



Tuesday, 16 July 2019

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 24 July 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: D Bagshaw
L A Ball BEM
B C Carr
T A Cullen
M Handley
R I Jackson

R D MacRae
J W McGrath (Vice-Chair)
P J Owen
D D Pringle
C M Tideswell
D K Watts (Chair)

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 - 6

The Committee is asked to confirm as a correct record the minutes of the meeting held on 26 June 2019.

4. NOTIFICATION OF LOBBYING

5. DRAFT ENFORCEMENT PLAN PAGES 7 - 20
- A Draft Enforcement Plan has been produced to set out the Council's policy and procedure for enforcement action and is enclosed as an appendix.
6. DEVELOPMENT CONTROL
- 6.1 19/00012/FUL PAGES 21 - 50
- Change of use from a nursing and residential care home (Class C2) to four houses of multiple occupation (Class C4)
The Gables, Attenborough Lane, Attenborough
- 6.2 19/00314/FUL PAGES 51 - 68
- Construct three storey apartment block containing four 2 bed units and two 1 bed units
Former Beeston Scout Headquarters, Waverley Avenue, Beeston
- 6.3 18/00210/OUT PAGES 69 - 82
- Outline application to construct a maximum of 18 dwellings with all matters reserved
Park House, 15 Nottingham Road, Kimberley, Nottingham, NG16 2NB
- 6.4 19/00122/FUL PAGES 83 - 102
- Construct Two Storey Rear Extension
44 Fletcher Road, Beeston, Nottinghamshire, NG9 2EL
- 6.5 19/00272/FUL PAGES 103 - 118
- Construct three storey side extension and convert existing house to create 9 apartments, first floor extension over garage, dormers, external alterations, new vehicular and pedestrian access, 6 car parking spaces and cycle store
232 Queens Road, Beeston, Nottinghamshire, NG9 2BN

6.6 19/00333/FUL

PAGES 119 - 134

Construct 5 dwellings (revised scheme)
Southfields Farm, Common Lane, Bramcote,
Nottinghamshire, NG9 3DT

7. INFORMATION ITEMS

7.1 Appeal Decisions

PAGES 135 - 140

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PLANNING COMMITTEE

WEDNESDAY, 26 JUNE 2019

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
B C Carr
R I Jackson
R D MacRae
J W McGrath (Vice-Chair)
P J Owen
D D Pringle
C M Tideswell

Apologies for absence were received from Councillors T A Cullen and M Handley

9 DECLARATIONS OF INTEREST

Councillor R D MacRae declared a non-pecuniary interest in item number 5.3 because he had previously made comments about the site, but not this specific application, about which he had an open mind. Minute number 12.3 refers.

10 MINUTES

The minutes of the meeting held on 22 May 2019 were approved as a correct record and signed.

11 NOTIFICATION OF LOBBYING

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

12 DEVELOPMENT CONTROL

12.1 19/00243/FUL

Change of use from equestrian to mixed use equestrian and the keeping of fully licenced wild cats and retain the secure enclosure required for their safe keeping Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

The application had been called before the Committee by Councillor D K Watts.

A number of late items had been submitted for the Committee to consider alongside the proposed development including a letter from the Born Free Foundation stating that they would be willing to offer lifetime care to the lion cubs, a letter withdrawing objections regarding the closeness of the bridle path, 22 letters of support for the application, a petition of support for the application bearing 130 signatures and five letters of support from zookeepers and vets.

Mr Reece Oliver, the applicant, Mrs Rosemary Walker, objecting and Councillor P D Simpson, Ward Member, made representation to the Committee prior to the general debate.

The Committee considered concerns for public safety posed by the keeping of wild animals in a village setting, that support for the application did not come from Strelley Village and that the development was inappropriate in the Green Belt. It was also noted that a number of organisations had come forward to offer assistance in rehoming the wild cats. There was concern that other animals would be taken in if a precedent was set.

Debate moved on to the nature of the very special circumstances put forward by the applicant, which were that should planning permission be refused, the wild cats would be destroyed because the options for rehoming them would be limited. It was noted that the impact on amenity was limited as the fence that had been erected was shielded from view by a mature hedge and that it could not be seen from the bridle path, limiting the impact of the enclosure on the openness of the Green Belt. It was noted that the application had been submitted with a draft unilateral undertaking, which would limit the permission to the three wildcats already at the property for the period of their lifetime.

RESOLVED that planning permission be granted with the precise wording of the permission and conditions, including one referring to the unilateral undertaking, to be delegated to the Head of Legal Services and the Head of Neighbourhoods and Prosperity, following consultation with the Chair of the Planning Committee.

12.2 18/00700/FUL

Construct two semi-detached dwellings and construct dormers, rear extension and roof alterations to existing bungalow and raise ridge height
4 The Home Croft, Bramcote, Nottinghamshire, NG9 3DQ

The application had been called for consideration by the Committee by Councillor M E Plackett, whilst he was in office.

The late items included three corrections to the report and one letter in support of the application.

Mr Richard Hutchinson, the applicant and Mr Christian Kerry, objecting, made representation to the Committee prior to the general debate.

The debate included consideration of the provision of high quality, family homes, the picturesque setting and that the Bramcote Conservation Society had not raised any

issues. A discussion followed regarding the design of the houses and the limited number of parking spaces provided at the proposed development.

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.**

Reason: 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. The development hereby permitted shall be carried out in accordance with drawings: TC/1802/6 Rev A and TC/1802/3 Rev A received by the Local Planning Authority on 25 February 2019, Site Location Plan (1:1250) received by the Local Planning Authority on 21 March 2019 and TC/1802/1 Rev C, TC/1802/7 Rev A, TC/1802/8 Rev A and Topographical Survey received by the Local Planning Authority on 4 June 2019.**

Reason: For the avoidance of doubt.

- 3. No development above ground level on the bungalow extensions or new houses shall be carried out until samples and full details of the colour, type and texture of respective external facing materials 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.**

Reason: Insufficient details were included with the application and to ensure the satisfactory appearance of the development and in accordance with Policies H7 and H9 of the Broxtowe Local Plan 2004) and Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014)

- 4. No development above ground level shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**
 - a. trees, hedges and shrubs to be retained and details of any works to existing;**
 - b. numbers, types, sizes and positions of proposed trees, hedges and shrubs;**
 - c. planting, seeding/turfing of other soft landscape areas;**
 - d. details of boundary treatments and curtilage boundary treatments;**
 - e. proposed hard surfacing treatments and**
 - f. 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.

Reason: Insufficient details were submitted with the application and to ensure the development presents a satisfactory standard of external

appearance to the area and in accordance with the aims of Policies E24 and H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

5. The development shall be constructed in accordance with the mitigation measures stated within the recommendation section of the Preliminary Ecological Appraisal (Whitcher Wildlife Ltd, July 2018).

Reason: To safeguard biodiversity and in accordance with Policy 17 of the Broxtowe Aligned Core Strategy (2014).

6. The driveways shall not be brought into use until they are constructed so as to prevent the unregulated discharge of surface water onto Peache Way. The drives shall then be maintained as such for the life of the development.

Reason: To ensure surface water from the site is not deposited on Peach Way, in the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).

7. The windows annotated as being obscurely glazed on drawing TC/1802/7 and the first floor window serving the bathroom in the east (rear) elevation of the bungalow on drawing TC/1802/3 Rev A 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.

Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policies H7 and H9 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The development makes it necessary to construct a vehicular crossing over Peache Way which is a bridleway. You are, therefore, required to contact Via on telephone number: 0115 804 2100.
3. The applicant is advised to contact the Council's Waste and Recycling Section on telephone number: 0115 917 7777 to discuss waste and refuse collection requirements.

12.3 19/00276/REG3

Change of use from police station to offices (Class B1)
Former Police Station, 1 Toton Lane, Stapleford, NG9 7HA

The application had been brought to the Committee as the building was in the ownership of Broxtowe Borough Council.

There was one late item in response to comments from the Highway Authority.

There were no public speakers.

Clarification was sought regarding the purpose of the change of use. There was a discussion about a consultation that had taken place regarding uses for the former Police Station site. It was noted that any changes of use would be brought before Committee.

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.**

Reason: 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. The development hereby permitted shall be carried out in accordance with the Site Location Plan, received by the Local Planning Authority on 10 May 2019, and drawing number CW20:002:002 Rev A received by the Local Planning Authority on 17 May 2019.**

Reason: For the avoidance of doubt.

NOTES TO APPLICANT

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**
- 2. The proposed development lies within 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.**
- 3. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority**

13 INFORMATION ITEMS

13.1 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.

13.2 DELEGATED DECISIONS

The Committee noted the decisions determined under delegated powers between 5 May 2019 and 31 May 2019.

13.3 APPEAL DECISIONS

The Committee noted the outcomes of two appeals.

Report of the Chief Executive

DRAFT ENFORCEMENT PLAN

- 1.1 A Draft Enforcement Plan has been produced to set out the Council's policy and procedure for enforcement action and is enclosed as an appendix. National Planning Policy Guidance states that it is important for Council's to produce an Enforcement Plan to:
- Set out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
 - Provide greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; and
 - Provide greater certainty for all parties engaged in the development process.
- 1.2 The Draft Enforcement Plan identifies how reports of breaches of planning control will be prioritised, how cases will be investigated, the timescales for investigation and the powers available to the Council to take action.
- 1.3 The next stage of the plan preparation is to carry out a six-week consultation. This will include:
- Consultation with Town and Parish Councils;
 - Publication of the draft plan on the Council's website;
 - Consultation with local planning agents and consultants.
- 1.4 The results of the consultation will be reported back to the Planning Committee for further consideration.

Recommendation

The Committee is asked to RESOLVE that a six-week consultation period be carried out on the Draft Enforcement Plan as outlined within the report.

Background papers

Nil

APPENDIX

**BROXTOWE BOROUGH COUNCIL
DRAFT PLANNING ENFORCEMENT PLAN**

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1. Background and Overview

- 1.1 The Broxtowe Borough Council Planning Enforcement Plan sets out the Council's policy and procedure for enforcement action so that the Council's resources are put to best use dealing with breaches of planning control that threaten the local built and natural environment or the amenities of neighbours. This document sets out what officers, councillors and the general public can expect from the Borough Council as the Local Planning Authority in relation to enforcement and will provide greater clarity for all parties engaged in the development process.
- 1.2 The plan has been produced having regard to the Council's Corporate Enforcement Policy to reflect the Council's on-going commitment to openness, transparency, proportionality, accountability, helpfulness and consistency. It recognises the importance of ensuring that these principles are implemented corporately in close working relationships between all regulatory functions. The Corporate Enforcement Policy was formally approved by Council on 20 April 2017.
- 1.3 This plan has also been devised in accordance with the advice contained within the National Planning Policy Framework (NPPF) issued by the Ministry of Housing, Communities and Local Government.
- 1.4 Local Planning Authorities have a general discretion and must only take enforcement action where they regard that it would be expedient to do so. In each case, the Council must decide whether in planning terms it is expedient and in the public interest to take enforcement action in respect of a breach. It is not the role of planning enforcement to act punitively against breaches of planning control which do not significantly harm residential amenity, the environment and/or public safety. The Council must also ensure that any decision to take action in respect of a planning breach is reasonable and proportionate having regard to the harm caused.
- 1.5 The Council will always endeavour to reach a position, by negotiation, whereby an acceptable development/outcome can be achieved without the need for enforcement action. Wherever possible, the Council will endeavour to work with developers/property owners to achieve a positive outcome.
- 1.6 In general terms, the Council do advise that, if you are proposing a development, in the interests of good neighbourhood relations, you first discuss your proposals with any neighbours who are likely to be affected. Early engagement with neighbours can often eliminate any complaints or issues at a later date.
- 1.7 Additionally, the Council provide a planning duty officer service each weekday to offer informal advice as to whether a development is likely to be acceptable and/or require planning permission.

2 What is 'Development'?

- 2.1 Section 55 of The Town and Country Planning Act 1990 defines development as:
“the carrying out of building, mining, engineering or other operation in, or, under or over land, or the making of any material change of use of any buildings or other land”.
- 2.2 Any works or change of use which are not 'development' as defined above do not constitute a breach of planning control and in these instances, the Council has no power to take any further action.
- 2.3 Development is not:
- Works which only affect the interior of a building; or
 - Works which do not materially affect the external appearance of a building.

3 What is a Breach of Planning Control?

- 3.1 A breach of planning control is defined in section 171(A) of the Town and country Planning Act 1990 as:
“the carrying out of development without the required planning permission, or failing to comply with any condition or limitation subject to which planning permission has been granted”.
- 3.2 Planning enforcement investigations need to establish whether, as a matter of fact, a breach of planning control has occurred. Breaches may consist of the following:
- Whether 'operational development' such as a building or engineering works, have been carried out without planning permission;
 - Whether a material change of use of land or buildings has taken place without planning permission;
 - Deliberate concealment of unauthorised building works or changes of use;
 - Whether development has not been carried out in full accordance with an already approved planning permission;
 - Failure to comply with a planning condition or a legal agreement attached to a planning permission;
 - Unauthorised works to a Listed Building;
 - The display of signs or advertisements without consent;
 - Failure to comply with the requirements of an enforcement notice;

- Neglect of land or buildings to an extent which causes significant harm to local amenity.

4 Matters that are not Breaches of Planning Control

4.1 The following list provides examples of matters which are not breaches of planning control:

- Any works which constitute Permitted Development under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended);
- Advertisements that benefit from either deemed or express consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007;
- Parking of caravans on residential driveways or within the curtilage of a domestic property providing that they are incidental to the enjoyment of the property;
- Land ownership disputes or trespass issues;
- Loss of value to land or property;
- Disputes relating to damage to land or property;
- Internal works to a non-listed building;
- Obstruction of a highway or public right of way;
- Parking of a commercial vehicles on the highway or on grass verges;
- Running a business from home which is genuinely ancillary to the primary use of the property;
- Dangerous structures or other health and safety issues;
- Fly tipping;
- Nuisance caused by light, noise, odour or vermin;
- High Hedge disputes – these are dealt with by the enforcement team but under Part 8 of the Anti-Social Behaviour Act 2003.

5 Is it an Offence to carry out works without Planning Permission?

- 5.1 Unauthorised development is not a criminal offence, with the exception of works to a listed building without consent. The display of an unauthorised advertisement is a criminal offence and it is also an offence to fail to comply with the requirements of a formal enforcement notice.

6 How to Report an Alleged Breach of Planning Control

- 6.1 The Council consider in excess of 300 planning enforcement complaints per year. In order to enable us to deal with your complaint as promptly as possible, it is important that you provide us with as much information as you can. Information that will assist us in dealing with your complaint includes:
- A full and accurate description or address for the site in question;
 - A detailed description of the activities taking place that are cause for concern;
 - Names, addresses and telephone numbers of those persons responsible for the alleged breach (if known) or land owner's details;
 - The date and time when the alleged breach took place;
 - Details of how the alleged breach impacts your amenity/amenity of the area.
 - Any other information or evidence that may assist our investigation;
 - Your name, address, email address and contact telephone number.
Anonymous complaints will not usually be investigated unless it relates to a matter of public safety.
- 6.2 Complaints regarding alleged breaches of planning control will be accepted either;
- By Email to pabc@broxtowe.gov.uk
 - By letter addressed to: Planning Enforcement, Broxtowe Borough Council, Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB
 - By telephone: Main switchboard number 0115 9177777 ask for Planning Enforcement.
 - In Person at the Council Offices, Foster Avenue, Beeston, Nottingham, NG9 1AB. It may not always be possible to see an enforcement officer without prior appointment but details of your complaint may be left with reception staff, or with a duty planning officer if available.

- 6.3 In some cases the complainant will be asked to provide evidence which may be relied upon in order to take action. In such circumstances, you will need to consider whether you are prepared to assist the Council by collecting evidence and potentially acting as witness at an appeal or in Court. The Council's Planning Enforcement Officer will explain what may be required in these cases. You may be asked to keep a log of your observations of the relevant activities noting, times, dates, names, addresses and details of any vehicles involved.
- 6.4 **Anonymous complaints** - will not usually be investigated unless relating to a matter of public safety. Complainants who do not wish to provide their personal details should in the first instance contact their local Ward Member or their parish Council who may then raise the concerns on their behalf. Personal details will be kept confidential at all times, unless required to disclose as part of court proceedings.
- 6.5 **Vexatious, malicious or repetitive complaints** - that do not have any substantive planning reasons for the complaint will not be investigated.

7 What Can You Expect If You Report An Alleged Breach Of Planning Control?

- 7.1 The Council will endeavour to:
- Investigate all alleged breaches of planning control reported to the Council in accordance with Part 6 of the Enforcement Plan.
 - Keep your personal details confidential at all times, unless required to disclose as part of court proceedings.
 - Register your complaint within ten working days of receipt, provide you with an acknowledgement either by letter or email and a unique case reference number with a named officer as point of contact.
 - Keep you informed of the progress of the case and of any decisions made with regard to whether to take action or of what action will be taken and estimated time scales.
 - Negotiate with those responsible for any breach of planning control, allowing them reasonable opportunity to resolve the issues before service of a formal notice is considered, unless the breach is so serious that it warrants immediate action or where negotiations become protracted with no real prospect of success.

8 How we will prioritise your Complaint?

- 8.1 In order to make the best use of the Council's limited resources it is important to prioritise the complaints received in accordance with the seriousness of the alleged breach. This will initially be decided by the Council following receipt of the complaint based on the likelihood of action to follow. This may however be

subject to change following a site inspection or if/when further information comes to light during the duration of the investigation.

- 8.2 The most serious breaches are categorised within category A. These are breaches which could cause irreversible damage to a nationally designated building, are within the criminal regime and could result in prosecution. They are therefore treated as high priority.
- 8.3 There is no suggestion that breaches of planning control falling within lower categories are not serious. The initial prioritisation of complaints is on the basis that those within categories C or D are more likely to have remedies available to resolve the matter without the need for formal enforcement action.

Priority Categories

Category A

- Unauthorised demolition or partial demolition or works to a Listed Building or demolition or partial demolition of a building within a conservation area;
- Unauthorised felling of or works to trees covered by a Tree Preservation Order;

Category B

- Breach of a condition;
- Unauthorised development within an area designated within the adopted Local Plan (i.e. Green Belt, a Conservation Areas, sites protected by an environmental designation or covered by an Article 4 Direction);
- Any unauthorised development where it appears that the time limit for enforcement action will expire within the next six months;

Category C

- Other unauthorised built development;
- Other unauthorised changes of use of land or buildings;
- Unauthorised advertisements;

Category D

- Untidy land, gardens and buildings.

NB: Some breaches may fall within more than one of the above categories. In these cases, they will be prioritised in line with higher category.

Timescales for Investigation

- 8.3 Following receipt of the complaint, the Council will endeavour to ensure that it is registered and allocated to an officer to investigate within five working days. We will then endeavour to carry out a site visit within the following timescales:

Category A

- On the day of registration wherever possible, or as soon as is reasonably practicable.

Category B

- Within 10 working days of registration.

Category C

- Within 15 working days of registration.

Category D

- Within 20 working days of registration.

- 8.4 Whilst we will do our utmost to ensure that these timescales are met, on occasion this may not be possible

9 What are the Possible Outcomes of an Investigation?

- 9.1 **A breach of planning control is established** - If this is the case then negotiations will take place with a view to finding a solution – In accordance with Central Government guidance, the first priority is to try and resolve any breaches of planning control through negotiation.

Only when negotiations fail to secure a resolution should formal action be considered. Formal action is always a last resort, in line with Government guidance. (For further information on formal action see section 13).

- 9.2 **Retrospective Planning Applications** - One such resolution may be to invite a retrospective planning application for the Council's consideration. A retrospective planning application will be invited where it is considered that the breach does not cause significant harm and where there is a reasonable prospect that planning permission may be granted or where a development could be made acceptable subject to the imposition of conditions.

- 9.3 **There is a breach of planning control but it is not considered expedient to pursue** – If a breach is found to exist, it does not automatically mean that formal action will be taken. Enforcement powers are discretionary and minor technical breaches or breaches which have little or no impact on the environment or neighbouring properties may be considered too minor to warrant the time and resource of pursuing. In these cases, we would liaise

with councillors to gain their views on the matter in line with the Council's Constitution.

- 9.4 **The development is lawful and has become immune from enforcement action with the passage of time** – This is when an unauthorised development or change of use has occurred over a long period of time without being brought to the attention of the Council. There are certain time limits involved in relation to operational development and changes of use which are further alluded to in Section 12.
- 9.5 **Permitted Development** - Under the provisions of The Town and Country Planning (General Permitted Development) Order 2015, certain developments and changes of use are permitted and do not require planning permission. These include some residential extensions, outbuildings and changes of use of commercial premises, subject to limitations. This is known as Permitted Development.
- 9.6 **No breach established** – Following a site inspection it may be found that no breach of planning control has occurred because for example, the unauthorised use has ceased or the development is permitted development.

10 What Happens if an Allegation is Made Against You?

- 10.1 If a complaint is received that affects your property then the first thing that will happen is that you or your agent will be contacted by the enforcement team (if your details are known) or a visit will be made to the site by an enforcement officer. The initial site inspection may be undertaken without any prior notification.
- 10.2 In some cases, breaches of planning control are unintentional and may have resulted from a misunderstanding of the planning regulations or a person being unaware of the requirements. Therefore, if you receive a letter or visit from an Enforcement Officer, you will be encouraged to respond in a positive manner and provide the information required to resolve the matter in a timely manner.
- 10.3 The Council have a duty to investigate alleged breaches of planning control even if they prove to be unfounded. The Council are not able to disclose the identity of the complainant to you.
- 10.4 The purpose of the initial visit is to establish the facts and whether there is any basis for the allegation. During this visit, the officer is likely to take measurements and photographs of the development or activity taking place.
- 10.5 If there is a breach of planning control, you will be advised of the details of the breach and what steps need to be taken to either rectify the breach or regularise the situation. Subject to the nature of the breach, you will be given a reasonable time period to resolve the issue. We will always endeavour to resolve matters by way of amicable negotiation or by the submission of a retrospective planning application. However, where compliance cannot be achieved through these channels, formal action may be instigated.

- 10.6 If you are served with an enforcement notice, the case officer will be able to explain the meaning and to help you to understand the implications. However enforcement officers cannot act as your advisor. In these circumstances it is strongly advised that you seek independent advice from a legal professional and/or qualified planning consultant.

11 Power of entry onto land

- 11.1 Section 196(a) of the Town and Country Planning Act 1990 (as amended), the Planning (Listed Buildings and Conservation Area) Act 1990 and Part 8 of the Anti-Social Behaviour Act 2003 provides officers' of the Council the legal power to enter land and/or premises at all reasonable hours in order to undertake his/her official duties. Wilful obstruction of a person exercising a lawful right of entry is an offence.

12 Time limits for taking formal action

- 12.1 Section 171B of the Town and Country Planning Act (as amended) provides time limits for taking enforcement action. The Council cannot serve a notice after four years where the breach of planning control involves operational development, for example, extensions to dwellings, new buildings, laying of hard standings; or for a change of use of any building to a single dwelling house, from the date of commencement of the breach. Other unauthorised changes of use and breaches of conditions are subject to a ten year time limit. There are certain circumstances where these time limits do not apply, for example in the case of listed buildings or where there has been deliberate concealment.

13 Formal Action

- 13.1 The Council has a range of formal powers under the provisions of the Town and Country Planning Act that may be used to remedy breaches of planning control. The more common forms are listed below:

- A Section 16 Notice requires information relating to owners, occupiers or any other persons with an interest in the land.
- The service of a planning contravention notice (PCN) Section 171 (C) enables the service of a notice requiring persons to provide information in relation to land or activities on land where a breach of planning control is suspected.
- The service of an Enforcement Notice – Section 172 enables the service of a notice which requires specific steps to be undertaken to remedy a breach of planning control within a specific timeframe.
- The service of a Breach of Condition Notice (BCN) – Section 187(a) enables the service of a notice to secure compliance with conditions imposed within a planning permission.
- The service of a Section 215 notice – this enables the service of a notice requiring the proper maintenance of land and buildings.
- The service of a stop notice or temporary stop notice – Section 183 and section 171(e) enables the service of a notice requiring the immediate

cessation of unauthorised activities. A stop notice may only be served alongside an enforcement notice. Stop notices should not be used routinely. Where the associated enforcement notice is quashed, varied or withdrawn or the stop notice is withdrawn compensation may be payable in certain circumstances and subject to various limitations (Section 186 of the Town and Country Planning Act 1990).

- Advertisements – The display of advertisements that do not meet the criteria set out in the Town and Country Planning (Control of Advertisements) (England) Regulation are illegal unless they have been granted express consent and may be subject to prosecution.

This list is not exhaustive.

- 13.2 The Council also have powers to serve injunctive proceedings, to take direct action to remedy breaches and to prosecute for non-compliance where it is in the public interest and deemed necessary.
- 13.3 The Council will comply with the provisions of the Police and Criminal Evidence Act 1984 when interviewing persons suspected of a criminal offence and with the Criminal Procedures and Investigations Act 1996 and Section 222 of the Local Government Act 1972, when carrying out prosecutions.

