one household.
- 6.11 The site is located within Flood Zones 2 and 3. A flood risk assessment has been submitted which confirms that floor levels have been set no lower than existing levels and flood proofing of the development has been incorporated where appropriate. It is considered that flood risk issues have been adequately considered and that the development has not increased flood risk.

## 7 Conclusion

- 7.1 The design of the extensions and dormer are considered to be acceptable and to have no significant adverse impact on neighbour amenity.

**Recommendation**

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

1. The development hereby permitted shall be retained in accordance with the Ordnance Survey plan received by the Local Planning Authority on 26 September 2018 and the 'Proposed plan, block plan and elevations' received by the Local Planning Authority on 9 January 2019.
2. The side extension hereby approved shall be removed unless within 3 months of the date of this decision notice, the bricks on the front elevation of the extension have been tinted so as to match the colour of the bricks of the original front elevation.
3. The side extension hereby approved shall be removed unless within 3 months of the date of this decision notice, the white uPVC strip to the side of the roof has been replaced with materials which shall first have been submitted to and agreed in writing by the Local Planning Authority.

**Reasons:**

1. For the avoidance of doubt.
2. In the interests of the appearance of the development as the brick used does not match the colour of the original front elevation bricks and in accordance with the aims of Policy H9 of the Broxtowe Local Plan 2004.
3. In the interests of the appearance of the development as the white uPVC strip is unduly visually prominent and in accordance with the aims of Policy H9 of the Broxtowe Local Plan 2004.

**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



**Legend**

-  Site
-  Flood Zone 3
-  Flood Zone 2

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

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**PLANNING APPLICATIONS DEALT WITH FROM  
19 January 2019 TO 22 February 2019**

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### **CONTENTS**

Planning applications dealt with under Delegated Powers

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

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

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**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**

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr Sivalingan 17/00654/FUL  
Site Address : 179 High Road Chilwell Nottingham NG9 5BA  
Proposal : **Retain replacement shopfront and roller shutter**  
Decision : **Unconditional Permission**

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Applicant : Miss Julie Pimblett 18/00733/FUL  
Site Address : 221 Bye Pass Road Chilwell Nottinghamshire NG9 5HR  
Proposal : **Construct dropped kerb**  
Decision : **Conditional Permission**

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Applicant : Mr P Higginson 18/00775/FUL  
Site Address : 94 Woodland Grove Chilwell Nottinghamshire NG9 5BQ  
Proposal : **Construct single storey side / front extension**  
Decision : **Conditional Permission**

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Applicant : Mr Jay Shepard 18/00779/FUL  
Site Address : 4 Ladybridge Close Attenborough Nottinghamshire NG9 6BS  
Proposal : **Construct garage**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Fox 18/00793/FUL  
Site Address : 1 Audon Avenue Chilwell Nottingham NG9 4AW  
Proposal : **Construct two / single storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr Anthony Wright 18/00806/FUL  
Site Address : 31 Kingrove Avenue Chilwell Nottinghamshire NG9 4DQ  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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Applicant : Mr M Hopkinson 18/00813/FUL  
Site Address : 96 Bramcote Lane Chilwell Nottinghamshire NG9 4ES  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr D Hunter 18/00856/FUL  
Site Address : 93 Long Lane Attenborough Nottinghamshire NG9 6BN  
Proposal : **Construct pitched roof over existing single storey rear extension**  
Decision : **Conditional Permission**

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**AWSWORTH, COSSALL & TROWELL WARD**

Applicant : Mr Nigel Parr 18/00812/FUL  
Site Address : 24 Park Avenue Awsworth Nottinghamshire NG16 2RA  
Proposal : **Retain antenna and poles**  
Decision : **Conditional Permission**

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Applicant : Mrs D Ormsby 18/00818/FUL  
Site Address : 48 Awsworth Lane Cossall Nottinghamshire NG16 2RZ  
Proposal : **Convert and extend existing out building to self contained annexe**  
Decision : **Conditional Permission**

---

## BEESTON CENTRAL WARD

Applicant : Mr Baldwin BITG Ltd 18/00571/FUL  
Site Address : 3 Queens Road East Beeston Nottinghamshire NG9 2GN  
Proposal : **Construct dwelling and single storey rear extension to existing dwelling**  
Decision : **Conditional Permission**

---

Applicant : Royal Mail Group Ltd 18/00782/FUL  
Site Address : Royal Mail Motor Transport Workshop Padge Road Boulevard Industrial Park Beeston Nottinghamshire  
Proposal : **Retain change of use of workshop ancillary to Mail Handling Distribution Centre (Class B8) to a Mail Handling Distribution Centre (Class B8) and Vehicle Servicing Centre (VSC) (Class B2)**  
Decision : **Conditional Permission**