14 Action Under Anti-Social Behaviour Legislation

- 14.1 Further powers are available to the Council under the provisions of the Anti-Social Behaviour Act 2003 in the form of Community Protection Warnings (CPW) and Community Protection Notices (CPN) under Section 43 of the Anti-Social Behaviour Crime and Policing Act 2003. These may be used for a number of purposes but are intended to prevent unreasonable behaviour that is having a negative, persistent and continuing impact on the local community's way of life. Recipients of the notice have a right of appeal to the Magistrates Court within 21 days of service. Failure to comply with a CPN can result in a fine or the issue of a penalty notice.
- 14.2 High Hedge Remedial Notice – These notices may be served following a High Hedge complaint if action is considered to be warranted. The recipient has a right of appeal against such a notice and failure to comply can result in prosecution.

15 What Happens Following the Service of an Enforcement Notice?

- 15.1 Once an Enforcement Notice is served the recipient will either:
- Comply with the requirements of the notice;
 - Appeal to the Planning Inspectorate against the service of the notice;
 - Fail to comply with the notice either in part or in whole and risk prosecution or direct action being taken to remedy the breach.

The Appeal Process

15.2 Following service of an enforcement notice, the recipient has 28 days in which to appeal to the Planning Inspectorate against the enforcement notice. An appeal can be a lengthy and time consuming process and may be dealt with by the Inspectorate in one of the following three ways:

- by written representations;
- the hearing process, or
- by a formal inquiry process.

15.3 There are seven grounds of appeal available against an enforcement notice. These are:

- Ground A That planning permission should be granted for the development;
- Ground B That the breach of planning control alleged in the notice has not occurred as a matter of fact;
- Ground C There has been no breach of planning control and the development undertaken does not amount to development under Section 55 of the Town and Country Planning Act, or that the change of use is not a material one i.e., it is;
*Permitted by the Town and country Planning (General Permitted Development) (England) Order 2015, or;
*that the change of use is permitted by the Town and Country Planning (Use Classes) Order 1987 (as amended);
*Has been carried out in accordance with a planning permission.
- Ground D When the enforcement notice was issued it was too late to take enforcement action;
- Ground E The notice was not properly served;
- Ground F That the steps in the notice exceed what is required to remedy the breach of planning control;
- Ground G That the time for compliance is unreasonable and more time should be allowed to achieve compliance.

15.4 If an appeal against a notice is unsuccessful then the enforcement notice will come into effect. If the appeal is successful and/or if planning permission is granted, then this will usually conclude the matter save for monitoring compliance with any conditions which may have been imposed. If the notice is upheld or there is no appeal but compliance has still not been achieved, then the Council can take steps to prosecute in court.

15.5 For further information regarding the appeal process please refer to The Planning Inspectorate section on the gov.uk website.

Direct Action

15.6 Direct action may be used where necessary to ensure that remedial works are undertaken to secure compliance with an enforcement notice. In such cases,

the Council will seek to recover the costs of taking direct action from the offender and this may result in a legal charge being placed on the land or property to enable the monies to be recovered at a later date.

16 Monitoring and Compliance

- 16.1 In some instances when planning permission is granted, it may be necessary to impose condition for example requiring further details of materials or landscape scheme to be submitted for agreement or for a development to be undertaken in a certain way. The onus is on the developer to ensure that all necessary consents are in place and that conditions are fully complied with. A failure to do this risks avoidable action being taken to remedy the matter.

17 Monitoring Section 106 Agreements

- 17.1 In addition to planning conditions which may be imposed on a development, it may be that a legal agreement will be signed between parties involved in a development which aims to provide either a financial contribution (for example to provide local facilities), or to undertake work that cannot be conditions as part of the development. As with the planning conditions, there will be triggers for the requirements of the agreements to be complied with and these will be monitored to ensure that contributions are paid to the Council and the requirements of the agreement are completed. Failure to comply will result in action being taken.

18 Reviewing The Enforcement Plan And Service

- 18.1 The plan will be reviewed from time to time and at least every three years taking into account changes to legislation, government guidance and the Council's Constitution and procedures.
- 18.2 The Council is committed to providing the highest possible quality of service delivered in a fair and consistent matter. However, problems may occur from time to time and issues concerning the enforcement service should be brought to the attention of the planning team leader in the first instance.
- 18.3 If you are still dissatisfied you may wish to submit a complaint following the Council's complaints procedure, details of which are available on the Broxtowe Borough Council web site <https://www.broxtowe.gov.uk/about-the-council/consultations-feedback-complaints/make-a-comment-complaint/complaints-procedure/>
- 18.4 Subsequently, complaints may be reported to the Local Government Ombudsman.

Report of the Chief Executive

APPLICATION NUMBER:	19/00012/FUL
LOCATION:	THE GABLES ATTENBOROUGH LANE ATTENBOROUGH
PROPOSAL:	CHANGE OF USE FROM A NURSING AND RESIDENTIAL CARE HOME (CLASS C2) TO FOUR HOUSES OF MULTIPLE OCCUPATION (CLASS C4)

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 22 May 2019 with a recommendation for approval. The original report is attached at appendix 2. 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.

- 1.2 The applicant has considered the issues raised by Planning Committee and has reduced the number of bedrooms by 6, from 22 to 16, to now provide four units of four bedrooms each. The bedrooms remain to be single occupancy. The current application is at appendix 1, with a recommendation for approval subject to conditions.

APPENDIX 1

1 Details of the Application

- 1.1 The internal layout has been amended such that each unit would have four bedrooms (shown as single occupancy) and the communal areas reconfigured to allow for more space. Nine parking spaces within the site would be provided, which has not changed from the original application.

2 Re-Consultations

- 2.1 Amended plans were submitted and a 21 days' re-consultation has been undertaken with the occupants of neighbouring properties, and additionally all those who responded to the original consultation.
- 2.2 **Council's Environmental Health Officer:** No objections subject to notes to applicant in respect of noise insulation, to hours of building works and to no bonfires on site.
- 2.3 **County as Highways Authority:** Comments as previously made, in that the proposals satisfy the specifications on parking provision within the development however there is a possibility that should the development be permitted there may be a demand for on-street parking, which is a local concern. Recommend conditions in regard to dropped kerbs and the provision of parking areas prior to occupation.
- 2.4 **Council's Housing Officer:** No objections to the amended plans, and notes that all room sizes meet the minimum required in the Broxtowe Borough Councils' House in Multiple Occupation (HMO) Property Standards, which is 8 square metres (excluding en-suites).
- 2.5 **Waste and Recycling Officer:** The bin storage area would need to provide bins of a sufficient size for the development. Amended plans have been received to demonstrate that the proposal would comply with this requirement.
- 2.6 Twenty seven letters of objection have been received on the following grounds:
- The proposal still fails to provide enough parking for the development and therefore would have an impact upon on-street parking, congestion, and be a danger to those users of the village hall
 - The proposal would be detrimental to the village
 - Consultation has not been carried out correctly, as the minutes of the last planning application are not available, particularly those legal aspects raised by the Council Member of this ward
 - There is no such address as 169 Attenborough Lane Chilwell, which shows a lack of detail provided by the applicant, which in turn does not bode well for the management of the proposed building
 - Three of the rooms have areas lower than that laid down by Council rules, and do the room sizes include toilet / bathroom area
 - Planning Officer did not tell the Planning committee members of the objections but did read out in full the one letter of support. This should be investigated before the application is brought back to committee

- The car parking plan interferes with the bus stop on Attenborough Lane
- The fire plan has been objected to by the Fire and Rescue Service due to the lack of space to the rear if there is a fire to the front of the building.
- Fire risk to residents not addressed
- The building needs demolishing and something more appropriate built
- Rooms state single occupancy but how will this be monitored?
- HMO's are let to people of a transient nature and as such would not contribute to the community, it is not suitable for a quiet village where there are elderly residents and young families
- Can the site be re-developed and turned into 9 flats, or revert back to houses for families?
- Personal safety and crime – how can the credentials of the tenants be guaranteed? If the building cannot be filled with professionals then it could be occupied by the homeless, unemployed etc, can the safety of residents be guaranteed?
- Loss of privacy, increase in noise, smell and disturbance
- There is no economic benefit to the village
- The Environment Agency objects to the development
- Waste bins will be directly under neighbouring property's bedroom window, resulting in unacceptable levels of smells and rubbish if not managed.

3 Assessment

- 3.1 It is considered that the reduction in bedrooms, which has resulted in some bedrooms and communal spaces becoming larger, would see a reduction in the density of the proposal and as such the off-street parking provision, of nine spaces, would be sufficient to serve the development. The proposed residents would have an acceptable standard of amenity, with most rooms reconfigured and some enlarged as a result. It is considered the proposal would not, therefore, have an unacceptable impact upon on-street parking provision in the immediate surroundings, and would have an adequate level of internal space and amenity for the future occupiers.
- 3.2 There are concerns raised in regard to the previous committee. It is noted that the minutes of the May committee are available to view online, on the Council's website. There were in excess of 190 objections to the original application; these were summarised and available to all members of the Planning Committee prior to the May committee, and available for the members of the public to view.
- 3.3 The address of the site is correct in as much as its reference to 169 Attenborough Lane, and to the postcode.
- 3.4 The applicant has confirmed that means of escape windows will be provided and are shown on the plans, and that the refurbishment would comply with building regulations in respect of fire safety and means of escape.
- 3.5 This report covers only those matters raised as concerns at the previous committee, that is, intensity of the development, and the impact of the proposal on parking in the area. All other matters raised as part of the re-consultation process

have previously been addressed in the May committee report, which is included as an appendix and should be read in conjunction with this report.

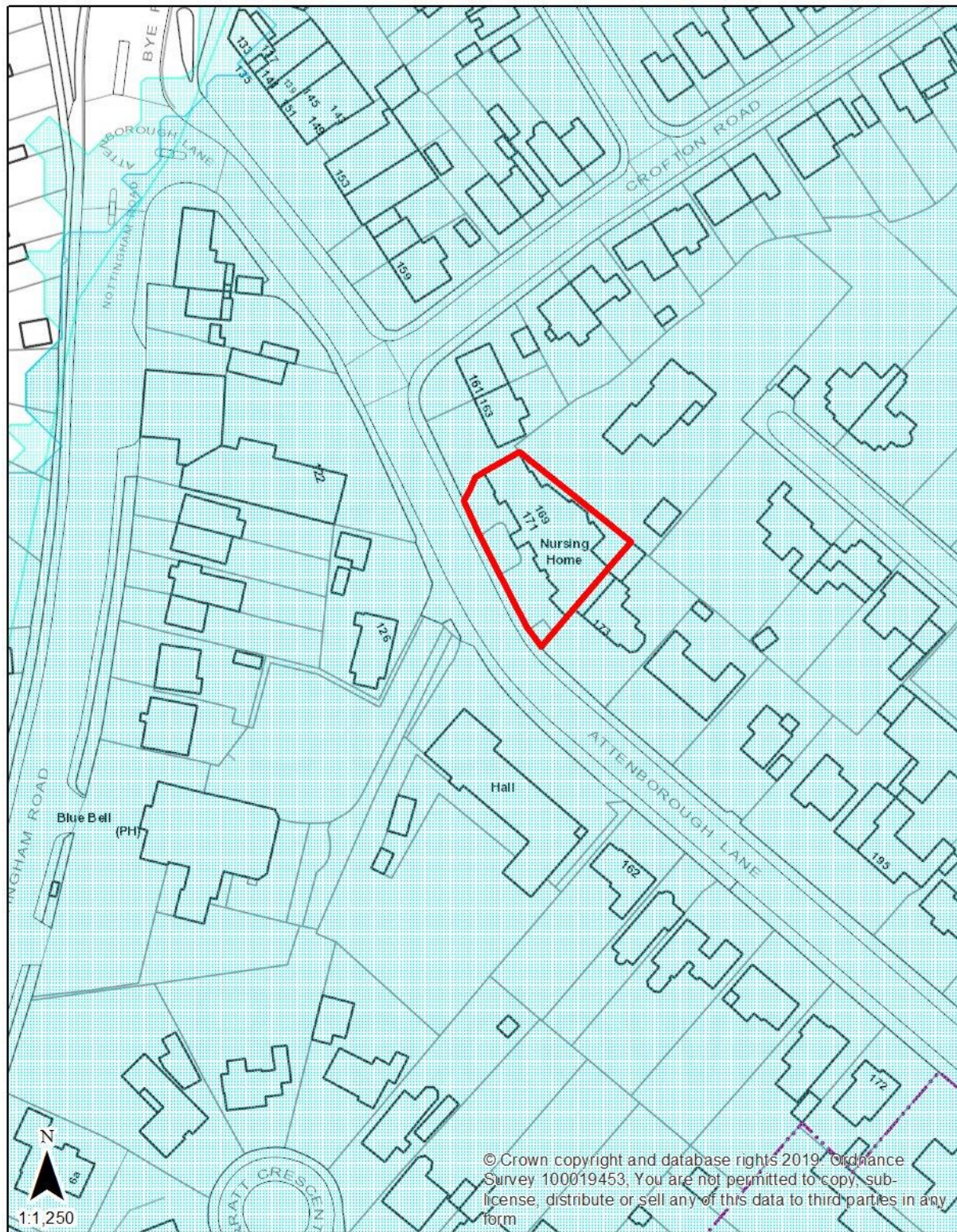
4 Conclusion

4.1 The reduction in the amount of bedrooms, the increase in internal communal space and that the site is in a sustainable location close to employment, shopping and good public transport links, means that it is still considered that the application is acceptable, and would not lead to a detrimental impact on highway safety. As such, the recommendation for approval remains the same.





<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.</p>	
<p>1.</p>	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with Site Location Plan and Block Plan and drawing numbered C/105 rev D, received by the Local Planning Authority on 21 June 2019, and drawings numbered C/100 rev G, C/101 rev G and C/200 rev G received by the Local Planning Authority on 5 July 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>Prior to first occupation, a landscaping scheme shall first have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> (a) Trees, hedges and shrubs to be retained and measures for their protection during the course of development (b) Numbers, types, sizes and positions of proposed trees and shrubs (c) Proposed boundary treatments (d) Proposed hard surfacing treatment (e) Proposed lighting details (f) Planting, seeding/turfing of other soft landscape areas <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>Reason: No such details were submitted and to ensure that the</i></p>

	<p><i>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)</i></p>
4.	<p>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.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H4 of the Broxtowe Local Plan (2004).</i></p>
5.	<p>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 C/200 Rev F. 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.</p> <p><i>Reason: To ensure adequate parking is available within the site in the interests of highway safety and amenity and in accordance with Policy T11 of the Broxtowe Local Plan (2004)</i></p>
6.	<p>No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification.</p> <p><i>Reason: In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy (2014).</i></p>
7.	<p>The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by IDOM, dated 29 March 2019, and the mitigation measures contained therein. The measures detailed in the FRA shall be retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 1 of the Aligned Core Strategy (2014).</i></p>

	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E
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 also should be no bonfires on site at any time.
4.	The development makes it necessary to construct/improve the vehicular crossings over the footway of the public highway. These works 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



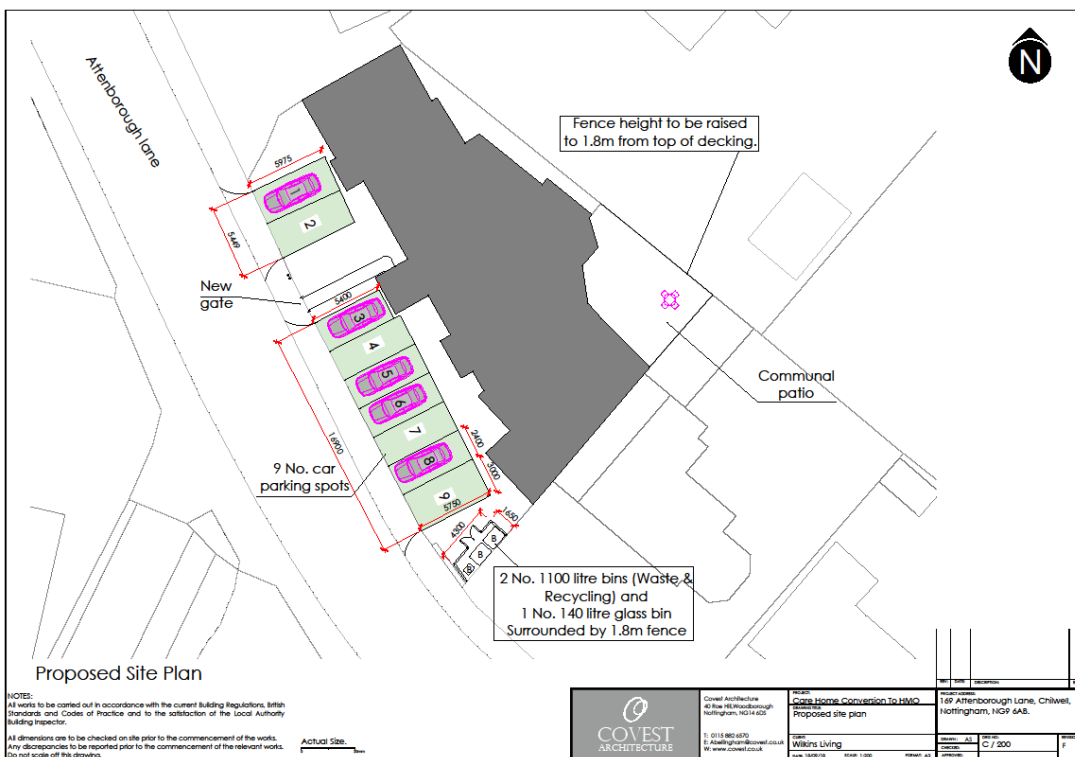
Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2
-  Conservation Areas (Local Plan)

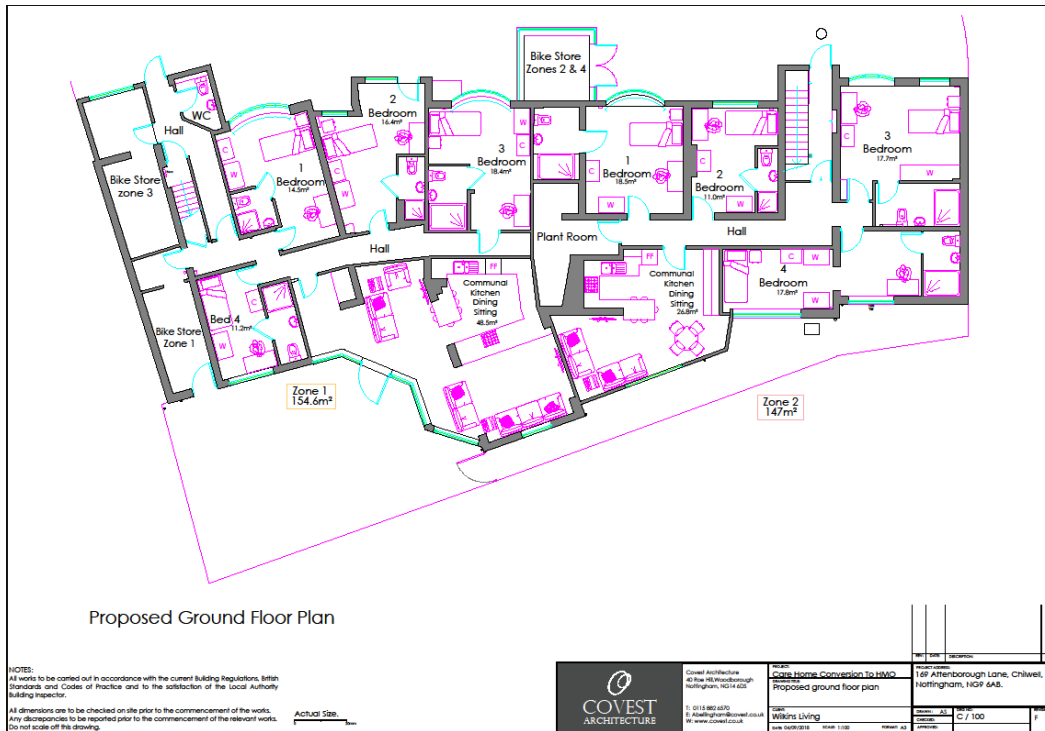
Plans (not to scale)



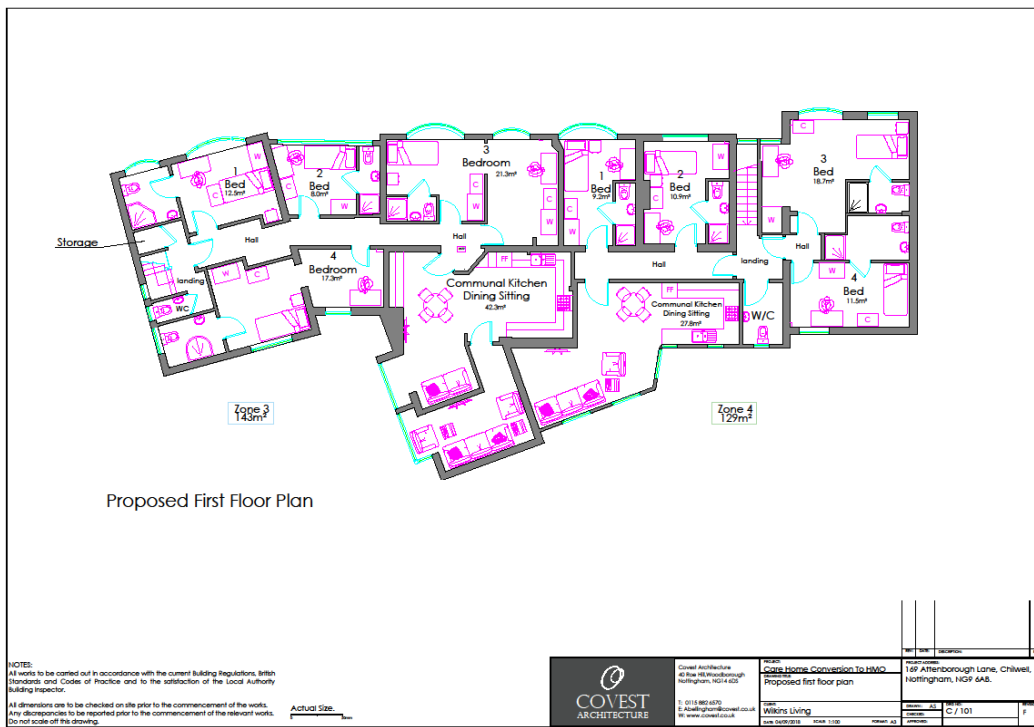
Elevations as proposed



Proposed layout



Proposed ground floor plan



Proposed first floor plan

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Report of the Chief Executive

19/00012/FUL
CHANGE OF USE FROM A NURSING AND RESIDENTIAL CARE HOME (CLASS C2) TO FOUR HOUSES OF MULTIPLE OCCUPATION (CLASS C4)
GABLES NURSING HOME 169-171 ATTENBOROUGH LANE CHILWELL

Councillor Eric Kerry requested this application be determined by the Committee.

1 Details of the Application

- 1.1 This is a planning application for a change of use from a nursing home (Class D2) to four Houses in Multiple Occupation (Class C4) comprising two apartments per floor, with five en-suite bedrooms each to two apartments and six en-suite bedrooms each to the other two (eleven bedrooms per floor). For clarification, Use Class C4 restricts occupancy to between 3 and 6 unrelated persons per dwelling.
- 1.2 Each apartment would have shared facilities such as kitchen, dining and living rooms. Cycle storage would be provided within the existing floorspace. To the front, nine parking spaces would be provided, as well as an enclosed bin store area.
- 1.3 There would be no extensions or external alterations aside from the removal of a conservatory to the rear, and the insertion of a window at the first floor level, to serve a bedroom, within the rear elevation.

2 Site and Surroundings

- 2.1 169-171 Attenborough Lane, originally two separate dwellings, is a former care home of two storeys in height which have been linked together, and have had several extensions both to the front, rear and sides. The building appears as three dwellings connected by flat roof link buildings to form one long mass of building. The property is set back from the road, with parking to the frontage. It is positioned close to its' rear boundary and to both side boundaries. The care home, which had 23 bedrooms, has been vacant since the summer of 2018.
- 2.2 The site is located on the north east side of Attenborough Lane. There is a pair of two storey semi-detached dwellings to the north west, adjacent to the site. The closest property, 163 Attenborough Lane, has a single storey extension and garage adjacent to the common boundary with the site. 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary.
- 2.3 To the rear of the site (north east) there is a detached two storey property, 25 Ireton Grove. This property is set away from the common boundary by 18m to the main side elevation, and 12m to the closest part of the single storey side extensions. Whilst there are no habitable room windows in the facing elevation at

first floor level, the single storey extensions have windows to the facing elevation at ground floor level. Additionally there is a bay window in the front (south east) elevation at ground floor and indirect views of the site are possible from this window.

- 2.4 To the opposite side of Attenborough Lane, to the south west, there is a single storey detached dwelling, 126 Attenborough Lane. This property is set in from the front boundary by approximately 8m. There is an access drive to the south of this property which leads to the Blue Bell Inn, a public house and restaurant located further to the south west. South of the site and to the other side of the public house access, there is the Attenborough Village Hall, a single storey detached building, set back from the road with parking to the frontage. To the north of 126 there is a filling station, car repairs business and car wash site. The filling station has a small ancillary shop selling convenience goods.
- 2.5 Further to the north west, toward the junction with Nottingham Road / Bye Pass Road, there are a mix of retail and commercial uses including hairdressers, estate agency and a bathroom showroom. Notwithstanding these commercial uses, the character of the area is predominately residential and the site is at the outer edge of Attenborough Village, with the lane continuing south east into the village itself.
- 2.6 The application site is within Flood Zones 2 and 3.



The site, looking north toward 161 and 163 Attenborough Lane



Front elevation of the site



South east end of the site frontage



Looking toward 173 Attenborough Lane



View south east along Attenborough Lane, with Village Hall to the right



Rear yard, showing garage within 173 Attenborough Lane, forming the south east boundary



First floor windows in south east facing elevation
Conservatory to be demolished



View from rear looking toward 25 Ireton Grove



View from first floor towards 25 Ireton Grove, to the north east



View east, from first floor, toward 17 and 19 Ireton Grove. Garage of 173 Attenborough Lane can be seen on the right side

3 Relevant Planning History

3.1 There have been several planning applications relevant to the application site:

- 76/00872/FUL Conversion of existing garage to staff accommodation (north west elevation) and extension to front elevation. This relates to 169 Attenborough Lane.
- 77/00788/FUL Utility room extension – a single storey extension to south east elevation of 169.
- 78/00008/FUL Extension to nursing home – relates to the rear of 169.
- 83/00472/FUL Form covered way (single storey) connecting 169 and 171 Attenborough Lane (merging the two properties into one care home).
- 88/00490/FUL Alterations and extensions to nursing home – consisted of first floor extensions above garage conversion to 169 and above link between 169 and 171.
- 91/00800/FUL First floor extension to rear of 169.
- 93/00250/FUL Entrance porch (to 169)
- 94/00187/FUL Entrance porch (to 171)
- 94/00738/FUL Retain rear conservatory
- 95/00074/FUL Side extension to form kitchen store
- 95/00282/FUL Side extension to form laundry and kitchen store
- 96/09007/ADV Non-illuminated board sign
- 05/01024/FUL Extensions and alterations – comprising extension to front porch, two extensions at first floor, and replacement bay windows.
- 06/00980/FUL Retain alterations and extensions to nursing home (pertaining to 05/01024/FUL, where the proposal had not been carried out in accordance with the approved plans).

These are all in respect of the use of the buildings as a care home.

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 H7: Land not allocated for Housing Purposes. Residential development on sites within existing built up areas will be permitted provided that: occupiers of the new dwellings would have a satisfactory degree of privacy and amenity; the development would not result in an undesirable change in the character or appearance of the area; satisfactory arrangements can be made for access and parking; and would not have an unacceptable impact on the privacy and amenity of nearby properties.

4.3.5 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.

4.3.6 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 representations in relation to Policy 15 and 11 representations in relation to Policy 17. The Inspector issued a ‘Post Hearing Advice Note’ on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 1 and 17, but has suggested changes to other policies, including Policy 15. Whilst this is not the inspector’s final report, and the examination into the local plan has not been concluded, it does mean Policies 1 and 17 can now be afforded moderate weight, with Policy 15 being afforded 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 Private Sector Housing Officer has no objections, and notes that each flat would require a HMO licence and fire prevention and protection measures.

5.2 The Environmental Health Technical Officer has no objection subject to a note to applicant in regard to noise insulation between flats, and to appropriate hours of building works.

5.3 The County Council as Highway Authority note that whilst the proposal satisfies the specifications in regard to parking provision within the development, there is a potential, should the development be permitted, for an increased demand for on-street parking. Should the development be found to be acceptable, recommend conditions relating to the installation of dropped kerbs, and surfacing and marking of parking spaces.

- 5.4 The Environment Agency object to the development. Comments received in regard to the updated Flood Risk Assessment recommend refusal on the basis that as sleeping accommodation is proposed to the ground floor, the occupiers of the ground floor flats would not have access to a safe refuge on the upper floor and as such would be at risk.
- 5.5 The Waste and Recycling Officer advises on bin storage provision and collection requirements. Further comments on the amended plans which indicate where the bin storage will be located, and what the provision would be, have been received. The capacity of the bin and store are satisfactory, subject to the collection point being within 10m of the adopted highway.
- 5.6 Six neighbouring properties were consulted. 193 letters of objection have been received, and one letter of support.
- 5.7 The objections to the scheme raise concerns in regard to:

Parking and highway safety

- The potential occupancy of 40 residents with only nine parking spaces proposed would lead to an unacceptable impact on highway safety, as vehicles would then be parked on Attenborough Lane, which is already congested by commuters using the train station, and other uses such as the Village Hall. As the hall operates a pre-school nursery as well as other after school activities, the increase in on-street parking would put children at risk
- Increased risk of accidents due to increase in vehicles having to park on the street
- As there is pressure for on-street parking, demolish the property and use as a car park for the train station
- Residents have been requesting double yellow lines along Attenborough Lane
- Impact of additional traffic on the wider public highway, queuing at the junction turning in from Nottingham Road
- Impact on the operation of local businesses – availability of on-street parking spaces would be restricted
- Likely that vehicles which cannot park on the road would trespass onto private property e.g. Village Hall, pub car park, or forecourt parking at the shops
- The planning statement states that there is a bus stop outside. It should be noted that this is a limited service and as such cannot be considered as a sustainable transport link
- The bus stop markings would prevent parking at the property
- No objection if the proposal provided one parking space per resident
- Would affect the long term viability of the Village Hall, as additional on street parking required for the development would eliminate on-street parking spaces for the users of the Village Hall
- A Section 106 Agreement must be secured to limit the number of car-owning tenants. This would be enforceable and has been used by other Local Authorities where parking space is very limited

- The council would be held accountable for any injury to pedestrians as a result of increased traffic and parking activity, should planning permission be granted for the scheme

Principle and Use of the Site

- HMO's are not an appropriate use for the village location and would spoil the character of the village, which is one of family households
- What is the use to be, hotel, hostel or student accommodation, or some other use?
- Potential anti-social behaviour issues arising from the intended occupants (crime and noise), concerns over personal safety
- The communal facilities are not suitable for the amount of proposed residents
- How can the 'no couples' policy (as per the agent's supporting information) be enforced?
- Transient nature of HMO tenants may not stay long enough to engage in the community
- HMO tenants may not be as proactive in the upkeep and maintenance of the area
- HMO's would present a fire risk and will be overcrowded
- Intention for lettings to be for 'professionals' – what type of tenant would be targeted if they cannot fill with professionals
- HMO's are better suited to areas with a lot of facilities within easy walking distance
- Limited facilities in the area, food shops are a distance away, therefore not a sustainable location
- Who are the prospective tenants? Concerns for child safety, being opposite the Village Hall which holds pre-school nursery, and other young person's social activities
- No details in regard to the management of the property have been given, which should give contact details for the use by occupants and by neighbouring residents, should a problem occur
- Who will be responsible for the tenancy arrangements, will there be a representative (staff) on site at all times?
- Whilst accepting the pressure to provide housing, this is not an acceptable proposal
- A more suitable option would be to build 2, 3 or 4 houses for sale, in keeping with the area and its ambience
- Alternatively, convert the property back into two, three or four homes
- Could the property not be retained as a care home use?
- 23 rooms could result in each having loud music to the detriment of the neighbours
- A condition should be attached to any decision requiring windows to be closed after 10pm any night, to prevent noise nuisance to nearby neighbours
- Limited outdoor amenity space for the intended residents
- Cooking smells from 4 separate kitchens
- Close proximity of HMO to house on Ireton Grove

- Once the use class has been changed to C4, no further application or legislation would be necessary for the developers to let to whoever and as many people as they want. C4 falls within the sui generis sector and leaves it open to misuse

Other concerns

- Loss of privacy – use of rear outdoor area as communal space; overlooking of the Village Hall which houses a playgroup and other young children’s clubs, overlooking of neighbouring properties
- Waste and refuse collection – who will be responsible and will there be enough provision for up to 40 occupants?
- Siting of the commercial waste bins to the front of the property would be a blight on the appearance of the street
- No details in regard to external materials, boundary enclosures, or surfacing treatments have been submitted
- Impact on appearance of street scene through amount of parking to frontage and loss of landscaping
- The property is located in Attenborough, and not Chilwell
- There has been a history of surface water problems in the vicinity – will a reduction in porous parts of the site result in an increase in surface water in the road?
- Environmental concern regarding hedgehogs, which are present in the area. Building work (enclosures) could disrupt their habitat
- Loss of a care home facility, question what provision there is for a replacement in the area
- Increased pressure on the drainage system
- Negative effect on house prices in the area
- Closure of the care home has led to a loss of jobs in the community. These jobs will no longer be available, presumably with an increase to social security costs
- Pre-application advice given by the planning authority in September 2018 has pre-determined the application
- Applicant is not based in the area, and therefore has no knowledge of the area with no input into the community, only wanting to make a quick profit
- Question whether the building is sound as there is a crack in the side of the building
- No economic benefit for Attenborough Village or those that live here
- The application seeks to extend the building, which will negatively impact on the surrounding properties to the side rear and in front

5.8 The letter of support raises the following points:

- There is a shortage of housing and it is better that new accommodation is built on a site of similar residential use, rather than taking up green spaces.
- The small number of parking spaces suggests that most of the proposed tenants cannot, or will choose not to drive, so the transport links to Nottingham, Derby and further afield make it an ideal location.
- As a community, Attenborough can pride itself on offering support to people of all ages through the many community activities in the village,

Attenborough could provide a warm and welcoming community and may benefit from the diversity.

- The proximity of the nature reserve, playgrounds and playing fields on Long Lane will provide the future tenants with low-cost health benefits and leisure opportunities.

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 As the site has been in residential use, latterly as a care / nursing home, and as the character of the area is predominately residential, it is considered that subject to 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, and thereby would contribute to the creation and maintenance of a sustainable community, whilst retaining the overall character of the area.

6.2.2 The site is close to the junction of Attenborough Lane and Nottingham Road / Bye Pass Road. Within the immediate vicinity there are a range of retail outlets including hairdressers, professional services, an ATM, a public house / restaurant, and a petrol filling station, which has a small ancillary convenience shop. It is within easy walking distance of well served public transport routes, both along the main road and from Attenborough train station. Within a short walk of approximately ten minutes, at West Point centre to the north side of Nottingham Road, there are a wider range of facilities including two supermarkets, a takeaway, and a pharmacy. There is also a health care facility within the centre. Also within convenient walking distance of the site, there are a range of employment uses. As such it is considered that the application site is in a sustainable location, with access to a range of facilities and within easy access of a choice of sustainable means of transport.

6.3 **Amenity**

6.3.1 There are three residential properties directly adjoining the application site. 163 Attenborough Lane, to the north west, has a single storey extension and garage adjacent to the common boundary with the site. There are no windows within the side elevation of the building facing this property, and there are no new windows or other alterations proposed on this side. As such it is considered that the proposed use would not have a significant impact on the amenities of the occupiers of this property in terms of loss of light, outlook or privacy.

6.3.2 173 Attenborough Lane is a two storey detached property to the south east of the site. This property has a single storey extension and outbuildings sited along the common boundary. There are no new windows proposed in the side elevation facing 173. The conservatory will be removed and as a consequence the outdoor

area would be enlarged. However, as the side wall of the garage within 173's garden forms the boundary, it is considered that the proposal would not have a significant impact in terms of loss of light, outlook, or privacy.

- 6.3.3 To the rear of the site is 25 Ireton Grove. This property is set away from the common boundary by 18m to the main side elevation, and 12m to the closest part of the single storey side extensions. Whilst there are no habitable room windows in the facing elevation of this property at first floor level, the single storey extensions have windows in the south west elevation facing the site, at ground floor level. Additionally there is a bay window in the front (south east) elevation at ground floor and indirect views of the site are possible from this window. There is one additional window proposed in the rear elevation of the Gables, at first floor level. This window would be set back within a recess and would give limited views toward 25 Ireton Grove. There would be a minimum distance of 19m between the rear elevation of the site and the main side elevation of 25. It is considered that whilst some of the rooms at the rear of the building, which face 25 Ireton Grove, would change their use, for example, bedroom to communal space and vice versa, the layout of the care home would have allowed for internal changes that would not require planning permission, and that the nature of the proposed use, as residential, is the same. Therefore it is considered that the proposal would not have an unacceptable impact on the amenities of the occupiers of 25 Ireton Grove in terms of loss of light, outlook or privacy.
- 6.3.4 126 Attenborough Lane, which is opposite the site and to the south west, is a detached bungalow. The property is set back within its plot and at an angle to the highway. As such the windows to the front elevation of the application site building do not result in any unacceptable overlooking of this property.
- 6.3.5 In regard to the living standards of the future occupiers, whilst no objections have been raised by the Private Sector Housing team, it is noted that some rooms would be deemed too small for double occupancy. Single beds are now shown within each room. Notwithstanding this, each apartment would need to comply with any HMO licencing requirements in force. It is considered that each bedroom has an adequate access to natural light and to an outlook and as such would provide a satisfactory living environment, which would encourage longer term lets. It is also noted that the constraints of a Class C4 use would only allow for a maximum of six occupiers per C4 unit.
- 6.3.6 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 of five and six bedroom apartments, would not result in a notable rise in noise and disturbance, given the location of the property, which is close to a busy main road and to commercial businesses such as the public house / restaurant opposite, to the south west of Attenborough Lane. Whilst there are no staff proposed to be resident as part of the development, a property management company will oversee the management of the property, who will be responsible for tenancy agreements and compliance thereof. Notwithstanding this, 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. A request for a condition to ensure that the windows are to be closed after

10pm at night would be unreasonable and unenforceable, as the intended occupiers would have a right to fresh air and ventilation.

6.3.7 Concerns in regard to the category of tenancy that would occupy the property, as issues such as crime, personal safety, and safeguarding of children have been raised. Whilst the supporting information states that the accommodation would be targeted at professionals, it would not be a material planning consideration as to who the tenants would be, as long as the property is occupied under the constraints of the authorised use class for that property. A C4 use (small HMO) allows for non-related occupation by between three and six persons. It would therefore be unreasonable and un-enforceable to condition the tenancy of the property to any one particular type of tenancy, should planning permission be granted. Should the levels of tenancy exceed that allowed in the C4 use class, then this would constitute a change of use and as such the owner or operator of the building would be liable to appropriate enforcement action.

6.4 Design, Scale and Layout

6.4.1 There are minimal alterations to the exterior of the property, these being the removal of the conservatory to the rear, and the insertion of a window at first floor level, also in the rear elevation. Whilst these alterations would not be visible from the public domain, it is considered that the removal of the conservatory in particular would be a positive benefit to the building, and would enhance the amount of outdoor private amenity space available.

6.4.2 The frontage to the building is currently laid to a mix of hard surfacing and an informal soft landscaped area. The hard surfaced area, whilst not marked out for parking, could currently provide off street parking for approximately six vehicles. Some of the hard surfaced area is currently used for the storage of refuse receptacles. The proposed layout would see a small section of the existing soft landscaping removed and the frontage laid out to provide nine off street parking spaces, and an enclosed bin storage area. In regard to the appearance of the frontage, this is considered to be acceptable and a visual break from the hard surfacing in the form of the reduced soft landscaped area would be maintained. Further details in regard to the treatment of the non-parking parts of the frontage and means of enclosure would be secured by condition.

6.5 Highway Safety

6.5.1 The scheme would provide nine off street parking spaces, which would satisfy the specifications in regard to parking provision within the development. Notwithstanding this, 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 facilities at the West Point Centre, being 1km to the south west of the site and therefore within walking distance. The Y5, Indigo and Skylink bus routes run along Nottingham Road, which gives access to Beeston, Nottingham and Long Eaton, as well as beyond to Derby and to East Midlands Airport. The site is in close proximity (a five minute walk) to Attenborough Train Station which gives access to Nottingham, Beeston, Derby, Leicester and Newark as well as connections to other destinations. It is accepted that there will be additional parking demand from the development and this may lead to on-street parking along Attenborough Lane. 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, 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 There has been a suggestion made in the objections to the use of a Section 106 Agreement which could require the number of vehicle owning tenants to be limited. However, for the reasons set out in paragraph 6.5.3, it is considered that as the proposal would not result in a significant impact on highway safety, it would be unreasonable to require the applicant to enter into a Section 106 Obligation. Furthermore it would prove difficult to monitor or enforce since vehicles connected to the use could potentially be parked anywhere, either in the vicinity or the wider area.
- 6.5.5 It is understood that there have been concerns raised with the County Council in regard to the existing parking problems along Attenborough Lane. Discussions are on-going between the residents and the County Council.

6.6 Flood Risk

- 6.6.1 The site falls within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted and includes information in respect of access points to be fitted with flood barriers / doors where appropriate; the provision of a Flood Evacuation Plan; and details on surface water drainage. The site is protected by the Left Bank Flood Defences. It is considered that, as the former use as a care home included bedrooms on the ground floor, and that those residents were likely to be less able to move independently in the event of a flood, the proposed conversion of the ground floor to two flats is acceptable and, subject to the mitigation measures being installed and a Flood Evacuation Plan being adopted, the proposed residents would have time to evacuate to a point of safety. Notwithstanding this, the Environment Agency object to the proposed conversion as it considers that ground floor flats are not appropriate in this location, due to flood risk to the occupants. However, they are unlikely to pursue the objection

should the Local Planning Authority recommend the granting of planning permission

6.7 Other Matters

- 6.7.1 Concerns have been raised in regard to the future upkeep of the building. As with any property, this would not be a material planning matter. However, should the land around the building become untidy, this can be investigated and, where appropriate, enforcement action taken.
- 6.7.2 In regard to fire risk, the property would need to comply with the relevant regulations e.g. building regulations, and any requirements in this regard would need to be incorporated as part of a building regulations application.
- 6.7.3 In regard to the preference for retention of the care home, or other suitable alternatives (separation and use as family houses, or demolition and rebuild as affordable homes / family houses), the planning authority is statutorily obliged to consider any planning application that is submitted. Should an application be submitted for an alternative scheme, this would be assessed separately. In regard to the retention of the care home, this is a matter for the operator of that facility. It is noted in the planning submission that the care home closed as a result of changing market expectations.
- 6.7.4 In regard to cooking smells, as this would be a residential property where a reasonable amount of domestic cooking smells would be expected, this would not be a material planning matter. However, should an unreasonable amount of smells be experienced, this can be reported as a nuisance to the Environmental Health team who will investigate.
- 6.7.5 The requirements for waste storage and collection have been provided by the Waste and Recycling Officer. An amended plan sets out the details of the storage and siting. Comments are awaited from the Waste and Recycling Officer.
- 6.7.6 In regard to drainage, specifically the increase in numbers of occupants and pressure on the system, this would be addressed as part of the building regulations application. In regard to surface water, whilst the development would see an increase in hard surfacing to the frontage, details of the surfacing materials and landscaping would be conditioned and would ensure that surface water would be controlled by appropriate surfacing, and run off to the landscaped areas.
- 6.7.7 The frontage to Attenborough Lane is mostly open and the concern in regard to hedgehogs and enclosures which could disrupt their habitat is noted. The frontage would remain open and accessible, however a condition in regard to the design and location of any boundary enclosures would be imposed on any decision notice.
- 6.7.8 Impact on house prices in the area is not a material planning consideration.

6.7.9 Whilst the care home has closed which would have resulted in a loss of jobs, this is not a material planning matter as the planning authority cannot control any closure or change to business requirements in regard to employment.

6.7.10 Pre-application discussions which take place before an application is submitted are informal and not binding on the Council as Local Planning Authority.

6.7.11 The matter of whether the applicant is based in the area or not is not a material planning consideration, and would not be a factor in determining whether the application is acceptable.

6.7.12 It is disputed that the council can be held accountable for any injury to pedestrians as a result of increased traffic and parking activity, should planning permission be granted for the scheme.

7. Conclusion

7.1 It is concluded that the proposal to convert the former care home to a house in multiple occupation comprising four flats, is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies E34, H4, H6, H7 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 Site Location Plan and Block Plan received by the Local Planning Authority on 7 January 2019; drawing numbered C/105 rev B, received by the Local Planning Authority on 29 January 2019; drawings numbered C100 rev E and C101 rev E received by the Local Planning Authority on 1 February 2019, and C200 rev F received by the Local Planning Authority on 26 March 2019.**
- 3. Prior to first occupation, a landscaping scheme shall first have been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:**
 - (a) trees, hedges and shrubs to be retained and measures for their protection during the course of development**
 - (b) numbers, types, sizes and positions of proposed trees and shrubs**
 - (c) proposed boundary treatments**
 - (d) proposed hard surfacing treatment**
 - (e) proposed lighting details**
 - (f) planting, seeding/turfing of other soft landscape areas**

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

4. 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.
5. 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 C/200 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.
6. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority.
7. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) prepared by IDOM, dated 29 March 2019, and the mitigation measures contained therein. The measures detailed in the FRA shall be retained for the lifetime of the development.

Reasons

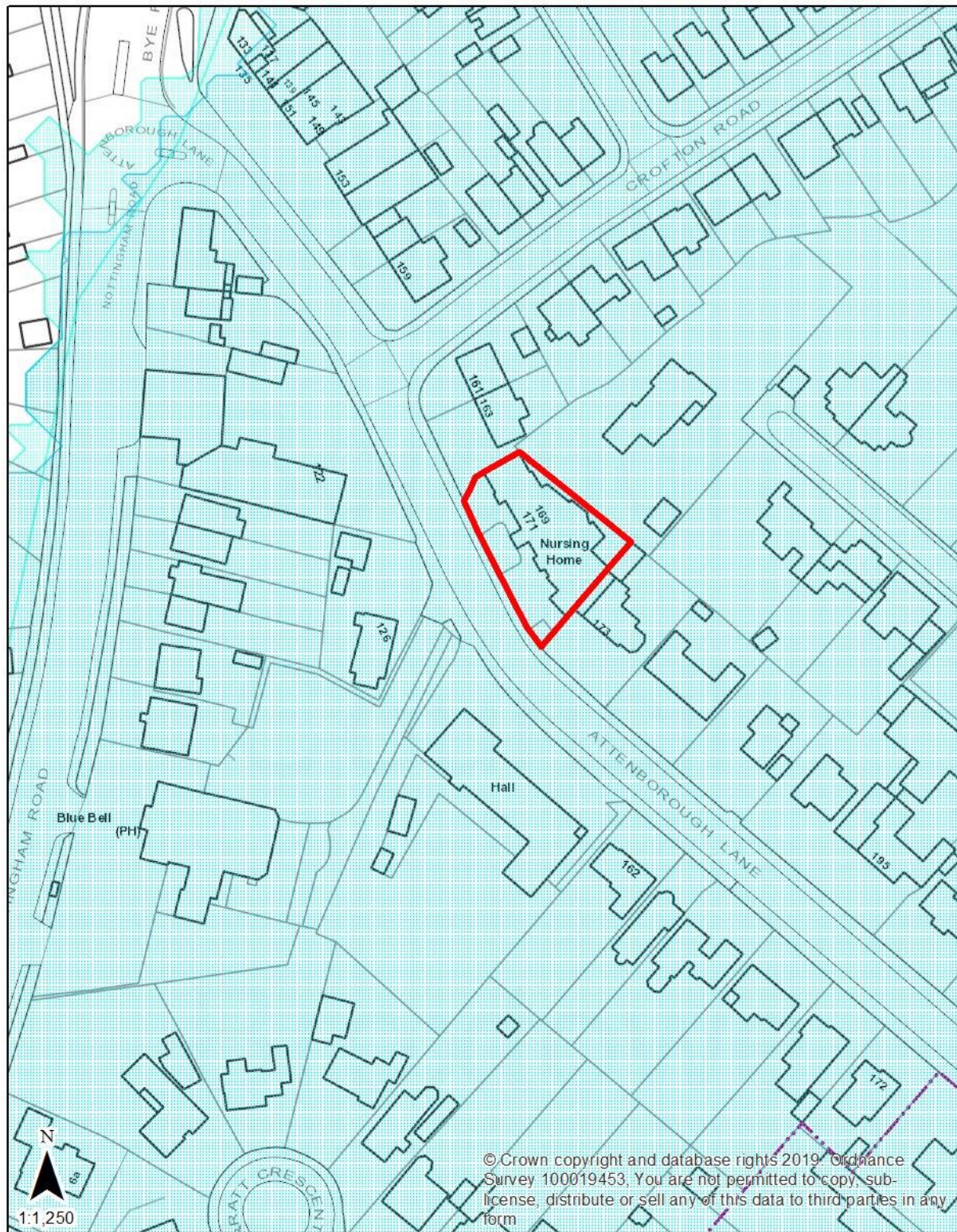
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted and to ensure that the details are satisfactory in the interests of the appearance of the area and in accordance with the aims of Policy H4 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014)
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H4 of the Broxtowe Local Plan (2004).
5. To ensure adequate parking is available within the site in the interests of highway safety and amenity and in accordance with Policy T11 of the Broxtowe Local Plan (2004).
6. In the interests of highway safety and in accordance with Policy 10 of the Aligned Core Strategy.

7. 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.

Note to applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E
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 also should be no bonfires on site at any time.
4. The development makes it necessary to construct/improve the vehicular crossings over the footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:
<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Background papers
Application case file



Legend

- Site
- Flood Zone 3
- Flood Zone 2
- Conservation Areas (Local Plan)

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Report of the Chief Executive

APPLICATION NUMBER:	19/00314/FUL
LOCATION:	FORMER BEESTON SCOUT HEADQUARTERS WAVERLEY AVENUE BEESTON
PROPOSAL:	CONSTRUCT THREE STOREY APARTMENT BLOCK CONTAINING FOUR 2 BED UNITS AND TWO 1 BED UNITS

The application is brought to the Committee at the request of Councillor P Lally.