---

## BEESTON NORTH WARD

Applicant : Mr T Watkins 18/00836/PNH  
Site Address : 194 Wollaton Road Beeston Nottinghamshire NG9 2PH  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 5.8 metres, with a maximum height of 3.6 metres, and an eaves height of 2.9 metres**  
Decision : **Prior Approval Not Required**

---

## BEESTON RYLANDS WARD

Applicant : Mr & Mrs Neil Withey 18/00800/FUL  
Site Address : 12 East Crescent Beeston Nottinghamshire NG9 1QA  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Michael And Nicolle Straight 19/00016/FUL  
Site Address : Land At 29 Dunsmore Close Beeston Nottinghamshire NG9 1LU  
Proposal : **Construct dwelling**  
Decision : **Withdrawn**

---

## BEESTON WEST WARD

Applicant : Mr Adal Raza 18/00511/FUL  
Site Address : 101 Wollaton Road Beeston Nottinghamshire NG9 2NP  
Proposal : **Retain flue to rear elevation**  
Decision : **Conditional Permission**

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Applicant : Mr Guy Surfleet Everards Brewery 18/00792/LBC  
Site Address : Crown Inn 20 Church Street Beeston NG9 1FY  
Proposal : **Listed Building Consent to redecorate/refurbish toilets**  
Decision : **Conditional Permission**

---

Applicant : Mr Maltby Maltby Homes Ltd 18/00802/FUL  
Site Address : 3 Cavendish Place Beeston Nottinghamshire NG9 1BY  
Proposal : **Construct two semi-detached dwellings and outbuildings following demolition of bungalow**  
Decision : **Conditional Permission**

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Applicant : Joel Brown 18/00821/FUL  
Site Address : 16 Fellows Road Beeston Nottingham NG9 1AQ  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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Applicant : Miss Lucie Elliott 18/00842/FUL  
Site Address : 47A Bramcote Road Beeston Nottinghamshire NG9 1DW  
Proposal : **Insert patio doors**  
Decision : **Conditional Permission**

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Applicant	:	Mr Thomas Lady of Assumption Catholic Church	19/00021/FUL
Site Address	:	25 Foster Avenue Beeston Nottinghamshire NG9 1AE	
Proposal	:	<b>Retain car port</b>	
Decision	:	<b>Conditional Permission</b>	
<b>BRAMCOTE WARD</b>			
Applicant	:	Mr Colin Taylor Taylor Built Homes Ltd	18/00470/OUT
Site Address	:	23 Bridle Road Bramcote Nottinghamshire NG9 3DH	
Proposal	:	<b>Outline application for the erection of 3 dwellings (with some matters reserved) following demolition of existing dwelling</b>	
Decision	:	<b>Refusal</b>	
Applicant	:	Mr J Mao	18/00679/FUL
Site Address	:	30 Derby Road Bramcote Nottinghamshire NG9 3BA	
Proposal	:	<b>Construct single / two storey side and rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Karl Hudspeth	18/00691/FUL
Site Address	:	23A Seven Oaks Crescent Bramcote Nottingham NG9 3FW	
Proposal	:	<b>Construct single storey rear and side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr R Azadehdel	18/00696/FUL
Site Address	:	113 Cow Lane Bramcote Nottinghamshire NG9 3BB	
Proposal	:	<b>Construct first floor side extension, conversion of garage, loft conversion including two rear dormers, hip to gable roof extension, raise ridge height, lean-to roof, detached garage and front boundary wall and gates</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Ehsan Sabet	18/00820/FUL
Site Address	:	91 Arundel Drive Bramcote Nottinghamshire NG9 3FQ	
Proposal	:	<b>Construct single and two storey side/rear extension and render external walls</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Stan Heptinstall	18/00824/ADV
Site Address	:	St Michaels Church Church Street Bramcote Nottinghamshire	
Proposal	:	<b>Erect non-illuminated notice board</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs D Sawhney	18/00835/OUT
Site Address	:	86 Beeston Fields Drive Bramcote Nottinghamshire NG9 3TD	
Proposal	:	<b>Outline application with all matters reserved to construct detached dwelling and garage</b>	
Decision	:	<b>Withdrawn</b>	
Applicant	:	Mr Delwar Dhesi	18/00839/FUL
Site Address	:	10 Somerby Court Bramcote Nottinghamshire NG9 3NB	
Proposal	:	<b>Construct single storey side/rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Adrian Morgan	18/00845/FUL
Site Address	:	23 Beeston Fields Drive Beeston Nottinghamshire NG9 3DB	
Proposal	:	<b>Retain tree house, including raised platform and staircase</b>	
Decision	:	<b>Conditional Permission</b>	