1 Executive Summary

- 1.1 The application seeks planning permission for the erection of a three storey detached building comprising six apartments, with two parking spaces, cycle and bin storage.
- 1.2 The site was formerly occupied by a Scout Hall, which has recently been demolished. The site is now cleared.
- 1.3 The main issues relate to whether the principle of residential development is acceptable, if the design, scale and massing and impact on neighbours is acceptable, and the impact on highway safety and parking.
- 1.4 The benefits of the proposal are that it would see the redevelopment of a vacant site, would provide housing in an existing urban area and would be in accordance with the policies contained within the development plan. This is given significant weight. There are neighbour concerns relating to parking, scale of development and impact on neighbouring amenity. It is considered that these issues are outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The proposal seeks to build a three storey detached building containing six apartments (four x 2 bedrooms, and 2 x one bedroom). The building is proposed to be positioned to front the Queens Road / Station Road junction, and would have a centrally located glazed entrance, via steps, from the south eastern corner. The building would have a pitched roof set back from the second floor roof edge and the third storey would be accommodated within this roof space. Dormer windows would be to the front and rear elevation.
- 1.2 Vehicle access to the site would be from Waverley Avenue, utilising the existing access. Parking, servicing, bin and cycle storage would be provided to the rear of the building. Two parking spaces and six cycle spaces would be provided. The cycle and bin store would be in an enclosed area to the south west of the building, adjacent to the Waverley Avenue boundary. A gated pedestrian entrance to the rear of the plot would be provided between the proposed building and 198 Station Road.
- 1.3 The building would be faced mainly in red brick, with cement cladding panels to either side of the full height glazed entrance and stair core, to the centre of the frontage, and to the dormers, with cement tiles to the roof. A brick wall with railings between piers is proposed to the frontage of the site.

2 Site and surroundings

- 2.1 The site, irregular in shape, is located at the junction of Station Road (to the north east), Queens Road (to the south east) and Waverley Avenue (to the south west) and was formerly occupied by a scout hall, a detached single storey timber faced building with a pitched roof that sat centrally within the site. Large advertisement hoardings enclosed the site to the Queens Road and Station Road frontage, with timber fencing and gates to the Waverley Avenue boundary. The scout hall has been demolished and the hoardings removed.
- 2.2 There are two dwellings which share a common boundary with the site. 4 Waverley Avenue is to the north west of the site. This is a two storey detached property which has a single storey flat roof garage adjacent to the application site. There are no windows in the side elevation of this property, facing the site.
- 2.3 198 Station Road is to the north of the site. This is a two storey semi-detached property and has a two storey wing at right angles to the main house, at the rear, typical of a Victorian semi. This property has habitable room windows at both ground and first floor within the side elevation of the wing, facing the site.
- 2.4 To the south west of the site, on the opposite side of Waverley Avenue, is 286 Queens Road. This is a two storey end of terrace dwelling with a two storey extension to the rear. There are habitable room windows at both floor levels facing toward the site. Two and three storey dwellings continue south west along this side of the road.

2.5 In the wider area there is a mix of uses. To the north east, on the opposite corner of the junction, advertisement hoardings enclose a commercial use behind. There is a retail unit beyond, facing onto Queens Road. Residential uses continue north east along Queens Road. To the east, on the diagonally opposite corner, there are further retail units housed in a two storey building, which turn the corner into Station Road. To the south of the junction, and south east of the site, there is a flat roof single storey building which is occupied by a supermarket. To the south west of the supermarket, further along Queens Road, there are two blocks of three storey apartments.

2.6 The site occupies a prominent position within the street scene, and is approximately 800m south of Beeston Town Centre. The site is within Flood Zones 2 and 3.

3 Relevant Planning History

3.1 There is no relevant planning history for this site.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand

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

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E26: Pollution
- Policy E34: Control of Noise Nuisance
- Policy T11: Guidance for Parking Provision

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 1, 17 and 19 but has suggested changes to other policies, including Policy 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 1,

17 and 19 can now be afforded moderate weight, with Policy 15 being afforded limited weight.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change.

5 Consultations

- 5.1 **County Council as Highway Authority:** Notes that the site is in a highly sustainable location, being within walking distance of bus stops, train station and Beeston town centre. As such, and subject to conditions, the Highway Authority does not raise any objection to the proposal in regard to road safety. Notwithstanding this, it is noted that the residents of the proposed development may cause inconvenience to the existing residents and their visitors, should parking from the development overspill onto the adjacent streets. Recommends conditions in regard to the provision of the parking area and cycle storage prior to occupation and retention for the life of the development, widening of the existing dropped kerb, no planting within the demise of the public highway and no windows to open over the public highway. The latter two items will be a note to applicant, as these are matters considered to be in the control of the Highway Authority.
- 5.2 **Council's Environmental Health Officer:** No objections subject to the noise mitigation measures of the noise assessment being implemented prior to occupation and retained for the life of the development.
- 5.3 **Environment Agency:** No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment (FRA). This will be secured by condition.
- 5.4 **Waste and Recycling Officer:** No objections. Advises on the requirements for bin sizes, storage, and collection. The site layout demonstrates that this can be achieved.
- 5.5 **Building Control Officer:** Whilst all new dwellings require level access, where this is not possible, e.g. ground orientation or constraints on floor levels level access will not be a requirement of building regulations. The development, having a floor level of 1.1m above ground level, and a lack of space within the site boundaries, would not be required to install a ramped access and an ambulant stepped access would be considered acceptable.

5.6 Seven properties either adjoining or opposite the site were consulted and a site notice was displayed. 28 objections were received. The grounds of objection are:

- The development will result in additional parking on Waverley Avenue and surrounding streets, where it is already busy with vehicles from commuters and properties on Station Road and Queens Road, where there is little or no on street parking. There is not enough parking proposed within the site, would like to see the development changed to accommodate more parking.
- While the public transport options in Beeston are good, Waverley Avenue is used as a cut through as it is quieter and safer than Station Road. More on-street parking would compromise the current safety in terms of visibility.
- A residents' only parking scheme on Waverley Avenue and surrounds should be provided, or 2 hours restricted parking for non-residents.
- Access out onto Waverley Avenue (from the site) would be unsafe, as cars would need to reverse out and visibility is restricted, being a hazard for any vehicle turning into Waverley Avenue from Queens Road.
- Has a transport report been carried out, to assess the impact upon parking.
- The site, now cleared, appears too small to accommodate six apartments (over- intensive development)
- A building of three storeys in height would be out of keeping and would appear overbearing.
- Properties to the rear will be overlooked (resulting in a loss of privacy) and the development would result in a loss of light.
- Two family sized dwellings with parking would be better suited to the site.
- The proposed development does not cater for less abled persons, with no lift access or ground floor level access.
- The proposed building, which is modern in design and choice of materials, is not in keeping with the surrounding properties which are over 100 years old.
- The site address (as it is non-standard) is not easily found if searched for on the planning website and this should be changed.
- The proposal offers no affordable housing
- The density of development would generate a disproportionate amount of noise for a very small site.
- No garden area proposed and rainwater will be sent to the sewerage system, so queried if this is good for the environment.
- The site is located at a very busy junction, and the building would overshadow this corner. This will not help pollution from the traffic, and no trees are proposed to mitigate this. Existing trees have been removed.
- Unsafe design, with entrance steps aligning directly toward a pedestrian crossing on a main road junction, likelihood of children running down these steps and into the traffic.
- Existing street furniture has not been shown on the plans.
- A canopy is proposed however this has not been shown on the elevations.
- Concerns regarding fire exit routes.
- The text states dwarf wall for the boundary however the elevations show a wall with fence above.

- The development should include charging points in the parking spaces, and should include solar panels, to ensure that services in the area are not placed under strain.

An observation was given that the demolition of the unsightly scout hut, to be replaced by an attractive development is a positive.

An additional letter was received which suggests names for public speaking should the application come to committee.

6 Assessment

6.1 The main issues for consideration are impact on the amenities of the occupiers of neighbouring property; impact on highway safety and parking; flood risk; and amenity of the future occupiers of the apartments.

6.2 **Principle**

6.2.1 The site is not allocated for any specific purpose within the Broxtowe Local Plan 2004. Whilst there is a mix of uses in the area, the immediate surrounds to the north, north west and south west is one of a residential character. The principle of residential development on this site is acceptable, subject to the considerations set out below.

6.3 **Amenity**

6.3.1 The rear elevation of the proposed building, which faces both 4 Waverley Avenue and 198 Station Road, would have four windows at ground floor level, which would face these two properties, and three windows at first floor level. Two of the first floor windows would be oriel windows, which are angled so as to face toward Waverley Avenue. At roof level, there are two dormers proposed. These dormers would have solid panels and privacy glass to the rear facing elevation, with glazed panels to the south side cheek, looking toward Waverley Avenue. As such it is considered that the development would not result in a loss of privacy for the occupiers of these two properties. In regard to outlook and loss of light, it is considered that the building, being positioned to the east and south east of the site, would not result in a significant loss of light for these occupiers, and in terms of outlook, there are no facing windows in the south east side elevation of 4 Waverley Avenue. It is considered the outlook from the windows in the rear wing at 198 Station Road would not be significantly affected.

6.3.2 286 Queens Road, to the opposite side of Waverley Avenue, has windows in the side elevation facing the site. Whilst there are windows proposed in the side elevation of the proposed building, and the oriel and dormer windows face toward Waverley Avenue, it is considered that due to the distance between, over the public highway, the development would not have a significant impact on the amenities of the occupiers of this property.

6.3.3 It is considered that the internal layout would provide the future occupiers with an acceptable amount of living space and access to natural light and an outlook. The one bedroom apartments, to the second floor, and one of the first floor

apartments would have access to a balcony to the front of the building. The remaining three apartments would have Juliette balconies.

6.3.4 The site is located at a busy traffic controlled junction. A noise assessment has been submitted which includes recommendations for mitigation measures such as choice of building materials, glazing and ventilation requirements in order to ensure that the future occupants are protected from background noise arising from traffic standing at the junction, and general road noise. The mitigation measures set out in the Noise Assessment shall be secured by condition, in order to safeguard the living conditions of the future occupiers.

6.3.5 In response to the concern raised in regard to noise from the development, it is considered that this would be acceptable given the existing background noise of the busy main road.

6.4 Design, scale and appearance

6.4.1 The application site occupies a prominent position within the street scene and as such it is important that the scale and massing as well as the design and materials are of a high quality.

6.4.2 A three storey building is proposed, built slightly set back from the pavement. There are three storey buildings within the area, these being the apartment buildings to the south west of Queens Road, and there are tall Victorian two storey dwellings along the same side of Queens Road as the application site, as well as along Station Road, directly adjacent to the site. The proposed building has the third storey accommodation within the roof, which has a pitched roof inset from the building edge, and dormers. This reduces the scale of the building to that similar to other buildings in the area. A full height glazed entrance, with contrasting bricks, is shown to the front elevation and it is considered that this would help to minimise any impact in terms of massing. A canopy over the entrance is proposed, and this has now been shown on amended plans. It is considered that the density of the site is appropriate and is in keeping with the character of the area.

6.4.3 The materials proposed are to be a mix of red brick, grey cement cladding panels, grey powder coated aluminium window and door frames, and grey slates. These materials reflect the material palette of the surrounding buildings and are considered acceptable in principle. Details of materials will be secured by condition.

6.4.4 There would be a brick boundary wall with railings along the street frontage, to Queens Road / Station Road, at a height of 1.8m. Sliding gates and brick piers, to a height of 1.1m, would be proposed to the vehicle entrance on Waverley Avenue. The bin and cycle store, which is adjacent to the south west elevation, would be enclosed by a 2.1m brick wall. Landscaped areas would be provided within the site, to the front behind the boundary wall, and to the rear, which would help to mitigate the loss of any vegetation that previously existed within the site. Details of landscaping will be secured by condition.

6.5 Access and Parking

- 6.5.1 Vehicular access into the site will utilise the existing access from Waverley Avenue. This is considered to be acceptable due to the site's location at a junction, which constrains alternative vehicular access. A pedestrian gate would be provided off Station Road, giving access to and from the parking area.
- 6.5.2 Access into the building is via a stepped entrance to the front elevation. The ground floor level is raised to ensure the ground floor level is above the 1 in 100 year flood level. Whilst the entrance would not be fully accessible by all potential occupiers, it is considered that due to the site's location within Flood Zone 3, a stepped entrance would be acceptable. Access into the building would need to comply with Building Regulations.
- 6.5.3 Two parking spaces and six cycle spaces are proposed within the site.
- 6.5.4 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 Waverley Avenue and adjacent streets.
- 6.5.5 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.
- 6.5.6 The site lies within close proximity to both Beeston town centre (10 minutes walk) and to the railway station (5 minutes walk). Bus services also run along Queens Road and Station Road, and bus stops are close by. The parking spaces are of sufficient dimensions. It is accepted that there may be additional parking demand from the development and this may lead to on-street parking along Waverley Avenue. However, it is considered that there would not be a severe highways impact and residents would have the opportunity to use more sustainable transport options. 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, or for a requirement to submit a transport report, given the scale of the development. A request for a residents parking permit scheme or similar is a matter for the County Council.
- 6.5.7 A condition is required to ensure that the dropped kerb is extended and the parking area suitably surfaced and drained, and available for use, prior to the occupation of the apartments.

6.6 Flood Risk

6.6.1 The site is within Flood Zones 2 and 3. A Flood Risk Assessment (FRA) has been submitted and the Environment Agency has raised no objections subject to the development being carried out in accordance with the FRA, which include the elevated internal floor levels; the use of flood resistant external materials; high level utility services and sockets; and non-return valves fitted to drains. An appropriate drainage system would be included. It is considered that the proposal would satisfactorily mitigate flood risk.

6.7 Other Matters

6.7.1 A question has been raised in the consultation responses in regard to providing two dwellings instead of the apartment building. The site though is constrained, and it is considered that a proposal for two dwellings would still need to accommodate off-street parking as well as providing adequate external amenity areas. Whilst the comment is noted, the proposal would need to be considered as submitted.

6.7.2 The Local Plan policy requirement (Policy H5) to provide affordable housing would not apply for proposals of less than 25 units and as such it would be unreasonable to request this as part of the current application.

6.7.3 Comments with regard to the site address, use of stepped entrance by children, street furniture and fire exits are noted but are not considered to be material planning matters.

6.7.4 The lack of charging points for vehicles and solar panels have been raised as an objection. Whilst these would be desirable, there is no policy requirement for these, however the building would need to comply with the latest building regulations in respect of sustainability.

7 Planning Balance

7.1 The benefits of the proposal are that it would see the redevelopment of a vacant site, would provide housing in an existing urban area and would be in accordance with the policies contained within the development plan. This is given significant weight and is considered to outweigh the local objections to the scheme.

8 Conclusion

8.1 The proposed development of six apartments is considered to be acceptable and would not be harmful to the character or appearance of the area. The proposal also gives an opportunity to return the site into use and provide housing. Residential amenity will not be unduly affected by the proposals.

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.

Reason: 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. The development hereby permitted shall be carried out in accordance with the Site Location Plan and drawings numbered 2598(08)003 rev A, 2598(08)RPL rev A, 2598(08)FFL rev C, 2598(08)2FL rev C, 2598(08)S01 and 32216_T received by the Local Planning Authority on 17 May 2019 and 2598(08)E01 rev B, 2598(08)E02 rev B, and 2598(08)GFL rev D, received by the Local Planning Authority on 26 June 2019.

Reason: For the avoidance of doubt.

3. No building operations shall be carried out until details of the manufacturer, type and colour of the bricks, tiles and cladding to be used in facing elevations and dormers 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.

Reason: Limited details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

4. No above ground development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. This scheme shall include the following details:

- (a) numbers, types, sizes and positions of proposed shrubs
- (b) proposed hard surfacing treatment
- (c) planting, seeding/turfing of other soft landscape areas.

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

Reason: Limited 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 H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

5. No part of the development shall be occupied until the vehicular access has been widened, made available for use and constructed in accordance with the Highway Authority specification. The access shall thereafter be retained

for the lifetime of the development.

Reason: In the interests of highway safety in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

6. No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 2598(08)GFL rev D. The parking and turning 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 and turning of vehicles.

Reason: In the interests of highway safety in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

7. No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing 2598(08)GFL rev D has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In the interests of promoting sustainable modes of transport, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).

8. 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, 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.

Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).

9. The development shall be carried out in accordance with the submitted flood risk assessment (reference FRA-MA10992-R01) and finished floor levels shall be set no lower than 27.84m above Ordnance Datum (AOD); and flood resilience construction measures shall be incorporated throughout the development as stated within.

These mitigation measures shall be fully implemented prior to occupation, and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).

10. The development shall be carried out in accordance with the noise mitigation measures as detailed in section 7.5 and 7.6 of the Acute Acoustics Ltd Noise Assessment dated 17th May 2019.

Reason: In the interest of the amenities of the future residents and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).

NOTES TO APPLICANT

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

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

3. 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 on telephone 0300 500 80 80 to arrange for these works to be carried out.
4. No planting shall take place within the limits of the adopted highway.
5. No windows or doors at ground floor level shall overhang the adopted highway.
6. 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.



Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2

Photographs



The application site. 4 Waverley Avenue to the left, and 198 Station Road to the right



View from opposite corner, to the east



View from junction of Waverley Avenue



4 Waverley Avenue



198 Station Road



From Station Road across the site, looking toward 286 Queens Road



The Co-op supermarket opposite the site



Hoardings to corner Station Road and Queens Road



View down Waverley Avenue toward Queens Road, with 286 Queens Road to the right

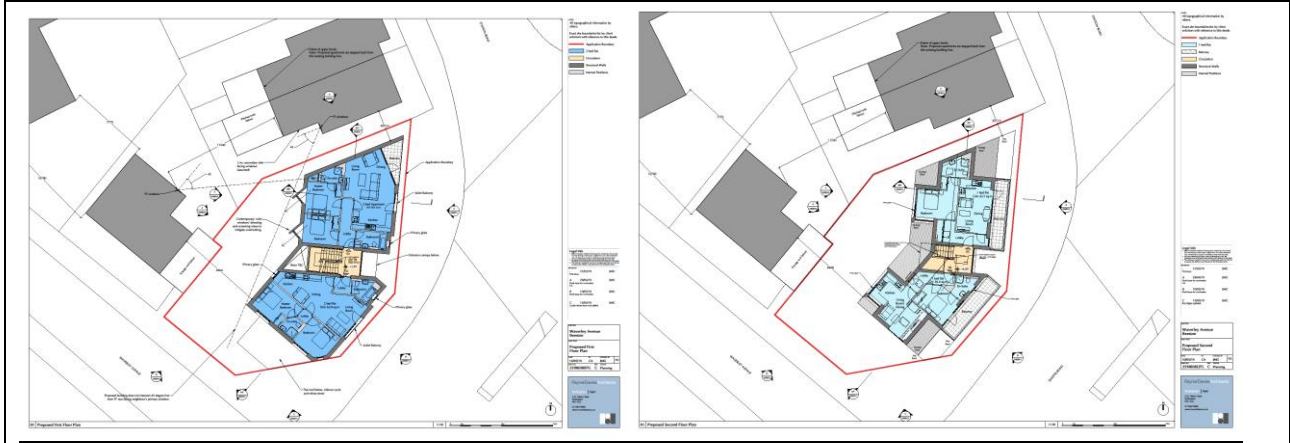


View of the junction

Plans (not to scale)



Proposed ground floor layout



Proposed first and second floors



Proposed front elevation



Proposed rear elevation

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Report of the Chief Executive

APPLICATION NUMBER:	18/00210/OUT
LOCATION:	PARK HOUSE, 15 NOTTINGHAM ROAD, KIMBERLEY, NOTTINGHAM, NG16 2NB
PROPOSAL:	OUTLINE APPLICATION TO CONSTRUCT A MAXIMUM OF 18 DWELLINGS WITH ALL MATTERS RESERVED

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

1 Executive Summary

- 1.1 The major application seeks outline planning permission to construct a maximum of 18 dwellings with all matters reserved for future consideration on land known as Park House situated off Nottingham Road.
- 1.2 The main issues relate to whether the principle of residential development on the land would be acceptable, visual amenity, impact upon residential amenity, highway safety and the loss of existing employment buildings.
- 1.3 The benefits of the proposal are that the proposed residential development would see the redevelopment of a brownfield site, remove an un-neighbourly employment use from a predominantly residential area and assist in meeting the Borough's overall housing requirement as the Council does not have a five year housing supply. Whilst the proposal would lead to the loss of an established employment building, the potential loss of jobs is outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks outline planning permission with all matters reserved to construct a maximum of 18 dwellings on land known as Park House, Nottingham Road, Kimberley. Access to the proposed residential development will be via Noel Street which is located to the west of the site.
- 1.2 In support of the application, an indicative layout plan has been submitted indicating how a total of 18 dwellings can be accommodated on the site with adequate gardens and driveways serving the dwellings.

2 Site and surroundings

- 2.1 The application site contains a two storey detached dwelling with an associated driveway and garden land to the south and employment buildings with associated land and car parking area to the north.
- 2.2 To the rear of the properties located on Noel Street there is a Council owned public open space and play park. To the east, the site backs onto a school playing field.
- 2.3 The site is located in close proximity to Kimberley Town Centre and is within walking distance of local shops and public transport facilities.
- 2.4 There is a public right of way along the south west boundary of the site.

3 Relevant Planning History

- 3.1 Planning permission (reference 04/01182/FUL) was refused in 2005 to change the use of Park House from residential to a mixed residential office use. The access was proposed from the driveway/ road leading directly from Nottingham Road rather than from Noel Street. The application was refused due to the impact on the public right of way to the south of the site.

4 Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- Policy 8: Housing Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 19: Developer Contributions

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

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H7: Residential Development
- Policy T11: Guidance for Parking Provision
- RC6: Open Space Requirements for New Developments
- RC14: Footpaths, Bridleways and Cycle Routes

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 3 representations in relation to Policy 9, 12 representations in relation to Policy 15 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. Whilst the note requested modifications to Policy 15, the note did not include a request that further modifications be undertaken to Policies 9 and 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 9 and 17 can now be afforded moderate weight.

- Policy 9: Retention of good quality existing employment sites
- Policy 15: Housing Mix and Choice
- Policy 17: Place-making, design and amenity

4.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.

5 Consultations

5.1 **Nottinghamshire County Council Rights of Way Officer:** Raises no objections to the proposal, subject to a standard informative note being added to any permission granted.

5.2 **Nottinghamshire County Council:** Request contributions via a S106 Agreement for education contributions.

5.3 **The County Council as The Highway Authority:** Raise no objections subject to a condition relating to reserved matters.

5.4 **The County Council as Lead Local Flood Authority:** Raise no objections subject to a condition requiring a detailed drainage strategy.

- 5.5 **Cadent Gas:** Recommend an informative note to the applicant advising of the presence of gas apparatus within the application site boundary and for the applicant to contact Cadent Gas prior to building works commencing.
- 5.6 **The Council's Waste and Environment Manager:** Provided information regarding refuse requirements serving the development.
- 5.7 **The Council's Parks and Environment Manager:** Confirmed that full developer contributions would be sought for open space.
- 5.8 **Kimberley School** raise concerns in respect of safeguarding of the pupils and request planting along the rear boundary of the dwellings.
- 5.9 **Kimberley Town Council** has raised objections to the proposal on the grounds of:
- Highway safety;
 - Parking;
 - Damage to vehicles parked on Noel Street;
 - Access for emergency vehicles;
 - The additional houses creating more sewage.
- 5.10 17 properties were consulted on the application along with the posting of four site notices. During the course of the application, 43 letters have been received objecting on the grounds of:
- Loss of parking spaces;
 - Restricted access for refuse lorries/emergency vehicles;
 - Damage of road surface with additional traffic;
 - Damage to cars parked on Noel Street due to additional traffic;
 - Loss of trees;
 - Additional noise;
 - Access restrictions;
 - Traffic generation.

6 Assessment

- 6.1 The main issues for consideration are whether the principle of residential development on the land would be acceptable and assess the impact of the loss of existing employment buildings, visual amenity, residential amenity and highway safety. These are discussed in turn as follows:
- 6.2 **Principle of Development and Loss of Existing Employment Buildings**
- 6.2.1 The application site is located to the north east of Nottingham Road, with Park House accessed off Nottingham Road and the existing employment buildings (Axiomatic) accessed via Noel Street. Park House is still in use as a residential dwelling. The business premises are in a poor state of repair and are not considered to be good quality employment premises. The proposal would remove an employment building from a residential area and improve the general area by opening up the site with the adjacent footpath and public open space. Policy 4 of

the Aligned Core Strategy – Employment Provision and Economic Development states that the economy of the area will be strengthened by appropriately managing existing employment sites and allocations to cater for the full range of employment uses by:

- i) Ensuring the allocations most attractive to the employment market remain available for employment uses;
- ii) Retaining good quality existing employment sites (including strategic employment areas) that are an important source of jobs, and sites that support less-skilled jobs in and near deprived areas, or have the potential to provide start up or grow-on space;
- iii) Considering the release of sites that do not meet criteria i and ii.

6.2.2 Whilst the proposal would lead to the loss of an employment site equating to a floor space of 180 square metres, the business could relocate to more purpose built facilities within the Borough, removing an employment building from a predominantly residential area. It should be noted that the existing building could be used for any business within the B1 use class which could result in increased noise and disturbance to residential properties above what is experienced from the existing business operations. The principle of development along with the loss of the employment building is considered acceptable, subject to the consideration of other material planning considerations.

6.3 Visual Amenity

6.3.1 Policy 8 of the Aligned Core Strategy ‘Housing Mix and Choice’ sets out the approach to ensuring that new housing development includes an appropriate mix of housing types, sizes and tenures. Local Plan Policy H7 ‘Land not allocated for housing purposes’ states that small scale residential development within existing built-up areas will be permitted providing the residents of the new 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.

6.3.2 Whilst only indicative, the submitted site plan indicates the provision of 18 dwellings on the land in the form of four detached dwellings and 14 semi-detached dwellings set in a row backing onto the rear school playing field. The dwellings are set within large plots with adequate gardens to the front and rear and driveways to the front. No alterations are proposed to the existing public footpath which is situated between the application site and the adjacent public open space. Details of the design of the dwellings would be submitted as part of a reserved matters application, however it is considered that the site can form its own character in respect of two storey or single storey dwellings rather than having to replicate the terraced style of the surrounding properties.

6.3.3 The site is considered to be of an adequate size to accommodate a residential development, however appearance, scale and layout will be carefully considered at the reserved matters stage.

6.4 Residential Amenity

- 6.4.1 An indicative site plan has been submitted with the application which indicates the rear garden sizes to vary between 3m to 15m in depth. However, it is considered the plots with smaller rear garden spaces could be positioned within the site to have smaller front garden areas and longer rear gardens and the driveways could be repositioned to be located to the side of the properties. A close boarded timber fence or screening in the form of trees or a hedgerow could be provided as part of the landscaping scheme along the rear boundary of the dwellings with the school to alleviate the concerns of the school in respect of safeguarding issues. The design of the dwellings and positioning of the windows will be carefully assessed at the reserved matters stage to prevent overlooking or overshadowing of the neighbouring properties.
- 6.4.2 Concerns have been raised by local residents in respect of additional noise from construction traffic and dust and the additional noise and disruption a further 18 dwellings would bring to the area. It should be noted that there is an existing employment use situated within the buildings to the top of Noel Street which is operated as a B1C Business use (graphic printers), which employs a total of 20 staff, with regular visitors etc on a daily basis. With regards to additional cars, the proposed residential development would generate a degree of traffic, but not to the extent that it would be considered unacceptably detrimental to the area.

6.5 Highway Safety

- 6.5.1 Whilst access is reserved for future consideration, it is important to ascertain what access arrangements could work for this site. On-street parking does exist along Noel Street due to its terraced nature which restricts the carriageway to a single lane width. The initial indicative plan submitted with the application indicated the provision of 18 dwellings along with 11 private parking spaces along Parkview Close (new road) and 15 private parking spaces for residents of Noel Street. In addition a turning circle/roundabout was proposed to the top of Noel Street and adjacent the entrance into the site.
- 6.5.2 The Highway Authority originally commented that the turning circle/roundabout was not appropriate in its location and had no benefit. In addition, the Council's Waste and Environments manager also commented that the current collection service entails the collection vehicle to reverse up Noel Street due to there being nowhere to safely manoeuvre the vehicle to turn it due to parked cars. Were the development to be approved with the turning circle, concerns were raised as to whether the vehicle could drive up Noel Street and safely drive into the new road, and reversing up and over the turning circle would also be a concern and not acceptable. The additional on street parking spaces were deemed to be unacceptable as they could not be allocated to individual residents of Noel Street due to the spaces being within the public highway.
- 6.5.3 To overcome the above mentioned issues, the turning circle/roundabout and the additional parking spaces have now been removed from the application. Each plot is indicated on the amended indicative plan to have a minimum of two car parking spaces. In addition, the access to the new road serving the development has

been widened which would allow the refuse vehicles to drive forward along Noel Street and turn into the site and reverse out to drive forward down Noel Street, which would improve the current situation. The Highway Authority raise no objections to the proposal subject to a condition relating to the reserved matters and the design of the proposed development being in accordance with the 6 C's design guide.

6.5.4 In addition to the above, bollards have been introduced to the end of the proposed new road to prevent through traffic from rat running towards Nottingham Road by restricting access/egress for vehicles. This would not obstruct pedestrians on the adjacent public footpath which bounds the site and railings would be provided along the boundary of the footpath to delineate from the adjacent public highway. It is considered there are no highway safety issues that would justify the refusal of planning permission.

7 Developer Contributions

7.1 The application constitutes a major scheme and Policy 19 from the Aligned Core Strategy requires that a planning obligation is sought from the developer. In line with the NPPF any planning obligation should meet the tests of being necessary in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.2 Full open space contributions of £25,159.90 have been requested for the provision of capital and maintenance contributions at the nearby Stag Recreation Ground.

7.3 Nottinghamshire County Council have requested £54,624 towards the reconfiguration of classrooms to allow the provision of 4 additional key stage 1 places at Larkfields Infant School and £53,259 towards secondary school provision at Kimberley School to allow the delivery of 3 additional places.

7.4 It is considered that these requests are in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 as they are necessary to make the development acceptable in planning terms; are directly related to the development; and fairly and reasonably related in scale and kind to the development.

8 Planning Balance

8.1 The benefits of the proposal are that the proposed residential development would see the redevelopment of an existing brownfield site, remove an un-neighbourly employment use from a predominantly residential area, assimilate the site into the immediate area by opening up a site currently enclosed by overgrown conifers, provided wider views of the adjacent school playing fields and public open space and assist in meeting the Borough's overall housing requirement as the Council does not have a five year housing supply. Whilst residents have raised concerns in respect of additional traffic along Noel Street, it is considered the proposal will not give rise to any additional traffic over and above the traffic associated with the existing employment building and there are no objections from the Highways Authority.

9 Conclusion

- 9.1 Having regard to the surrounding character of the area and the sites location in close proximity to Kimberley Town Centre, it is considered that the layout would not result in an unacceptable impact upon the character or visual amenity of the area, residential amenity for existing neighbouring properties and future occupiers of the dwellings and there are no highway safety issues that would justify the refusal of planning permission.
- 9.2 Having regard to all material considerations, the proposed development is required to assist in meeting the borough's overall housing requirement as the Council does not have a five year housing land supply. As the site is located in the urban area of Kimberley, this carries significant weight as the location is sustainable. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions and the signing of a S106 agreement to secure education contributions and monies towards improving existing public open space.

Recommendation

The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

(i) Prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and;

(ii) the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be commenced before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with S92 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

3. The outline permission relates to the 1: 1250 Site Location Plan received by the Local Planning Authority on 16 April 2018.

- Reason: For the avoidance of doubt.*
4. No development shall commence until detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:
- (a) Access;
 - (b) Appearance;
 - (c) Landscaping;
 - (d) Layout;
 - (e) Scale
- Reason: The application was submitted in outline only and development cannot proceed without the outstanding matters being agreed in advance of the development commencing in the interests of ensuring the details of the development are acceptable to the Local Planning Authority.*
5. No development shall commence until details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters) have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of highway safety.*
6. No above ground works shall be carried out until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme submitted shall include:
- a) The hierarchy of drainage options should be infiltration, discharge to watercourse and finally discharge to sewer subject to approval of Severn Trent Water;
 - b) Justification should be provided for the use or not of infiltration, including results of soakaway testing, in accordance with BRE 365;
 - c) For greenfield areas, the maximum discharge should be the greenfield run-off rate per hectare (Qbar);
 - d) For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change;
 - e) The site drainage system should cater for all rainfall events up to a 100 year +30% climate change allowance level of severity;
 - f) The underground drainage system should be designed to not

surcharge in a 1 year storm, not to flood in a 30 year storm;

- g) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+30% storm;
- h) Any attenuation storage to be adequate for the surface water produced by the site, up to 100year+30% event;
- i) All major planning applications wherever possible should demonstrate the use of SUDS as part of their development;
- j) Details of who will maintain or adopt all drainage features will be required prior to construction.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).

NOTES TO APPLICANT

1. The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course of the application.
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/coalauthority
3. Notice will be served on the developer to purchase the first time provision of bins. The residents will need to place bins at the curtilage of the property for collection. For more information please contact Paul Wolverson on 0115 9173189 or email
recycling@broxtowe.gov.uk
4. The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

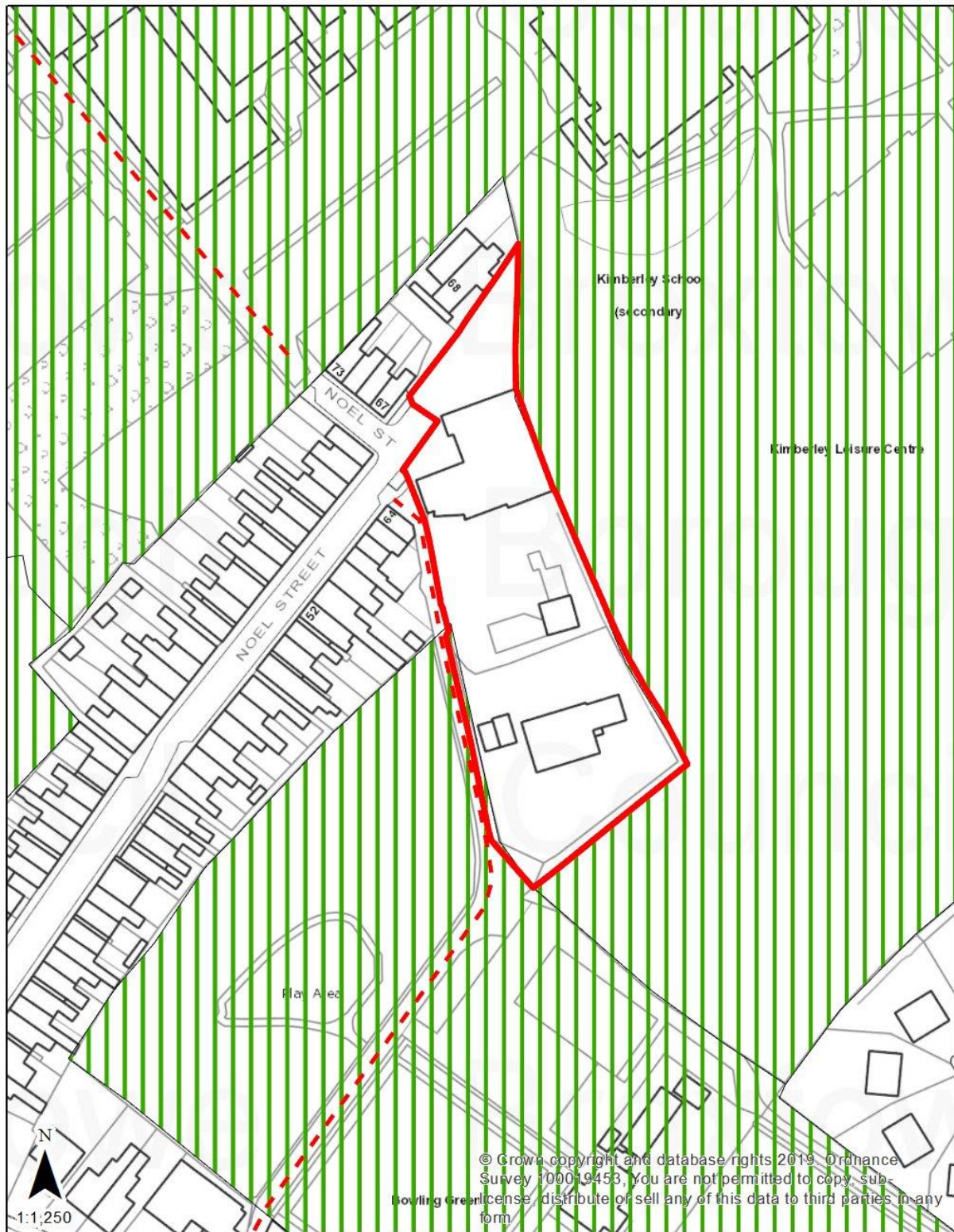
The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively

to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any works commence on site. Correspondence with the Highway Authority should be addressed to hdc.south@nottscc.gov.uk

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such undertake every effort to prevent it occurring.




5. The applicant/developer is advised that no vehicular access via Nottingham Road will be allowed.
6. The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the right of way or materials unloaded or stored on the right of way so as to obstruct the path.
7. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified areas, the developers should contact Plant Protection before any works area carried out to ensure the apparatus is not affected by any of the proposed works. plantprotection@cadentgas.com Telephone: 0800 688588
8. There is an associated S106 legal agreement with this development, and this decision should be read contemporaneously with such.



Legend

-  Site
-  Existing open spaces

Public Rights of Way

-  Byway open to all traffic
-  Bridleway
-  Footpath

Photographs

View of Park House



View of existing employment building.



Existing footpath entrance/exit from Noel Street.



Existing footpath entrance/exit from outside Park House.



View looking down Noel Street.



Access driveway off Nottingham Road.



Rear boundary with adjacent Kimberley School.



View of employment building from within Noel Street.



Plans (not to scale)



Report of the Chief Executive

APPLICATION NUMBER:	19/00122/FUL
LOCATION:	44 FLETCHER ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2EL
PROPOSAL:	CONSTRUCT TWO STOREY REAR EXTENSION

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 22 May 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 scheme due to it representing overdevelopment and addressing the concern in relation to a lack of natural light into the living/kitchen/dining area.
- 1.2 Members debated in the meeting their concerns over the increasing number of HMOs (Houses in Multiple Occupancy). This matter was discussed at the Jobs and Economy Committee on 4 July. Additional evidence will be gathered over the coming months with a view to considering a more restrictive policy. This is likely to take up to six months to work collaboratively with colleague councils in Greater Nottingham as part of the Core Strategy Review.
- 1.3 The applicant has considered the issues raised by Planning Committee and has removed the single storey rear extension. The number of bedrooms has been reduced from eight to six. As planning permission is not required for up to and including six unrelated residents to live together, the application does not require a change of use as previously proposed and only the two storey rear extension will be considered.

1 Details of the Application

- 1.1 The single storey rear extension has been removed and the number of bedrooms has been reduced from eight to six to reduce the intensity of the development. The existing conservatory has been retained in order to allow light into the adjoining communal living/dining area.

2 Re-Consultations

- 2.1 Amended plans were submitted and a further 7 day consultation has been undertaken with the occupants of neighbouring properties and those who previously commented on the application. Two objections were received which raise the following additional concerns:

- loss of privacy
- loss of daylight/ sunlight
- boundary fence would have to be removed to allow space for two storey extension
- plans are still for a six-bedroom HMO
- the potential for a HMO licence being required or an illegal HMO occupancy.

- 2.2 **Nottinghamshire County Council as Highways Authority:** has no objection.

3 Assessment

- 3.1 This assessment covers only those matters raised at the previous committee, that is, the intensity of the development and the communal/living area receiving natural light. All other matters raised as part of the re-consultation process have previously been addressed in the May committee report, which is included as an appendix and should be read in conjunction with this report.

- 3.2 It is considered the reduction in the number of bedrooms from eight to six, the removal of the single storey rear extension and the retention of the conservatory which will provide natural light to the communal/dining area, reduces the intensity of the scheme and provides a satisfactory amount of amenity for future occupants. Furthermore, it is considered the removal of the single storey rear extension improves the relationship with the adjoining neighbours but in particular, the most directly affected property no. 46, as the existing conservatory is set away approximately 1m from the north east (side) elevation of the main house. Therefore, it is considered the proposed two storey rear extension is acceptable.

- 3.3 In response to the concerns raised within the neighbour consultation comments, it is considered the projection of a 2.5m two storey rear extension is a modest size that there will not be a detrimental loss of daylight/ sunlight to any surrounding neighbours. The two storey rear extension will not have any side facing windows and therefore it is considered there will not be an unacceptable amount of overlooking to neighbouring properties. Any matters regarding the potential removal of the boundary fence would be a matter for the applicant to discuss with the neighbour. As stated in paragraph 1.3, planning permission is not required for up to and including six unrelated residents to live together. Matters in relation

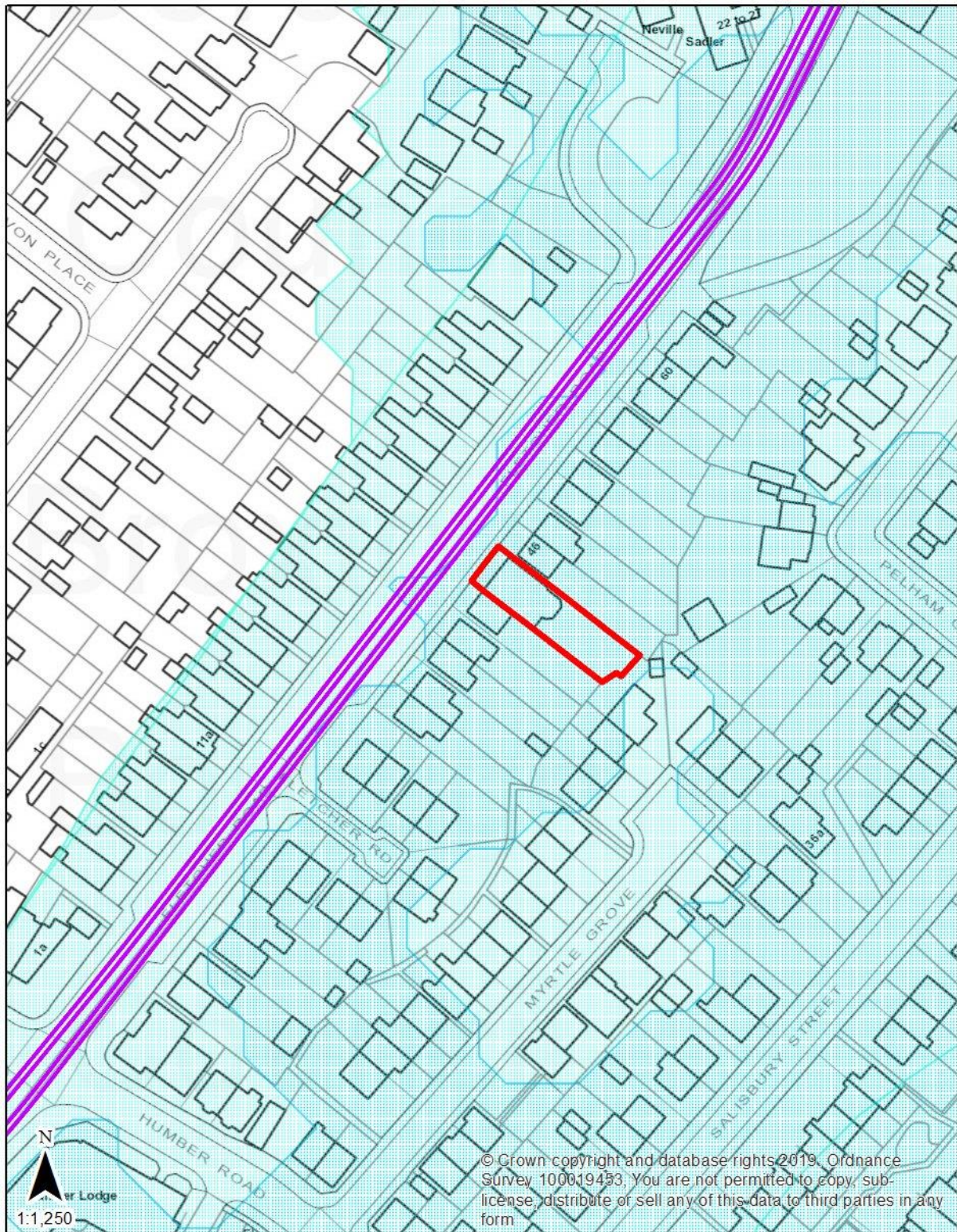
to HMO licensing are not a planning matter and should be addressed by the Council’s Housing department. However, a note to applicant is included within the recommendation which covers this matter.

4. Conclusion





4.1 To conclude, the reduction in the number of bedrooms from eight to six, the removal of the single storey rear extension and the retention of the conservatory to provide light to the communal/dining area are all considered to be improvements to the application and reduce the intensity of the previously proposed development. As such, the recommendation for approval remains the same.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 28 March 2019 and JG/JR/18/049/01 Rev F received by the Local Planning Authority on 3 July 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development hereby permitted shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Michael Evans & Associates Ltd, ref: 19-010, dated February 2019, in accordance with the mitigation measures detailed in sections 5.4.1 and 5.4.2 and incorporate flood mitigation measures with raised electrical sockets, flood resistant flooring and air brick covers. These mitigation measures shall be maintained and retained for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
4.	<p>The extension shall be constructed using render, bricks and tiles of a type, texture and colour so as to match those of the existing house in accordance with the proposed elevations.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe</i></p>

	<i>Aligned Core Strategy (2014).</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	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. There should be no bonfires at any time.
3.	Sound insulation to limit the transition of noise between each bedroom so that it achieves the minimum requirements as set out in the most current version of the British Standard Approve Document E should be installed.
4.	Occupiers are advised to sign up to the Environment Agency's Flood Warning System for the River Trent: https://www.fws.environment-agency.gov.uk/app/olr/register . A completed Flood Evacuation Plan should be made available to all future occupants.
5.	It is not permitted at any time for vehicles to obstruct the tramway and all works should be carried out in accordance with the instructions contained within the "Working Near NET" leaflet.
6.	Properties containing five or more bedrooms, with the intention of being let out individually, will require a licence for a House in Multiple Occupancy (HMO). As the property is not currently mandatory licensable, please contact the Private Sector Housing team to ensure it complies with relevant housing legislation on 0115 917 7777.



Legend

-  Site
-  Tram Route
-  Flood Zone 3
-  Flood Zone 2

Plans (not to scale)

EXISTING ELEVATIONS
SCALE 1:100

FRONT
SIDE
REAR

PROPOSED ELEVATIONS
SCALE 1:100

FRONT
SIDE
REAR

PROPOSED SITE BLOCK PLAN
SCALE 1:800

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Ordnance Survey. www.ordnancesurvey.co.uk

EXISTING LAYOUTS
SCALE 1:100

GROUND
FIRST

PROPOSED GF
SCALE 1:80

PROPOSED FF
SCALE 1:80

PROPOSED SF
SCALE 1:80

NOTES

1. Under the terms of this Party Wall Act, notice has been served on the adjoining owner of the proposed works to be carried out on the boundary of the proposed building. It is the responsibility of the building owner to ensure that the proposed works are carried out in accordance with the provisions of the Act and to obtain the necessary consent from the adjoining owner.

2. The proposed works are subject to the provisions of the Act and the adjoining owner's consent. The proposed works are subject to the provisions of the Act and the adjoining owner's consent.

3. The proposed works are subject to the provisions of the Act and the adjoining owner's consent.

<p>PREPARED BY</p> <p>Paul Gaughan Building Consultants</p> <p>100 St. Andrew's Road, Southsea, Portsmouth, Hampshire, PO5 1ST, UK</p> <p>023 927 7000</p> <p>www.paulgaughan.co.uk</p>		<p>DATE</p> <p>11/07/19</p>	<p>SCALE</p> <p>1:80 (GF), 1:100 (FF), 1:800 (SB)</p>
<p>PROJECT</p> <p>100 St. Andrew's Road, Southsea, Portsmouth, Hampshire, PO5 1ST, UK</p>		<p>CLIENT</p> <p>100 St. Andrew's Road, Southsea, Portsmouth, Hampshire, PO5 1ST, UK</p>	<p>JOB NO.</p> <p>1907/01</p>
<p>DESIGNED BY</p> <p>Paul Gaughan Building Consultants</p>		<p>DATE</p> <p>11/07/19</p>	<p>SCALE</p> <p>1:80 (GF), 1:100 (FF), 1:800 (SB)</p>
<p>CHECKED BY</p> <p>Paul Gaughan Building Consultants</p>		<p>DATE</p> <p>11/07/19</p>	<p>SCALE</p> <p>1:80 (GF), 1:100 (FF), 1:800 (SB)</p>

Appendix 1

Report of the Chief Executive

**19/00122/FUL
CONSTRUCT SINGLE/TWO STOREY REAR EXTENSION AND CHANGE OF USE
FROM DWELLING HOUSE (CLASS C3) TO AN 8 BEDROOM HOUSE IN MULTIPLE
OCCUPANCY
44 FLETCHER ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2EL**

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

4 Details of the application

- 1.1 The application seeks permission to construct a single/two storey rear extension and to change the use of the property from a C3 single dwelling house use to an eight bedroom house in multiple occupancy. An integral car parking space and cycle store will be provided. The existing single storey rear extensions will be demolished. The proposed two storey extension will have a hipped roof, a height to eaves of 5m and height to ridge of 8.1m and will be set down 0.3m from the main ridge. It will project 2.5m from the rear elevation of the house and extend across the full width. A single storey extension with a sloping roof will project beyond the rear elevation of the two storey rear extension by 4.2m and extend across the full width. It will be 3m in height and have a canopy roof which extends 1m to the rear. Two roof lights are proposed in the front roof slope and one roof light is proposed in the rear roof slope of the main roof of the property.
- 1.2 During the course of the application, the plans were amended to remove the hip to gable roof extension, reduce the number of bedrooms from 10 to eight, include a cycle store for two bikes and retain the integral car parking space.
- 1.3 The extension and change of use will serve a kitchen/dining/living room, car port/cycle store and three bedrooms with en-suites at ground floor level. At first floor level they will serve four bedrooms with en-suites and at second floor level they will serve a bedroom with en-suite.