## BRINSLEY WARD

Applicant : Mr And Mrs J Mee 18/00799/FUL  
Site Address : 6 Gladstone Drive Brinsley Nottinghamshire NG16 5DE  
Proposal : **Construct side and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr G Ruddy 18/00826/FUL  
Site Address : 2 Mansfield Road Brinsley Nottinghamshire NG16 5AE  
Proposal : **Erect horse walker and fence**  
Decision : **Conditional Permission**

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## CHILWELL WEST WARD

Applicant : Mrs Elkady Sahar 18/00769/FUL  
Site Address : 3 Wentworth Road Chilwell Nottinghamshire NG9 4FP  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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## EASTWOOD HALL WARD

Applicant : Mr M Woodward 18/00787/CLUP  
Site Address : 14 Telford Drive Newthorpe Nottinghamshire NG16 3NN  
Proposal : **Certificate of Lawful Development to construct single storey side/rear extension**  
Decision : **Approval - CLU**

---

Applicant : Mr Gary Brown 18/00863/PNH  
Site Address : 26 Moorfields Avenue Eastwood Nottinghamshire NG16 3DF  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.5 metres, with a maximum height of 3.0 metres, and an eaves height of 2.3 metres**  
Decision : **Prior Approval Not Required**

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## EASTWOOD ST MARY'S WARD

Applicant : Mr Toeuk Connells Residential 18/00785/FUL  
Site Address : 132 - 134 Nottingham Road Eastwood Nottinghamshire NG16 3GD  
Proposal : **Install air conditioning unit to rear elevation**  
Decision : **Conditional Permission**

---

Applicant : Mr Nicholas 18/00819/FUL  
Site Address : Maclaren Warner Solicitors 45 Nottingham Road Eastwood Nottinghamshire NG16 3AN  
Proposal : **Change of use of first floor, from solicitors storage (Class A2) to self - contained flat (Class C3)**  
Decision : **Conditional Permission**

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Applicant : Ms A Richardson 18/00840/FUL  
Site Address : 145 Nottingham Road Eastwood Nottinghamshire NG16 3GH  
Proposal : **Construct single storey rear & side extensions**  
Decision : **Conditional Permission**

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## GREASLEY WARD

Applicant : Mr & Mrs Wood 18/00781/FUL  
Site Address : Brook Breasting Cottage Narrow Lane Watnall Nottingham NG16 1HW  
Proposal : **Construct rear extension and retrospective approval for side/rear extension (wc and part kitchen)**  
Decision : **Conditional Permission**

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Applicant : Mr Colin Henderson 18/00851/FUL  
Site Address : Land Adjacent To 508 Nottingham Road Giltbrook Nottingham NG16 2GE  
Proposal : **Construct dormer bungalow**  
Decision : **Conditional Permission**

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## KIMBERLEY WARD

Applicant : Mr Barlow Fairgrove Homes 17/00699/FUL  
Site Address : Site Of Kimberley Brewery Hardy Street Kimberley Nottinghamshire  
Proposal : **External alterations and conversion of Kiln Stores to two dwellings and associated parking**  
Decision : **Conditional Permission**

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Applicant : Mr Barlow Fairgrove Homes 17/00700/FUL  
Site Address : Site Of Kimberley Brewery Hardy Street Kimberley Nottinghamshire  
Proposal : **Change of use from Kilns to create 8 duplex apartments and ancillary parking**  
Decision : **Conditional Permission**

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Applicant : Mr G Barlow Fairgrove Homes 17/00752/LBC  
Site Address : Site Of Kimberley Brewery Hardy Street Kimberley NG16 2JX  
Proposal : **Listed Building Consent for external alterations and conversion of Kiln Stores to two dwellings and associated parking**  
Decision : **Conditional Permission**

---

Applicant : Mr G Barlow Fairgrove Homes 17/00753/LBC  
Site Address : Site Of Kimberley Brewery Hardy Street Kimberley NG16 2JX  
Proposal : **Listed Building Consent to change use from Kilns to create 8 Duplex Apartments and ancillary parking**  
Decision : **Conditional Permission**

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Applicant : Ms Debra Alvey 18/00803/FUL  
Site Address : 119 Nottingham Road Kimberley Nottinghamshire NG16 2ND  
Proposal : **Construct two storey side and single storey rear extension, including balcony**  
Decision : **Conditional Permission**

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Applicant : Mr G Carlin 18/00829/FUL  
Site Address : 6 Lawn Mill Road Kimberley Nottinghamshire NG16 2HD  
Proposal : **Construct rear extension with 2 dormers and 1 dormer to front elevation**  
Decision : **Conditional Permission**