5 Site and surroundings

- 5.1 The application property is a semi-detached house with hipped roof, front porch with lean-to roof and integral garage. The property has previously been extended with a single storey rear extension and adjoining rear conservatory and two storey side extension. A 1m high stone wall extends across the front boundary and a 1.8m – 2m high fence extends across the rear boundaries. There are two large coniferous trees and low level deciduous and coniferous vegetation in the rear garden. There is a patio and decking area positioned in the rear garden that is elevated by approximately 0.75m. There is an outbuilding with pitched roof positioned next to the rear boundary on the raised patio. The tram route runs along Fletcher Road and unallocated parking bays are positioned at either sides of the road.

5.2 Fletcher Road contains a traffic plug created by the tram route with mainly detached and semi-detached houses and is relatively flat. No. 46 is a semi-detached house positioned to the north east and no. 42 is the adjoining house positioned to the south west and these are both semi-detached houses. No. 24 Myrtle Grove is a semi-detached house positioned to the south east which has a single storey front and two storey side extension. A number of the properties have had permission for single storey rear extensions including nos. 12, 14 and 49.



North west (front) elevation of application property



South east (rear) elevation of application property



Rear/side boundary with no. 42



Rear garden

3. Relevant planning history

3.1 A planning application (01/00676/FUL) for a two storey side and single storey rear extension received permission in October 2001.

3.2 A planning application (04/00837/FUL) for conservatory received permission in October 2004.

3.3 The extensions and conservatory have been built.

4. Policy context

4.1 National Policy

4.1.1 The National Planning Policy Framework (NPPF) February 2019, 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 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

4.2 Broxtowe Aligned Core Strategy

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

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

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

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

4.2.5 'Policy 8: Housing Size, Mix and Choice' states that 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' - states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents.

4.3 Saved Policies of the Broxtowe Local Plan

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

4.3.2 Policy H4 'Subdivision or adaption of existing buildings' states that new housing will be permitted if an acceptable standard of amenity and parking is provided.

4.3.3 Policy T11 'Guidance for parking provision' states that 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 7 representations in relation to Policy 1, 12 representations in relation to Policy 15 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 1 and 17. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 1 and 17 can now be afforded moderate weight. As further modifications have been requested for Policy 15, this can only be afforded limited weight.

4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.

4.4.3 Policy 15 'Housing Size, Mix and Choice' states that development 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 Policy 17 'Place-Making, Design and Amenity' states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

5. Consultations

5.1 Nottinghamshire County Council as Highways Authority: no objection. They note one car parking space has been provided which is acceptable as the application

has outlined the future occupants will likely be students and the use of private vehicles will be discouraged unless to support those with a disability. Their preference is for the parking space to be used as a cycle store unless to support a future occupant with a disability as mentioned in the Design and Access Statement.

- 5.2 Nottingham Express Transit (NET): A permit will be required due to the close proximity to the overhead lines and tramway and no vehicles should cause delays or disruptions by obstructing the tramway. A “Working Near NET” leaflet should be issued to the applicant. Skips being located on the application site, the reduction in bedrooms and no highway safety concerns raised by the Nottinghamshire County Council means there is no objection to the application.
- 5.3 The Environmental Health Officer raises no objection subject to an advisory in respect of sound insulation, working hours and no bonfires taking place on the site at any time.
- 5.4 The Private Sector Housing Officer has no objection but has stated that the kitchen/dining/living room does not have natural light or ventilation and provision should be made, fire safety methods should be incorporated and the property would be subject to licensing.
- 5.5 There have been 8 objections received and one letter of support which can be summarised as follows:
- Increased noise/disturbance from additional residents
 - Reduction in light to side facing windows and patio area from two storey extension
 - Road is already heavily congested and parking is severely limited
 - Insufficient parking
 - Road is congested by builders vans and skips
 - Supporting documents states Fletcher Road is subject to permit parking which is incorrect
 - Not in keeping with local area
 - Sets a precedent for overdevelopment of properties in local area
 - The Council should impose the same restrictions Nottingham City Council have in regards to HMO properties
 - More than half the properties along Lower Road and Fletcher Road have been converted from houses into student accommodation to the detriment of young couples trying to find family homes
 - Family area being turned into a student ghetto
 - Increase in student lets since the tram works have been completed
 - Drains are in poor condition on Fletcher Road
 - Negatively impacting on the social cohesion of the area
 - Neglect of gardens
 - Increase concentration of other demographics in other areas of Beeston which will affect local services such as primary schools.

6.1 Appraisal

- 6.1.1 The main issues to consider with this application are the principle of the change of use and impact on the character of the area, the impact on neighbour amenity, design and parking.
- 6.1.2 Specific concerns raised in the consultation responses relate to an increase in traffic and parking problems, increase in noise, out of character with the area and the contribution to a rise in HMO's in this area. These concerns will be addressed below.

6.2 **Principle**

- 6.2.1 Policy 8 'Housing Size, Mix and Choice' states that 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. The policy also states that all residential developments should contain adequate internal living space. The policy then refers to the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation.
- 6.2.2 Policy 8 encourages a mix of housing tenures, types and sizes. It is considered that the emphasis of the policy is on promoting housing mix rather than preserving the existing character of the street. Fletcher Road is characterised by varying styles of properties including family homes and HMO's. The development would add to the housing mix and it is considered that the character of the street would not be harmed to an extent which would justify refusing planning permission. It is also noted that the property is within walking distance to Beeston town centre and located on a tram route.
- 6.2.3 It is acknowledged that due to the location of Fletcher Road being close to The University of Nottingham's campus and the Article 4 direction imposed from Nottingham City Council, family homes have been and are being developed into student houses within Beeston. There are no planning restrictions to prevent a House in Multiple Occupation (HMO) (up to and including six residents) and although this application is for a change of use for eight residents which requires planning permission, the cumulative impact of family homes being converted is a valid concern raised by residents. However, there are still a considerable amount of houses occupied by families on Fletcher Road and elsewhere in central Beeston. In addition, the extension and conversion of a property that is already being rented to individual tenants is considered to be acceptable that it would not be detrimental on the character of the surrounding area. To conclude, the proposed extension would be acceptable irrespective of the type of tenant and retains a 'family home' appearance that is in keeping with the character of Fletcher Road.

6.3 **Amenity and design**

- 6.3.1 The two properties that will be mostly affected by this application are the adjoining property no. 42, positioned to the south west and no. 46, positioned to the north east. The proposed two storey rear extension will project 2.5m from the rear elevation of the main property which is considered to be a modest size. It will

have a height to eaves of 5m, a height to ridge of 8.1m and a hipped roof which is set down from the main ridge by 0.3m. The north east and south west elevations will be blank and the two storey extension will be approximately 0.4m from the boundary with no. 46. Whilst it is accepted the extension being positioned south west of this neighbouring property will cause some loss of light to the rear patio area of no. 46, it is considered the combination of the modest sized projection, blank north east elevation, hipped roof and distance from the boundary are sufficient that the extension will not have a detrimental impact on the occupants of this neighbouring property. The proposed two storey extension will be built up to the boundary with no. 42. However, considering the application property is positioned to the north east of the property, the blank south west elevation of the extension, hipped roof and modest sized projection, it is considered there will not be a significant detrimental impact on the occupants of no. 42.

- 6.3.2 The single storey rear extension will project from the rear elevation of the two storey rear extension by 4.2m. It will have a sloping roof with a maximum height of 3m and a canopy roof that extends 1m beyond the rear elevation. Whilst it is acknowledged both extensions will project a total of 6.7m at ground floor level from the rear elevation of the main property, 4.2m of this will be the single storey rear extension which is a maximum of 3m in height which is considered acceptable. Furthermore, the extension will have blank side elevations and will be partially obscured by the boundary treatment of a fence extending across the north east and south west boundaries. It is considered the single storey rear extension will not have a detrimental impact on the amenity of the occupants of nos. 46 and 42.
- 6.3.3 The extension will be a minimum of 16.1m from the rear boundary of the application site and therefore it is considered it will have minimal impact on the amenity of the occupants of no. 24 Myrtle Grove. It is considered the proposed extension is a sufficient distance from the remaining surrounding neighbours that there will be minimal impact on their amenity.
- 6.3.4 Although the roof lights will serve bedrooms, they are in the front and rear elevations and therefore it is considered they will not be directly overlooking neighbouring properties and are therefore considered to be acceptable in relation to impact on neighbour amenity.
- 6.3.5 The Private Sector Housing Officer has raised concerns that the living area does not have any natural light or ventilation. Whilst the proposed kitchen/dining/living area will not have any windows for natural light or ventilation, the opportunity for additional windows are not practical due to the north east elevation of the property facing a brick wall (south west elevation of no. 46). Albeit approximately 4m from the kitchen/dining/living room, the rear door in the single storey extension is fully glazed and will provide some light and can provide ventilation if required. It is considered the application is acceptable on amenity grounds as each bedroom has sufficient outlook and it would not be justifiable to refuse the application based on this issue.
- 6.3.6 It is considered the proposed extension and subdivision of the property into eight bedrooms provides an acceptable standard of amenity for future occupants. Each bedroom is an acceptable size and has an individual en-suite and although

the kitchen/dining/living room will be required to rely on artificial light, for the reasons stated above, it is considered this is acceptable and will not be detrimental to the amenity of the future occupants.

6.3.7 It is considered the proposed extension achieves an acceptable level of design and is in keeping with the main property. As a two storey side extension has been previously constructed to the north east of the application property, it was advised to retain the hipped roof to ensure a cramped effect is not created with no. 46. The hipped roof of the two storey rear extension ties in with the main hipped roof and the set down of 0.3m creates a subservient appearance. It is considered the single storey rear extension is of a simple design and the sloping roof reduces the bulk of the extension compared with a pitched roof. As the extensions are to the rear of the property, they will be largely obscured from view and therefore have minimal impact on the street scene of Fletcher Road. The proposed roof lights are considered to be modest additions to the roof and are of an acceptable design. The garage door in the front elevation will be removed and will remain open to serve the integral parking space which is considered an acceptable design feature. The application form states a matching rosemary clay tile and white sand cement render will be used for the extensions. As these materials are not stated on the plans, they will be conditioned to ensure they match the main property. To conclude, it is considered the extensions are acceptable in relation to design and size and a 'family home' appearance will still be retained.

6.4 **Parking**

6.4.1 It is evident within the consultation responses that there is concern that this application will lead to increased demand for on-street parking which would be detrimental to the area.

6.4.2 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.

6.4.3 The site lies within a sustainable location which is within walking distance of Beeston town centre, walking distance of regular bus services along Middle Street and Broadgate and it is positioned on a regular tram route. Fletcher Road is not a through route for cars due to the traffic plug with Lower Road. The Highways Authority have not raised any concern in relation to the application. Although it is accepted the residents associated with this development may have cars, it is likely that car ownership will be low and therefore it is considered the impact on highway safety would not be detrimental. Parking bays are situated on either side of Fletcher Road and although unallocated, when full, this would restrict the amount of parking on this road.

6.4.4 To conclude, it is acknowledged there might be an increase in the amount of cars associated with this property. However, as the intention is to let the rooms individually, it is likely that car ownership will be low. Considering the traffic plug, no private car through traffic can be increased from such a development and therefore, a pragmatic approach needs to be taken in respect of assessing the impact this development would have on highway safety within this area.

6.5 Flood Risk

6.5.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application. Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. Plans should apply a sequential, risk-based approach to the location of the development. However, if the application comprises a change of use then this approach is not required, especially considering the vulnerability class will remain the same. The site is therefore considered to be acceptable sequentially.

6.5.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Moderate weight can be attached to Policy 1 of the Part 2 Local Plan which acknowledges that sites protected by the Nottingham Trent Left Bank Flood Alleviation Scheme bring the opportunity to provide affordable housing in areas of substantial need and the Green Belt will be treated as a major constraint with regard to whether other sites are 'reasonably available'.

6.5.3 The Environment Agency (EA) have raised no objection to this application subject to conditions requiring the development to be carried out in accordance with the submitted flood risk assessment and flood mitigation measures, such as raised electrical sockets, flood resistant flooring and air brick covers, being incorporated. A recommendation has been made for future occupants to sign up to the EA's flood warning system and that a flood evacuation plan is made available for such residents by the property owner.

6.5.4 To conclude, it is considered that a sufficient assessment of this application has been made considering the site is protected by good quality flood defences, has a site specific FRA demonstrating the development is acceptable on flood risk grounds and a suitably worded condition is included requiring the development to be carried out in accordance with the FRA and flood mitigation measures. It is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk and is therefore acceptable on flood risk grounds.

6.6 Other Issues

6.6.1 The agent has confirmed the applicant will keep any skips on the application site so as to not obstruct the tram way.

- 6.6.2 The Environmental Health Officer has raised no objection subject to an advisory in respect of sound insulation, working hours and no bonfires taking place on the site at any time which will be included.
- 6.6.3 The Design and Access Statement states that on-street parking is subject to parking permits along Fletcher Road. However, parking is not restricted by permits along this road.
- 6.6.4 The Private Sector Housing Officer has raised no objection but has stated that fire safety methods should be incorporated and the property would be subject to licensing.
- 6.6.5 The quality of drains is not a planning consideration that can be taken into consideration with this application.
- 6.6.6 Any highway safety concerns in relation to vans and skips should be reported to the Highways Authority.
- 6.6.7 It is the responsibility of property owners to ensure a tidy garden is maintained and an assumption cannot be made this will not be continued by changing the use of this property.

7. Conclusion

7.1 In conclusion, it is considered that the extension would be in keeping with the original property in terms of style and proportion and will not have a detrimental impact on the street scene of Fletcher Road. It is considered the extension would not cause an unacceptable loss of privacy or amenity for the occupiers of neighbouring properties and it is considered the proposal is acceptable in terms of flood risk. The change of use from a Class C3 dwelling house to a house in multiple occupancy is considered to be acceptable given the varied character of the area. Whilst it is acknowledged one car parking space is provided, it is considered this would not be detrimental to highway safety due to the bedrooms being individually let so car ownership is likely to be low. Furthermore, the site is positioned within a highly sustainable area with frequent transportation links. 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 this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250) and JG/JR/18/049/01 Rev D received by the Local Planning Authority on 28 March 2019.**

3. The development hereby permitted shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Michael Evans & Associates Ltd, ref: 19-010, dated February 2019, in accordance with the mitigation measures detailed in sections 5.4.1 and 5.4.2 and incorporate flood mitigation measures with raised electrical sockets, flood resistant flooring and air brick covers. These mitigation measures shall be maintained and retained for the lifetime of the development.
4. The extension shall be constructed using render, bricks and tiles of a type, texture and colour so as to match those of the existing house.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
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).

Note to applicant:

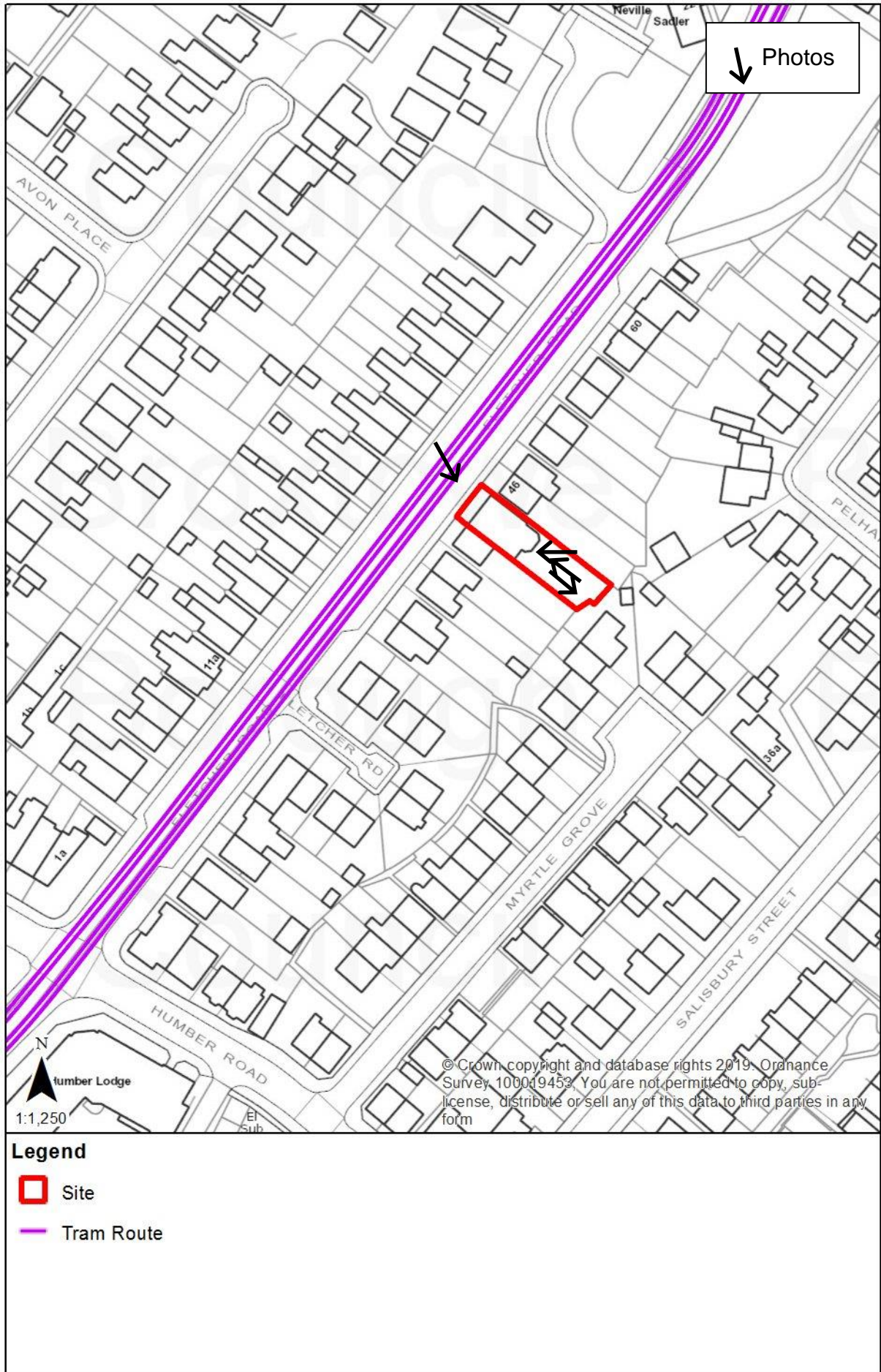
1. The Council has acted positively and proactively in the determination of this application by working to determine this application within the agreed determination timescale.
2. Given the proximity of residential properties, contractors should limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should be no bonfires at any time.
3. Sound insulation to limit the transition of noise between each bedroom so that it achieves the minimum requirements as set out in the most current version of the British Standard Approve Document E should be installed.
4. Occupiers are advised to sign up to the Environment Agency's Flood Warning System for the River Trent:
<https://www.fws.environment-agency.gov.uk/app/olr/register>.

A completed Flood Evacuation Plan should be made available to all future occupants.

5. It is not permitted at any time for vehicles to obstruct the tramway and all works should be carried out in accordance with the instructions contained within the "Working Near NET" leaflet.

- 6. Properties containing five or more bedrooms, with the intention of being let out individually, will require a licence for a House in Multiple Occupancy (HMO). As the property is not currently mandatory licensable, please contact the Private Sector Housing team to ensure it complies with relevant housing legislation on 0115 917 7777.**

Background Papers
Application Case File



Legend

-  Site
-  Tram Route

Report of the Chief Executive

APPLICATION NUMBER:	19/00272/FUL
LOCATION:	232 QUEENS ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 2BN
PROPOSAL:	CONSTRUCT THREE STOREY SIDE EXTENSION AND CONVERT EXISTING HOUSE TO CREATE 9 APARTMENTS, FIRST FLOOR EXTENSION OVER GARAGE, DORMERS, EXTERNAL ALTERATIONS, NEW VEHICULAR AND PEDESTRIAN ACCESS, 6 CAR PARKING SPACES AND CYCLE STORE

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

1 Executive Summary

- 1.1 The application seeks planning permission to construct a three storey side extension and to convert the existing house to create nine, self-contained apartments which are not HMO's (House in Multiple Occupancy). A three storey, partially glazed link with a pitched and flat roof will connect the main property and extension. A first floor extension with pitched roof and dormer will be constructed above the existing garage, three flat roof dormers will be constructed on the rear of the main property and three storey extension, vehicular and pedestrian access will be created and provision for six car parking spaces and a cycle store will be included.
- 1.2 The main property is a traditional style, three-storey, semi-detached property on a corner plot. It has ground and first floor bay windows and an attached flat roof single storey rear extension and garage projecting to the side. The roof slopes down to the rear from three storeys to two storeys and has a two storey rear projecting element with mono-pitched roof.
- 1.3 The main issues relate to whether the principle of converting and extending the property to create nine apartments would be acceptable, if the development is acceptable in terms of flood risk, parking issues and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean eight additional homes within a sustainable, urban location with access to regular sustainable transport links which would be in accordance with policies contained within the development plan which is given significant weight. The proposed works would contribute to the local economy by providing jobs during the construction process. There would be some impact on neighbour amenity and available parking but these matters are considered to be outweighed by the benefits of the scheme.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks planning permission to construct a three storey side extension with gable roof and to convert the existing house to create a total of nine apartments. The eaves and ridge height of the three storey extension will match the main house and it will have a cantilevered roof to the rear and side. The three storey partially glazed link connecting the main house and three storey extension will have a pitched and flat roof, a height to eaves of 6.5m and height to ridge of 9.2m. Three flat roof dormers are proposed in the north west roof slope of the extension and main house. A first floor extension with pitched roof and flat roof dormer will be constructed above the existing garage. The single storey flat roof element adjacent to the garage will be built up to incorporate a first floor and the existing mono-pitched roof will extend over this.
- 1.2 The proposed nine apartments will consist of five, one bedroom apartments and four, two bedroom apartments. In addition to the bedrooms, each apartment will have a kitchen/living/dining area and one or two bathrooms/en-suites. Six parking spaces are proposed to the rear of the three storey extension (accessed from Dagmar Grove) and the cycle store will provide space for approximately five bikes underneath the cantilevered roof.
- 1.3 During the course of the application, the plans were amended to incorporate a number of changes which included lowering the eaves and ridge height to match the main house, removal of the second floor flat roof rear extension and replacement with two dormers and roof lights, proposal of a first floor extension with flat roof dormer above the garage and changes to the fenestration.

2 Site and surroundings

- 2.1 The site contains a three storey, semi-detached house with rear extensions positioned on a corner plot. The house is constructed from red brick and grey clay tiles. A two storey extension with mono-pitched roof extends to the rear and adjoins a small single storey flat roof extension and a flat roof garage. There is parking for two cars on site (one space in garage) which is accessed from Dagmar Grove. The site is enclosed by a 2m high fence to the south west which extends across part of the north west boundary. The north west boundary is enclosed by the garage on site and adjoining garage belonging to no. 230. No. 230's garden extends in an L-shape to the north west of the site and two outbuildings in this garden are positioned along the boundary with the site. A 2m high rendered wall and curved top fence extends across the south east boundary of the site (beside Queens Road).
- 2.2 The main house adjoins no. 230 to the north east which is relatively similar in style and scale. No. 6 Dagmar Grove is positioned to the north west of the site and is a semi-detached house with a first floor blank south east (side) elevation with a garden that projects to the north east. No. 234 is a three storey end terrace property positioned on a corner plot to the south west. Nos. 231 and 233 are detached properties positioned to the south east.

2.3 The site lies within a predominantly residential area with some commercial units. The site is within walking distance of Beeston town centre with a regular tram service. A bus stop is positioned directly to the north east of the site on Queens Road, served by a regular bus service. Beyond this, the site is within a reasonable proximity to Beeston train station. The site is relatively flat and is located within Flood Zone 3 which is land with a high probability (between 1 in 100 or greater) of river flooding.

3 Relevant Planning History

3.1 An application for a garage and shower room (77/00444/FUL) was granted permission in July 1977.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

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

4.2.1 The Part 2 Local Plan is currently under preparation (see paragraph 4.4). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H4: Subdivision or Adaption of Existing Buildings
- Policy H7: Land Not Allocated for Housing Purposes
- Policy T11: Guidance for Parking Provision

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policy 17 but has suggested changes to other policies, including Policy 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight, with Policy 15 being afforded limited weight.

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity

4.4 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

5.1 **Council's Environmental Health Officer:** raises no objection subject to an advisory in respect of working hours and bonfires.

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

5.3 **Environment Agency:** Initially objected due to floor levels offering insufficient protection in the event of a flood for the ground floor flats and advised that no sleeping accommodation should be located at ground floor level. They advised ground floor levels should be a minimum of 27.81m AOD (Above Ordnance Datum). Following the plans being amended which show no ground floor bedrooms, the Environment Agency removed their objection and advised the development is carried out in accordance with the Flood Risk Assessment, mitigation measures detailed within the report and that occupants should register to receive flood warnings.

5.4 **Nottinghamshire County Council as Highways Authority:** raises no objection and states that although the proposed parking is one space short for this number of apartments, the site is located next to a bus stop and Beeston town centre is within walking distance. Conditions have been advised in respect of providing a dropped kerb for the new access and making the existing dropped kerb redundant on Dagmar Grove, ensuring the parking area is hard surfaced and that the parking bays are delineated in accordance with the plans.