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Applicant : Mr Richard Parker 18/00867/FUL  
Site Address : 2 Tower Crescent Kimberley Nottingham NG16 2PS  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

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## NUTHALL EAST & STRELLEY WARD

Applicant : Mr & Mrs Jagdish Patel 18/00807/FUL  
Site Address : 14 Willesden Green Nuthall Nottinghamshire NG16 1QF  
Proposal : **Construct two storey and first floor side and single storey rear extensions**  
Decision : **Refusal**

---

Applicant : Mr Steve Beck Beck Haynes Associates 18/00850/FUL  
Site Address : 18 Horsendale Avenue Nuthall Nottingham NG16 1AN  
Proposal : **External alterations, roof canopy to side and rooflights to side elevation**  
Decision : **Conditional Permission**

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Applicant	:	Mr & Mrs David Halstead	18/00866/FUL
Site Address	:	12 Temple Crescent Nuthall Nottingham NG16 1BG	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Ronki Singh	18/00871/FUL
Site Address	:	8 Gunnersbury Way Nuthall Nottinghamshire NG16 1QD	
Proposal	:	<b>Construct single storey rear extension</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD NORTH WARD</b>			
Applicant	:	Mr & Mrs Lewis	18/00795/FUL
Site Address	:	249 Hickings Lane Stapleford Nottingham NG9 8PJ	
Proposal	:	<b>Construct two storey side extension and porch</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD SOUTH EAST WARD</b>			
Applicant	:	Mr A Dawson on behalf of Stapleford Baptist Church ICO	18/00797/FUL
Site Address	:	Stapleford Baptist Church Albert Street Stapleford Nottinghamshire NG9 8DB	
Proposal	:	<b>Construct front extension and wall to side</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr & Mrs J Barter	18/00817/FUL
Site Address	:	11 Brampton Drive Stapleford Nottingham NG9 7JJ	
Proposal	:	<b>Construct single/two storey side and single storey rear extension (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Pirabarahan	18/00838/FUL
Site Address	:	185 Nottingham Road Stapleford Nottingham NG9 8BE	
Proposal	:	<b>Construct new roof and alterations to annexe</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Jason Cockerham Stapleford Town Football Club	19/00024/FUL
Site Address	:	Hickings Lane Recreation Ground Hickings Lane Stapleford Nottinghamshire	
Proposal	:	<b>Site storage container</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD SOUTH WEST WARD</b>			
Applicant	:	Mr Mick Feuz Meadow Lane Scrap limited	18/00525/FUL
Site Address	:	12A Bessell Lane Stapleford NG9 7BX	
Proposal	:	<b>Construct industrial (Class B1, B2 and B8) unit</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	George Spencer Academy Trust	18/00837/ROC
Site Address	:	George Spencer Academy Arthur Mee Road Stapleford Nottinghamshire NG9 7EW	
Proposal	:	<b>Variation of condition 4 (provision of parking areas prior to use of inclusion centre) of planning ref: 11/00488/FUL to retain the replacement of two parking bays with bin storage area.</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr James Richardson	18/00760/FUL
Site Address	:	3 Warren Avenue Stapleford Nottinghamshire NG9 8EY	
Proposal	:	<b>External alterations</b>	
Decision	:	<b>Conditional Permission</b>	

## TOTON & CHILWELL MEADOWS WARD

Applicant : Mrs Irene Binch 18/00661/FUL  
Site Address : 43 Sandown Road Toton Nottingham NG9 6JW  
Proposal : **Construct front, side and rear extensions and convert garage into annexe**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs Gosling 18/00786/FUL  
Site Address : 139 Spinney Crescent Toton Nottingham NG9 6GE  
Proposal : **Construct single storey side and rear extension and fence**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs White 18/00788/FUL  
Site Address : 13 Sandown Road Toton Nottinghamshire NG9 6GL  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr & Mrs A. McKenzie 18/00809/FUL  
Site Address : 25 Stapleford Lane Toton Nottinghamshire NG9 6FZ  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

---

Applicant : Mr & Mrs Fairhurst 18/00811/FUL  
Site Address : 65 Spinney Rise Toton Nottinghamshire NG9 6JL  
Proposal : **Construct side and rear extensions and raise roof height including dormer**  
Decision : **Conditional Permission**

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Applicant : Mr B Carver 18/00823/FUL  
Site Address : 55 High Road Toton Nottingham NG9 6EL  
Proposal : **Construct single storey front, side and rear extensions and erect 1.8m high fencing to side boundary**  
Decision : **Conditional Permission**

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