5.5 Eight neighbouring properties were consulted and a site notice and amended site notice were displayed. 45 objections were received and can be summarised as follows:

- Loss of privacy
- Overlooking into rear garden
- Loss of daylight/sunlight
- Queens Road has restricted parking and there is insufficient parking on surrounding roads, especially Dagmar Grove
- Dagmar Grove is used as an unofficial park and ride for trains, trams and buses
- Parking is already a concern on Thyra Grove
- Increase in on-street parking - each apartment should have one parking space
- Poses highway safety risk when entering and exiting driveways due to amount of parked cars on Dagmar Grove
- Development would block emergency vehicles with increased on-street parking
- Increased issues with manoeuvrability of mobility scooters and wheelchairs due to parking issues

- No space to walk along pavements due to high number of cars
- Pressure on parking from construction vehicles
- Represents overdevelopment and is too large for this plot
- Contradicts policy in relation to design, height, massing, character of the area and domination of student households
- Out of proportion and dominates this corner
- Out of character with existing residential area and traditional Victorian house it is attached to
- Visually overbearing
- Considerably taller than surrounding buildings
- Building is still too large following amendments
- Large mature trees have been cut down which has resulted in a loss of biodiversity and increase in air pollution
- Detrimental to character of area as historically was a family home and now will accommodate students
- Concern over larger properties in Beeston being converted into HMO's
- Large volume of development in the area including the Queens Hotel pub
- Increase in noise and disturbance from the number of residents and construction works
- Unclear why such a large development is needed for this site if the Council has set out land allocations for housing
- Could accommodate up to 28 residents and was previously a family home
- Proposal is financially motivated
- Footpaths will be obstructed and increase in waste as demonstrated from recent works on site
- Pressure on sewerage
- Negative ecological impact
- Short-term tenants will not invest in upkeep of building and its surroundings
- Reduction in nearby house prices
- Overcrowding of area.

6 Assessment

6.1 The main issues for consideration are whether the proposed development is acceptable in flood risk terms, represents an acceptable design and layout, has sufficient parking, has an acceptable relationship with neighbouring properties and provides an acceptable standard of amenity for future occupants.

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 nine apartments is considered to be a benefit in terms of five year supply and provision of homes.

6.2.2 Policy 8 encourages a mix of housing tenures, types and sizes. It is considered that the emphasis of the policy is on promoting housing mix rather than

preserving the existing character of the street. Queens Road is characterised by varying styles of properties including houses and flats. This development would add to the housing mix and it is considered that the character of the area would not be harmed to an extent which would justify refusing planning permission.

- 6.2.3 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will also provide an additional eight residential units within an existing settlement in a highly sustainable location, close to Beeston town centre and public transport links. It is considered the proposed apartments will not have an adverse effect on neighbour amenity and amendments to the design mean the massing, scale and appearance are considered to be acceptable (as detailed below). The principle of the development is therefore considered to be acceptable.

6.3 Flood Risk

- 6.3.1 The site lies within Flood Zone 3 which is land with a high probability (1 in 100 or greater) of river flooding. A Flood Risk Assessment has been submitted with the application. Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding. A Sequential Test has also been submitted with the application which concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.
- 6.3.2 Within Beeston there are substantial areas which are within Flood Zones 2 and 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. Some of these sites may bring forward the opportunity to provide housing in areas of substantial need. Sequentially, it is considered the site is acceptable and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.
- 6.3.3 The Environment Agency initially objected to this application due to the floor levels offering insufficient protection for the ground floor apartments and advised that no sleeping accommodation should be located at ground floor level. The plans were amended to raise the floor level to 27.81m AOD and all bedrooms were moved to first floor level and above. The Flood Risk Assessment includes flood resilience techniques such as using flood resilient materials and design techniques to at least 0.3m above the finished floor level. A condition has been recommended by the Environment Agency to ensure the floor levels will be set no lower than 27.81m AOD, the development is carried out in accordance with Flood Risk Assessment and that the flood mitigation measures are incorporated. An advisory will be recommended in regards to the occupants registering to receive flood warning alerts. It is considered that flood risk issues have been sufficiently addressed.

6.3.4 To conclude, within Beeston there are substantial areas which are within Flood Zone 3 but have a high degree of protection against flooding due to the Nottingham Trent Left Bank Flood Alleviation Scheme. A failure to permit residential development on sites such as this which are protected by good quality flood defences, and have a site specific FRA demonstrating the development is acceptable on flood risk grounds, will lead to alternative locations being required in less sustainable locations, including the Green Belt. Subject to suitable conditions, it is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk.

6.4 Amenity, Design and Layout

6.4.1 During the course of the application the plans were amended to reduce the height of the proposed extension so the ridge and eaves match the main house and the rear, second floor flat roof element was replaced with roof lights and dormers. A number of concerns have been raised by residents in relation to the design of the extension and the impact on neighbour amenity (see consultation section). These concerns will be addressed below.

6.4.2 It is acknowledged that no. 230, the adjoining semi-detached house positioned to the north east, will be one of the properties most affected by this proposal. However, it is considered the amendments incorporated into the proposal have reduced the impact to an acceptable level that the development will not have a detrimental impact on this adjoining neighbour or any other neighbours. The most significant amendment is the removal of the second floor flat roof extension from the north west (rear) elevation and replacement with dormers and roof lights. Although this flat roof element did not directly overlook no. 230's main amenity space, it reduces the number of second floor windows and the overall intensity of this part of the extension. The three dormers are considered to be an acceptable size and although there will be windows in the north west elevation serving primary rooms, it is considered these are not dissimilar to what is accepted under permitted development and no adverse overlooking will occur as a result. Furthermore, only one dormer is proposed in the main house which adjoins no. 230. The other two dormers proposed in the rear roof slope of the three storey extension do not directly face no. 230's rear garden and are modest in size, therefore, it is considered there will not be an adverse amount of overlooking. The proposal of first floor windows in the north west (rear) elevation of the extension are considered to be acceptable and will be partially obscured from the view of no. 230's primary amenity space which is positioned to the north east of the existing rear extensions. Whilst it is acknowledged that the first floor extension over the garage is 5.4m in height, it has an asymmetrical roof that slopes away from the boundary at approximately 3.3m in height and does not directly adjoin the primary amenity space of no. 230 which is positioned to the north east. Furthermore, the flat roof dormer will face inward of the site and will be largely obscured from the view of no. 230's garden due to its positioning. To conclude, it is acknowledged that no. 230's amenity will be affected by the proposal but the existing two storey element with mono-pitched roof which mirrors that of the application property already provides a level of screening from the proposed extensions and alterations. Furthermore, the extension could be seen as replicating a house with first floor windows and roof lights in the rear elevation so this type of relationship is not uncommon in an urban area such as this. It is

considered there will not be an unacceptable detrimental impact on the amenity of the occupants of no. 230.

- 6.4.3 No. 6 Dagmar Grove is a semi-detached house positioned to the north west of the application site which is the other property that will also be most affected by the proposal. No. 6 Dagmar Grove does not directly adjoin the site and is separated by no. 230's garage and garden. It has a first floor blank south east (side) elevation and a door and two windows at ground floor level. However, these windows and door are obscured from view of the application site by the garage belonging to no. 230. No. 6 Dagmar Grove's garden projects to the north east which adjoins no. 230's rear garden and not the application site. The proposed rear dormers will be a minimum of 17m from the south east (side) elevation of no. 6 Dagmar Grove. The three storey extension will largely face the south east (side) elevation of no. 6 Dagmar Grove and the first floor extension above the garage is separated by no. 230's garden. Taking the above into consideration, the separation distance and intervening garden, garage and driveway of no. 230, it is considered the proposed extension and alterations will not have a detrimental impact on no. 6 Dagmar Grove.
- 6.4.4 Whilst it is accepted the building will be closer to the boundary with Dagmar Grove and will have side facing windows at first and second floor level, the north east (side) elevation of no. 234 has one first floor window which is obscurely glazed and due to the intervening road, it is considered this relationship is acceptable and reflects similar relationships of residential properties in the area being built close to a corner boundary. Therefore, it is considered there will not be a detrimental impact on the amenity of the occupants of no. 234.
- 6.4.5 During the course of the application, a number of amendments were incorporated into the scheme and this was largely to reduce the massing. The second floor flat roof rear extension was removed and replaced with three flat roof dormers and roof lights. It was considered the large continuous flat roof extension represented poor design and dominated the extension from the north west elevation and the replacement of this element with dormers and roof lights to reduce this massing is considered acceptable. The eaves and ridge height have been reduced in order to match the main house which is considered to be a positive design feature as the extension appears in keeping with the scale of the main house and no. 230. Due to the comments received from the Environment Agency, there was a requirement to move ground floor bedrooms to at least first floor level and raise the floor levels. As a result of this, a first floor extension with asymmetrical pitched roof and dormer has been added to the existing garage. The garage is 9.7m from Dagmar Grove and although it will be increasing in height, it is considered it reflects acceptable design and will not be highly visible in the street scene. The overall style of the property reflects a contemporary appearance which is considered to be an acceptable design approach. Concerns were raised about the rear dormer in the main house but the applicant is not willing to amend its design and it is considered a reason for refusal could not be substantiated. Although the extension is considered to be large, the design is not dissimilar to a pair of semi-detached dwellings on this spacious corner plot and therefore, it is considered to some extent it retains the appearance of a residential family home. Furthermore, a contemporary design is a widely accepted design approach in

Broxtowe Borough and the surrounding properties are considered not to be of an architectural merit that this building would detract therefrom.

- 6.4.6 The layout of the three storey extension aligns with the front bay window and main rear elevation of the host dwelling meaning the extension will not be visually overbearing. Whilst it is acknowledged the three storey extension is significantly wider than the host dwelling, the extension could be read as a pair of semi-detached properties as the host dwelling and no. 230 are, and that a degree of symmetry is reflected between these properties. The courtyard to the rear and cantilevered roof will retain an element of openness to the scheme when viewed from Dagmar Grove which is considered to be a positive element of the scheme.
- 6.4.7 The materials have not been stated on the plans and therefore a condition will be included to ensure that details and samples are provided in advance of building works commencing.
- 6.4.8 It is considered that sufficient amendments have been incorporated into the scheme in order to ensure that the amenity of surrounding neighbours will not be significantly compromised.
- 6.4.9 The apartments are considered to be an acceptable size with each providing sufficient internal space to provide living/kitchen/dining rooms and bedrooms. Furthermore, each apartment has appropriately positioned windows to provide an outlook from each bedroom.
- 6.4.10 Policy 10 of the Aligned Core Strategy states that development should be assessed in relation to its massing and scale, materials, design and impact on the amenity of nearby residents. It is considered the design of the property, whilst contemporary, relates to the massing of the host dwelling and no. 230 with a matching eaves and ridge height and reflecting a degree of symmetry. The development has been reduced in scale and is considered to not be dissimilar to the size of a pair of semi-detached dwellings. The dormers and roof lights have scaled down the perception of feeling overlooked to the rear and it is considered the design is acceptable overall.
- 6.4.11 To conclude, the proposed extension is positioned on a relatively spacious corner plot and the proposal to extend the existing property and subdivide this into nine apartments is considered to be acceptable. Furthermore, it is considered sufficient amendments have been incorporated to reduce the scale of the extensions so an acceptable relationship with neighbouring properties can be achieved. Although the style would be contemporary, it is considered this is an acceptable design approach and the architectural style of the surrounding dwellings is not of such merit that there would be a requirement to replicate or that a deviation from their design would be necessarily harmful to the character of the area.

6.5 Parking

- 6.5.1 It is evident within the consultation responses that there is concern that the development does not include sufficient parking provision and that this will lead to

increased demand for on-street parking which would be detrimental to the area. However, it is considered the amount of parking proposed (six spaces) is acceptable and due to a lack of objection from the Highways Authority and the sustainable location, it is considered the development is acceptable in regards to parking and highway safety.

6.5.2 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.

6.5.3 The site lies within a sustainable location with access to regular bus services along Queens Road (with a bus stop being positioned directly in front of the site) and within walking distance of Beeston town centre which provides access to a regular tram service. It is acknowledged that the properties on Dagmar Grove do not have off-street parking and the main concern would be that there would be an increase in on-street parking along this road. However, six car parking spaces have been provided and the Highways Authority have not raised any objection in relation to the development, especially considering its sustainable location. It is considered likely that car ownership associated with the apartments will be low. However, it is acknowledged that there could be an increase in parking in the surrounding area but for the reasons set out above, it is considered this would not be unacceptable detrimental to parking, traffic or highway safety. Therefore, it is considered that a pragmatic approach needs to be taken in respect of developing the site for residential development.

6.6 Other issues

6.6.1 A number of concerns have been raised within the consultation process which will be addressed within this section.

6.6.2 House prices being affected as a result of this development is not a planning consideration.

6.6.3 Connecting to existing sewerage will be dealt with by the Building Regulations process.

6.6.4 Trees have been removed from site but as they were not protected by Tree Preservation Orders and the site is not located within a conservation area, consent would not have been required.

6.6.5 Any potential obstruction of the footpaths by works on-site should be reported to Nottinghamshire County Council as Highway Authority.

6.6.6 Although the Council has allocated land for housing within development plan documents, it is considered the proposal is acceptable on this site for the reasons

stated in the report. Furthermore, the Council cannot demonstrate a five year housing land supply and this site is located outside the Green Belt in a highly sustainable area which is considered a benefit of the scheme.

6.6.7 The apartments are not specifically targeted at one demographic. The Design and Access Statement states that the different mixture of one and two bedroom apartments could accommodate families, professionals and students. It is therefore considered this development is compliant with Policy 8 of the Aligned Core Strategy which highlights that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes. Furthermore, the justification of this policy recognises that the projection of smaller households is likely to continue to grow. Therefore, it is considered, developments such as this can cater for this growing need for smaller dwellings.

6.6.8 The proposal is for self-contained apartments and not for HMO accommodation.

7 Planning Balance

7.1 The benefits of the proposal are that it would provide eight additional homes within an existing urban area and would support short term benefits such as jobs during the construction of the proposed dwellings and would be in accordance with policies contained within the development plan. Whilst it is acknowledged there will be some impact on the amenity of neighbours and on-street parking, this is outweighed by the benefits of the scheme and due to its location within a highly sustainable area.

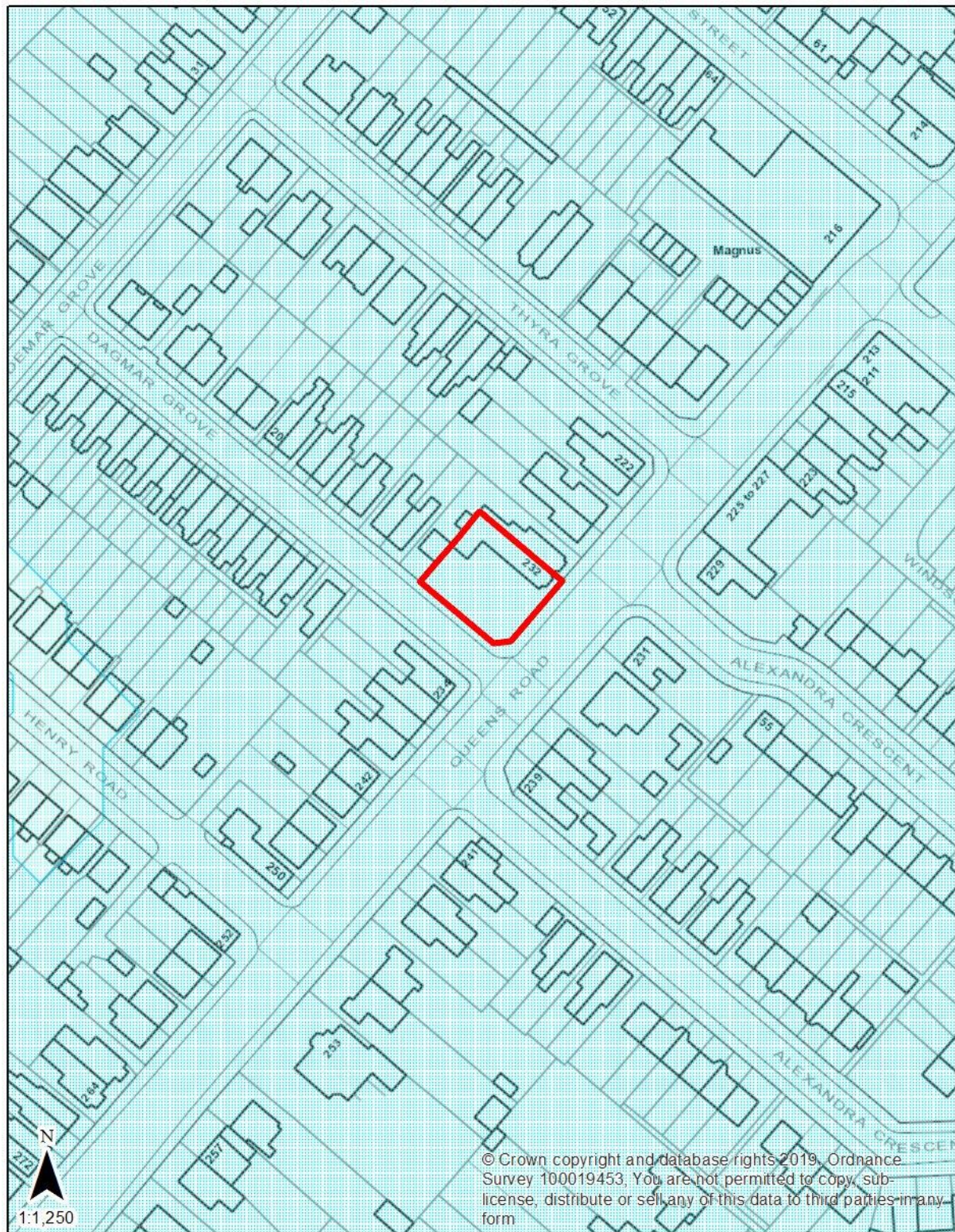
8 Conclusion

8.1 To conclude, it is considered the proposed extensions and alterations are of an acceptable size, scale and design that there will not be an adverse effect on neighbour amenity and an acceptable standard of amenity for future occupants of the flats will be provided. The proposed apartments are considered to be an acceptable design as the height of the extension relates to the host property and the contemporary design is considered to be acceptable.

<u>Recommendation</u>	
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. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250) received by the Local Planning Authority on 25 April 2019, 232-19-3001 Rev P06

	<p>received by the Local Planning Authority on 8 July 2019, 232-19-2001 Rev P03 received by the Local Planning Authority on 8 July 2019 and 232-19-2002 Rev P04 received by the Local Planning Authority on 9 July 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>No above ground works, including site clearance, shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> a. numbers, types, sizes and positions of proposed trees and shrubs b. details of boundary treatments; c. proposed hard surfacing treatment and d. planting, seeding/turfing of other soft landscape areas. <p>The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application and to ensure the development presents a satisfactory standard of external appearance to the area and in accordance with the aims of Policies 10 and 11 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>Prior to the first occupation of the apartments hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Inspire Design & Development ref: SS-1423-01-FRA-001 dated April 2019. Flood resilient materials and design techniques shall be used as detailed in paragraph 6.1.2 and the finished floor levels shall be set no lower than 27.81m AOD. These mitigation measures shall be maintained and retained for the lifetime of the development.</p>

	<p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>The development hereby approved shall not be brought into use until:</p> <p>a. a dropped vehicular footway crossing has been provided and the existing dropped vehicular footway has been made redundant in accordance with the Highway Authority’s specification;</p> <p>b. the parking area has been surfaced in a hard, bound material and each space has been clearly delineated as shown on drawing 232-19-2001 Rev P03 and</p> <p>c. the cycle stands have been provided and are made available for use.</p> <p>These measures shall be maintained for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
	<p>NOTES TO APPLICANT</p>
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
2.	<p>The prospective building manager/occupants should register to receive flood warnings.</p>
3.	<p>The applicant is advised to contact the Council’s Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.</p>
4.	<p>Contractors should limit construction and demolition works to between 07:30 and 18:00 Monday to Friday, 08:00 and 13:30 on Saturdays and at no times on Sundays and bank holidays. No waste from the development shall be burnt on site at any time.</p>
5.	<p>The development makes it necessary to construct a 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 for on telephone 0300 500 80 80 to arrange for these works to be carried out.</p>



Legend

-  Site
-  Flood Zone 3
-  Flood Zone 2

Photographs

South west (side) elevation of main house



South east (front) elevation of site and main house



View of no. 230 and application site from rear garden of no. 6 Dagmar Grove



South east (front) elevation of site and main house



View of Dagmar Grove



Plans (not to scale)

The architectural drawings include:

- Proposed 0F Plan** (Scale 1:100 @ A1): Ground floor plan showing a large open-plan area with a kitchen, living area, and dining area, along with a staircase and various utility spaces.
- Proposed 1F Plan** (Scale 1:100 @ A1): First floor plan showing a similar layout to the ground floor, with a kitchen, living area, and dining area, and a staircase.
- Proposed 2F Plan** (Scale 1:100 @ A1): Second floor plan showing a bedroom, a bathroom, and a living area, with a staircase leading up.
- Proposed Roof Plan** (Scale 1:100 @ A1): Roof plan showing the layout of the roof structure, including a chimney and various roof sections.
- Proposed Front Elevation** (Scale 1:100 @ A1): Front elevation showing a three-story building with a gabled roof, multiple windows, and a central entrance.
- Proposed Side Elevation - Digma Grove** (Scale 1:100 @ A1): Side elevation showing the building's profile from the Digma Grove side, featuring a gabled roof and a chimney.
- Proposed Rear Elevation** (Scale 1:100 @ A1): Rear elevation showing the building's profile from the rear, featuring a gabled roof and a chimney.
- Flat 04 Entrance Elevation** (Scale 1:100 @ A1): Detailed elevation of the entrance to Flat 04, showing a door and a window.

Project Information:
Project: 232 Querns Road, Boston
New Apartments
Drawing Title: Proposed Floor Plans & Elevations
Scale: 1:100 Date: 23.04.19
Drawing number: Revision: 1
Author: J.L. Jones

Report of the Chief Executive

APPLICATION NUMBER:	19/00333/FUL
LOCATION:	SOUTHFIELDS FARM, COMMON LANE, BRAMCOTE, NOTTINGHAMSHIRE, NG9 3DT
PROPOSAL:	CONSTRUCT 5 DWELLINGS (REVISED SCHEME)

This application shall be determined by the Committee as the Committee considered a similar scheme recently and would constitute a material departure from policy.

1 Executive Summary

- 1.1 The application seeks permission to demolish the agricultural buildings on site and construct five new houses with attached garages. This is a revised application from the previously submitted application for seven dwellings which was refused in March 2019 at planning committee (see history section).
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances have been demonstrated which outweigh the harm of the proposed dwellings to the Green Belt including the impact on openness, if there would be harm to the character and appearance of the surrounding Green Belt, the fall-back position and whether there would be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean five additional family homes replacing large agricultural buildings which have deteriorated in appearance over recent years. However, the construction of new houses within the Green Belt would not fall into any of the categories for appropriate development in Green Belt as listed in the NPPF (2019) and 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.
- 1.5 The applicant has put forward the case that conversion works for five dwellings and an employment reuse of the building on site could be undertaken under permitted development and that this would lead to more vehicle movements and more disturbance to neighbours compared to the current proposal. It is also considered by the applicant that the current application proposal relates to a reduced built form and a visual improvement. These points are considered by officers to fall short of demonstrating very special circumstances necessary to approve inappropriate development in the Green Belt.
- 1.6 The Committee is asked to resolve that planning permission be refused for the reason specified in the appendix.

APPENDIX

1 Details of the Application

- 1.1 The application seeks permission to demolish the agricultural buildings on site and construct five, two storey dwellings with attached garages. Each dwelling will have 4 car parking spaces consisting of two spaces on the driveway and two in the garage. At ground floor level, each dwelling will have a kitchen/dining room, living room, either a WC or shower room and some dwellings will have a utility room and/or office. At first floor level, each dwelling will have four or five bedrooms, a bathroom and either two or three en-suites. Each dwelling will have a private garden. The dwellings will reflect a traditional design and will have gable roofs and be constructed from red bricks to match the nearby barns which have been historically converted into residential dwellings and slate roof material. A mixture of brick detailing, conservation style roof lights, chimneys and side hung timber garage doors are proposed. The layout of the proposed dwellings loosely resembles a 'horseshoe' shape.
- 1.2 The ridge height of the dwellings will range from a minimum height of 8m to a maximum height of 9.3m. The attached garages will have gable roofs and will be a maximum height of 5.7m.
- 1.3 A Design and Access Statement, Geo-Environmental Survey, Protected Species Survey and plan indicating off-site highway improvements (F18099/03 Rev A) were submitted as part of the application.

2 Site and surroundings

- 2.1 Southfields Farm is located north of Common Lane in Bramcote within the Nottinghamshire Green Belt and the site area is 0.4ha. There are two large agricultural buildings and a grain silo within the farm yard. The site is generally used for storage with access from Common Lane to the south west. Immediately south of the site is Southfields Farmhouse and three brick barn conversions which comprise 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 History3.1 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.
- 3.1.7 An application to construct seven dwellings, including associated access road, garaging, parking and landscaping (18/00628/FUL) was refused permission in March 2019 at planning committee.

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 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 3: Green Belt
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

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

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

- Policy E8: Development in the Green Belt
- Policy E29 Contaminated Land
- Policy T11: Guidance for Parking Provision

4.3 **Part 2 Local Plan (Draft)**

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policies 17, 19 and 31 but has suggested changes to other policies, including Policies 8 and 15. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean Policies 17, 19 and 31 can now be afforded moderate weight, with Policies 8 and 15 being afforded limited weight.

- Policy 8: Development in the Green Belt
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

4.4 **National Planning Policy Framework (NPPF) 2019:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 11 – Making effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 13 – Protecting Green Belt Land

5 Consultations

5.1 **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.

5.2 **Council's Environmental Health Officer:** no objection subject to a precommencement condition in relation to contaminated land

5.3 **Council's Tree Officer:** raises no objection.

5.4 **Council's Waste and Recycling Manager:** raises no objection and has advised on the requirements for waste and recycling. Advises that a refuse vehicle would not drive over a bridleway or enter a private road (if the road into the site is

unadopted). Therefore, refuse bins would be required to be placed within 10m of Common Lane on collection day.

5.5 **Nottinghamshire County Council as Highways Authority:** **Awaiting comments**

5.6 **Severn Trent Water:** no comments received.

5.7 A site notice was posted and three neighbouring properties were consulted. No responses were received.

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the dwellings and whether there will be an unacceptable impact on neighbour amenity.

6.2 **Principle and Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. 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 into any of the categories of appropriate development in Green Belt as listed in the NPPF and 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 A statement of Very Special Circumstances (VSC) has been submitted within the Design and Access Statement and can be summarised as follows:

- The proposal of residential dwellings is in the same use class approved under Class Q (18/00270/PMBPA) and offers a 16% reduction in built form on the site
- Visual enhancement by the replacement of the inappropriate buildings on site formed by corrugated sheets which are large in scale and mass
- A prior notification application has been approved under Class R for 500m² of commercial space (see history section)
- A prior notification application has been approved under Class Q for five dwellings (see history section) and this scheme will be for the same amount of dwellings with a more appropriate 'farmstead' arrangement and design.

6.3.2 In response to the above, the calculations for the reduction in built form of 16% have not been provided and therefore cannot be verified. Assuming the built form has been reduced by this amount, agricultural structures such as those on the site are commonly seen within rural locations such as this and retain the character of

the open countryside. It is considered that the current application is an improvement on the earlier proposal for seven dwellings due to the reduced number of dwellings from seven to five, improvements to the design and materials of the individual dwellings and a more rural layout with the dwellings arranged in a horseshoe shape to create a farmyard effect. However, the proposal of domestic dwellings with their associated domestic paraphernalia would still be significantly different to the current farm buildings in terms of appearance and location which despite the improvements to the scheme from the previous refusal would still introduce additional domestic residential development into a mainly rural environment.

- 6.3.3 Furthermore, assuming the cumulative volume of the new dwellings would be 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 five new dwellings. The site is currently read as one single space and the proposal of subdividing this land for the purpose of five dwellings would amount to an encroachment into the countryside. Formalised gardens, 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.
- 6.3.4 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.
- 6.3.5 The report does not assess or comment on the difference between the visual appearance of the agricultural buildings compared to more residential 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.
- 6.3.6 During the course of application ref: 18/00628/FUL, the applicant previously highlighted that the Council cannot demonstrate a five year housing land supply which is acknowledged. 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 five 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.

- 6.3.7 The agent has stated that the land is previously developed and therefore constitutes appropriate redevelopment in accordance with the NPPF. 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. The application site is not classed as previously developed land.
- 6.3.8 The agent refers to Policy E8 of the Broxtowe Local Plan "Development in the Green Belt" stating that this policy enables extensions and additions provided that it does not result in disproportionate additions over and above the size of the original building and that with this policy as the proposed built form represents a 16% reduction from the buildings currently on site. However, part f of policy E8 refers specifically to extensions, alterations or replacements to existing dwellings not agricultural buildings. Therefore, this argument is not relevant to the current proposal.
- 6.3.9 To conclude, it is considered that very special circumstances have not been demonstrated and the proposal of five 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 stated in the previous application which was refused in March 2019 (18/00628/FUL), that the fall-back position should be afforded significant weight in determining the application. The applicant referred to recent case law (*Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314) which was addressed in the previous application and has been included 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 previously 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) could be afforded significant weight in determining the application. However, in relation to the aforementioned case as referenced by the applicant, whilst it is acknowledged this case is for a like for like replacement of dwellings, the appeal site was not located in a Green Belt location. This proposal fails the relevant NPPF tests for appropriate development in the Green Belt. It is also relevant that the fall-back position is for the conversion of agricultural buildings, and was 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 6.3.3). Therefore, the use of this argument for this application does not provide sufficient planning weight to enable the determination of this application positively. Three 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 was previously suggested by the applicant that the disturbance and amount of traffic created by changing the use of the farm under Class R (storage and office uses proposed) would be significantly greater than that caused by seven dwellings. Although it could be accepted that there would be more traffic generated if developed under Class R in comparison to the traffic created from seven dwellings, this does not overcome the principle of the proposal constituting inappropriate development in the Green Belt. To conclude, it is considered that the fall-back position can only be afforded limited weight.

6.4.4 A reference was made by the applicant in the previous application that was granted approval of 14 new build dwellings to replace farm buildings within Gedling Borough Council (reference 2016/0306) and has been referred to again in this application. The agent has expanded on this point and believes this scheme is a visual improvement on the existing buildings which could improve the visual appearance of the countryside as was suggested within the Gedling application. Furthermore, it has been stated that both the Gedling application and this application are both next to existing residential development and that supporting the scheme would not set a precedent due to the specific circumstances that relate to the site. Whilst it is accepted the decision of Gedling Borough Council was to grant permission for 14 houses in the Green Belt, this application is at a different site for a different amount of houses and has been determined by a different local authority. It is accepted that whilst National Policy clearly sets out the parameters for what constitutes inappropriate development in the Green Belt, it is not uncommon for different authorities to take a differing view on this. To conclude, it is considered the example of this application does not set a precedent in relation to this application which has to be determined on its merits in line with Broxtowe Borough Council policy.

6.4.5 The applicant previously highlighted that the case law within paragraph 6.3.3 did not benefit from the 'fall-back' position and that in paragraph 6.3.6 this relates to mobile storage containers and not permanent buildings. Furthermore, the case referenced in paragraph 6.4.2 was decided by The Court of Appeal. 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.

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), four 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 nor 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 remaining. It was concluded the proposed development constituted inappropriate development in the Green Belt.

6.5.5 An application to construct seven dwellings, including associated access road, garaging, parking and landscaping (18/00628/FUL) was refused permission in March 2019. It was concluded that the proposal would constitute inappropriate development in the Green Belt and would have an unacceptable impact on openness. Furthermore, it was concluded the dwellings represented a suburban character which was out of keeping with the rural character of the surrounding area.

6.5.6 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. The other schemes proposed were refused as it was considered that they constituted inappropriate development in the Green Belt, with one additionally refused on highway grounds and one additionally on the suburban design.

6.5.7 The applicant previously argued that section 6.5 refers to refused planning applications where planning policies would have changed since the decision was made. Whilst it is accepted that a substantial amount of time has elapsed since some of these planning applications were determined, 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 26m to the nearest residential property) that there would not be an unacceptable amount of overlooking or detrimental impact on the privacy of surrounding neighbours. Plots 1 and 5 do not have windows in the first floor south elevation and there is an intervening path then the rear gardens of Hayloft Barn and Dairy Barn beyond this. Plot 5 is 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 During discussions with the applicant and agent, a number of amendments were requested in regards to the design of the dwellings. It was suggested that the height of the dwellings should be reduced to reflect the previous scheme which had overall heights ranging between 6.9m and 7.3m and that the eaves should have a small overhang. However, the height has not been amended as the agent stated that it is set by the practical heights of floor levels and that the roof pitch is reflective of the same angle as the original farmstead buildings and changing this would unbalance the character of the farmstead design. Furthermore, the agent stated that reducing the eaves height would be an uncommon feature for a building in this farmstead area. It was advised to reposition the first floor windows lower from the eaves and incorporate a brick header above each window which has been incorporated. It was advised for further farmstead detailing to be included in the elevations of the dwellings which has been incorporated. The plans were amended to incorporate a mixture of different roof materials which the agent has stated reflects the hierarchy of farmstead buildings within Nottinghamshire. Slate, rosemary tiles and red clay pantiles are proposed.

6.6.4 During the course of the previous application (18/00628/FUL), a number of concerns were raised by officers in relation to the design and that the dwellings would have been more suitable in a suburban setting. Furthermore, it was raised that the layout of the dwellings represented a uniform, suburban layout. However, it is considered this application has largely addressed these concerns. Whilst it is considered the amendments detailed in paragraph 6.6.3 are subtle, it is considered they are sufficient to reflect more rural character. It is considered the dwellings more closely represent the character of converted farm buildings which reflects the character of

the converted farm buildings to the south of the site. The proposal of brick detailing, a variance in height between the garage and main roofs, timber, side hung garage doors, all contribute to a farmstead appearance. The courtyard style layout is considered to be a significant improvement from the previously refused scheme as this represents a more informal appearance that is reflective of farm buildings and ancillary outbuildings. Furthermore, it is more reflective of the informal layout of the converted buildings to the south of the site.

6.6.5 It is considered the overall design of the dwellings is a significant improvement from the previously refused scheme. The layout represent a more informal appearance, the design is more reflective of farmstead buildings, in particular, the buildings to the south and the scale of the development has been reduced in size by two dwellings. Whilst it is acknowledged there has been a number of requests to the agent to amend the design that have not been incorporated into the scheme, it is considered this would not warrant a refusal in relation to the design.

6.6.6 The plans state a mixture of red facing bricks, slate roof material, rosemary roof tiles, red clay pantiles and timber framed windows will be used. However, if permission was granted, further details of the materials would be required and could be addressed with a pre-commencement condition advising samples are provided in advance of the development starting.

6.7 Highways

6.7.1 An off-site highways plan has been provided with this application which was submitted with application (18/00628/FUL). The plan shows three passing places in which cars can pass each other along Common Lane. The applicant has stated that the intention is to upgrade the surface of the road between the end of the tarmac on Common Lane and the site entrance.

6.8 Contamination

6.8.1 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.

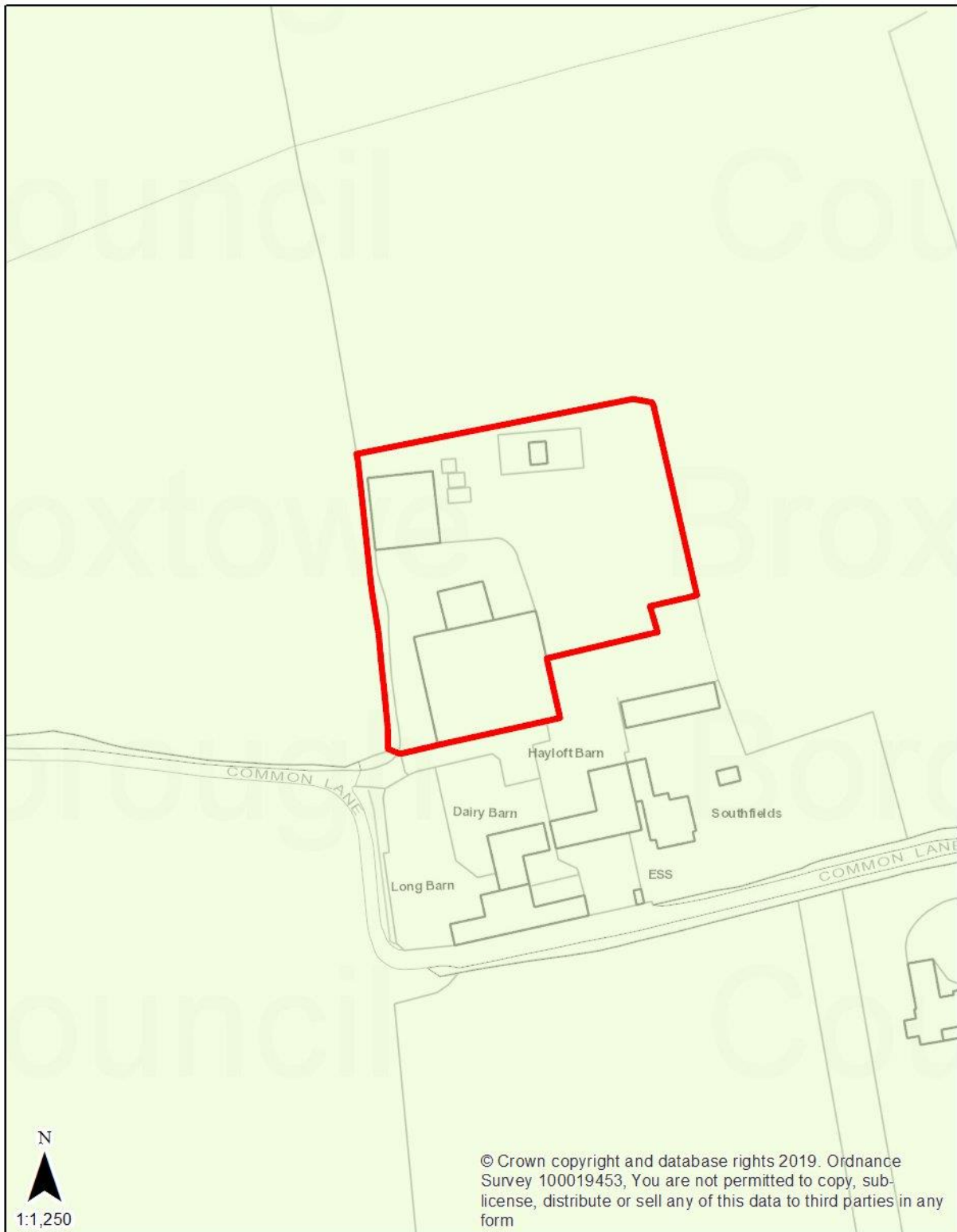
7 Planning Balance

7.1 The benefits of the proposal are that it would provide five additional homes and would support short term benefits such as jobs during the construction of the proposed dwellings. However, although it is acknowledged that this revised scheme is a reduction in two dwellings and is acceptable in relation to reflecting a more rural design, it does not overcome the principle of the application representing inappropriate development in the Green Belt. On balance, it is considered that the benefits of five houses contributing to the Council’s five year housing supply are not outweighed by the harm to the openness that characterises the Green Belt.

8 Conclusion

8.1 To conclude, it is considered the proposal of five 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. The NPPF is clear that the conversion of buildings (including residential) is acceptable but that demolition and rebuild would constitute inappropriate development. Therefore, it is concluded that the proposal of five new dwellings by definition would be harmful in the Green Belt. It is considered that no very special circumstances have been demonstrated which would clearly outweigh the harm to the Green Belt. Furthermore, notwithstanding the improvement in the design and reduction from the previous scheme from seven to five dwellings, no evidence has been provided within this application that suggests the prior approval permission under Class R or Class Q would be implemented. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 ‘Protecting Green Belt Land’ of the NPPF 2019.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused subject to the following reason:	
	The application site lies within the Nottinghamshire Green Belt and the proposal of five 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 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (NPPF) 2019.



Legend

-  Site
-  Green Belt (Local Plan)

Photographs

View of Common Lane to the south of entrance to site



View of site entrance facing north east



View of properties to the south of site



View of site facing north west



View of site facing west

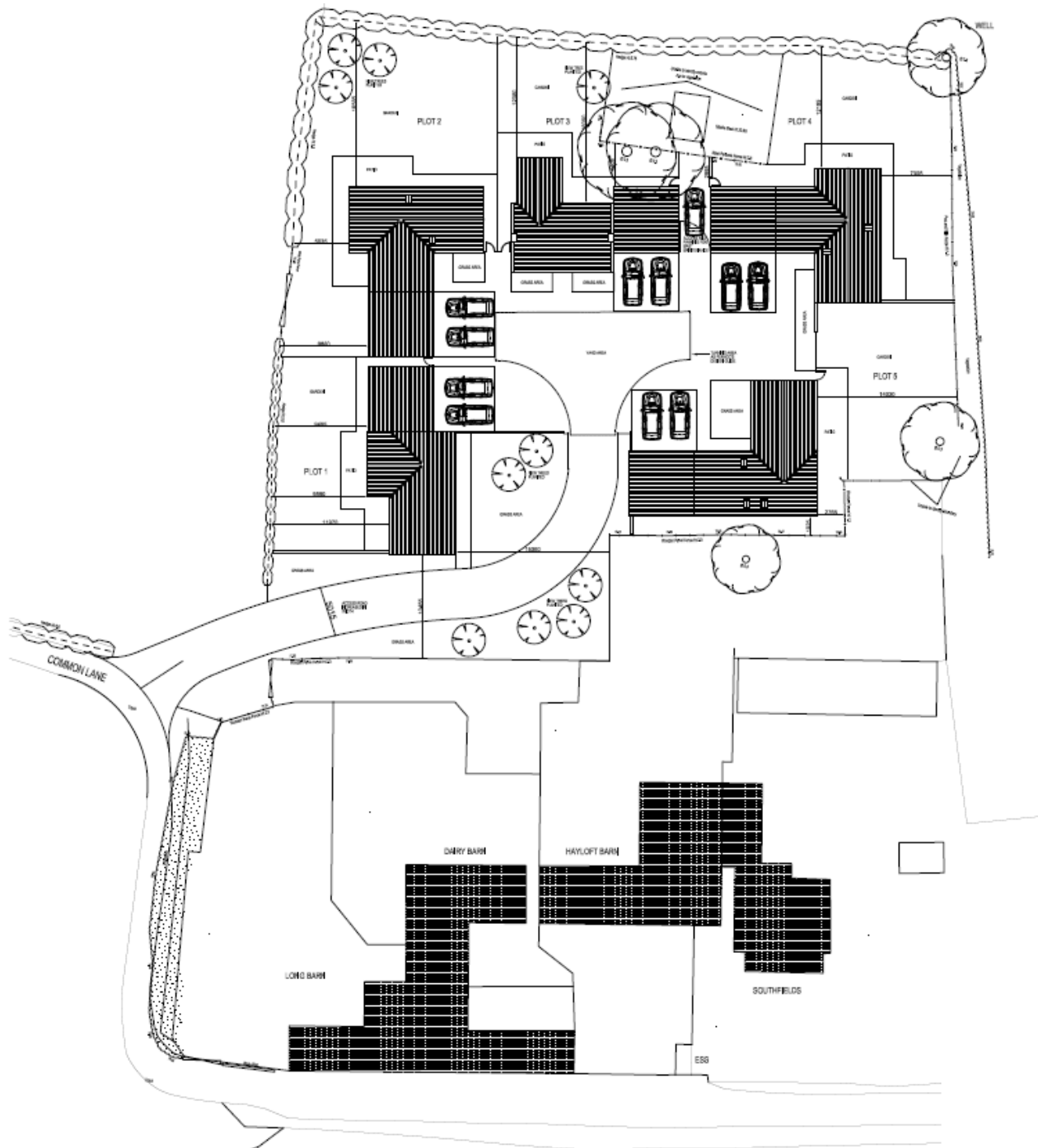


View of site facing north west

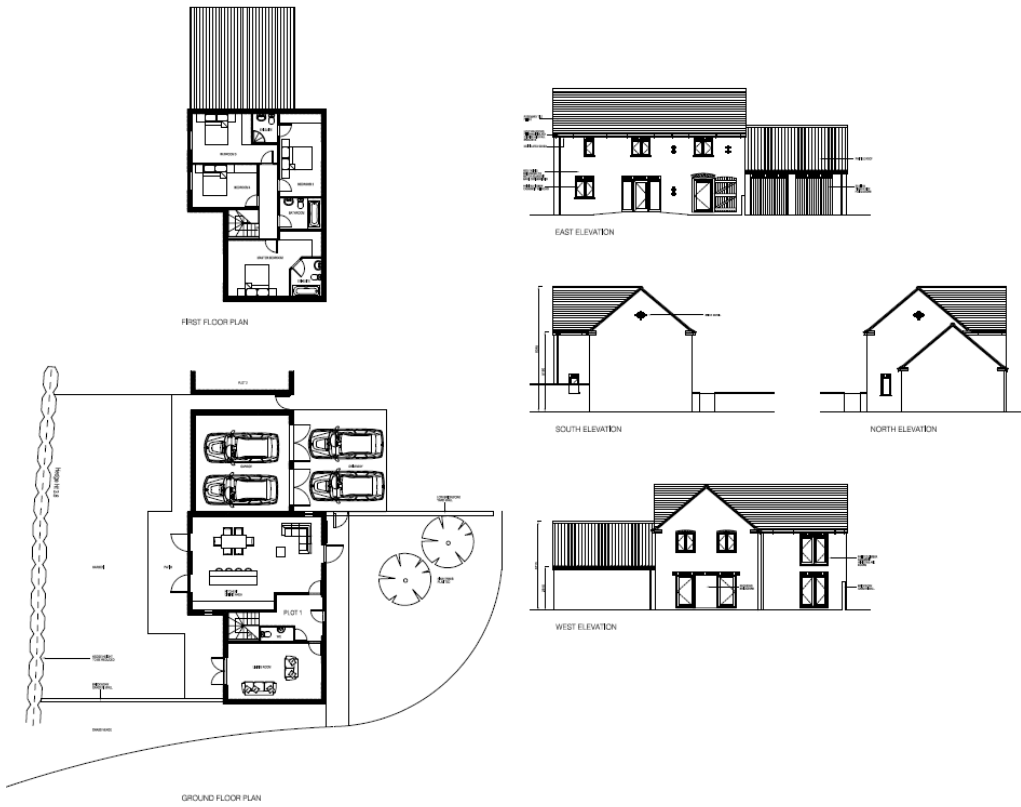


Plans (not to scale)

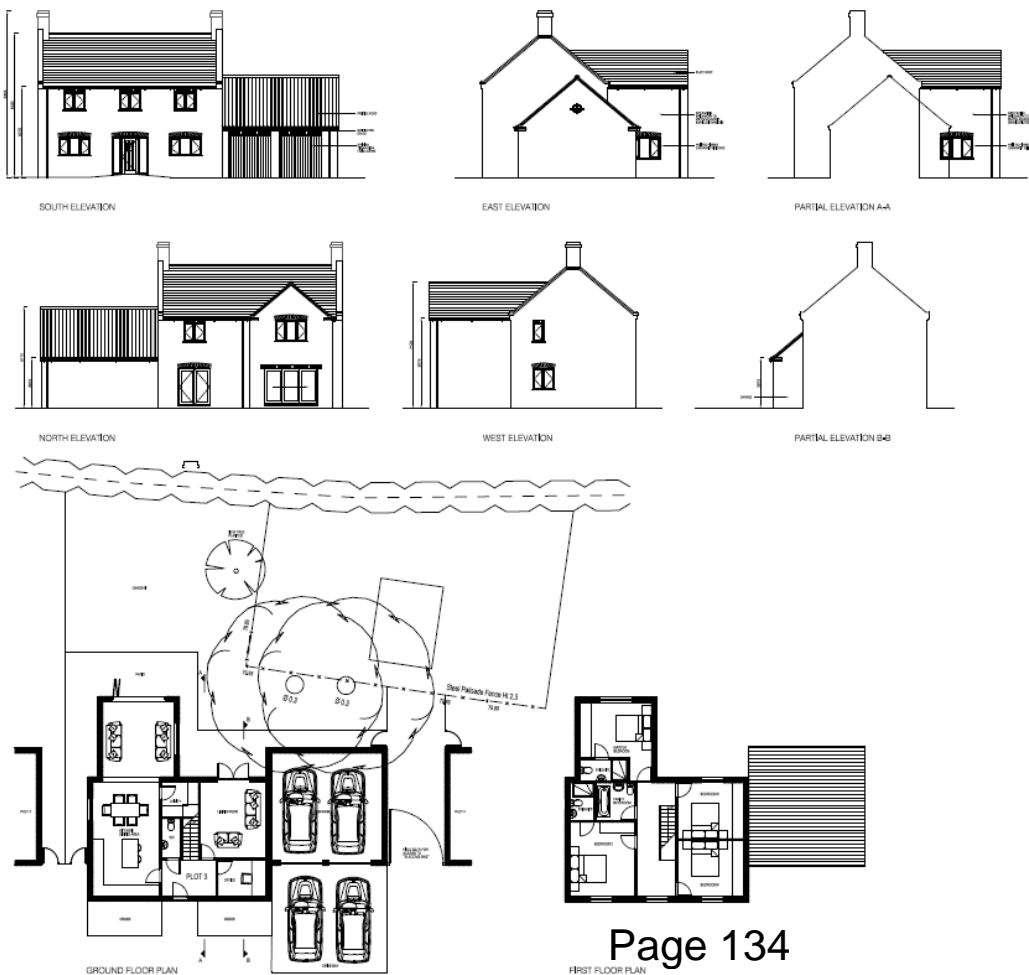
Block Plan



Example of dwellings (Plot 1)



Example of dwellings (Plot 3)



Report of the Chief Executive

APPEAL DECISION

Reference number: 18/00807/FUL
Proposal: Construct two storey and first floor side and single storey rear extensions
Site address: 14 Willesden Green, Nuthall, NG16 1QF

**APPEAL DISMISSED FOR TWO STOREY AND SINGLE STOREY REAR EXTENSIONS
APPEAL ALLOWED FOR FIRST FLOOR SIDE EXTENSION**

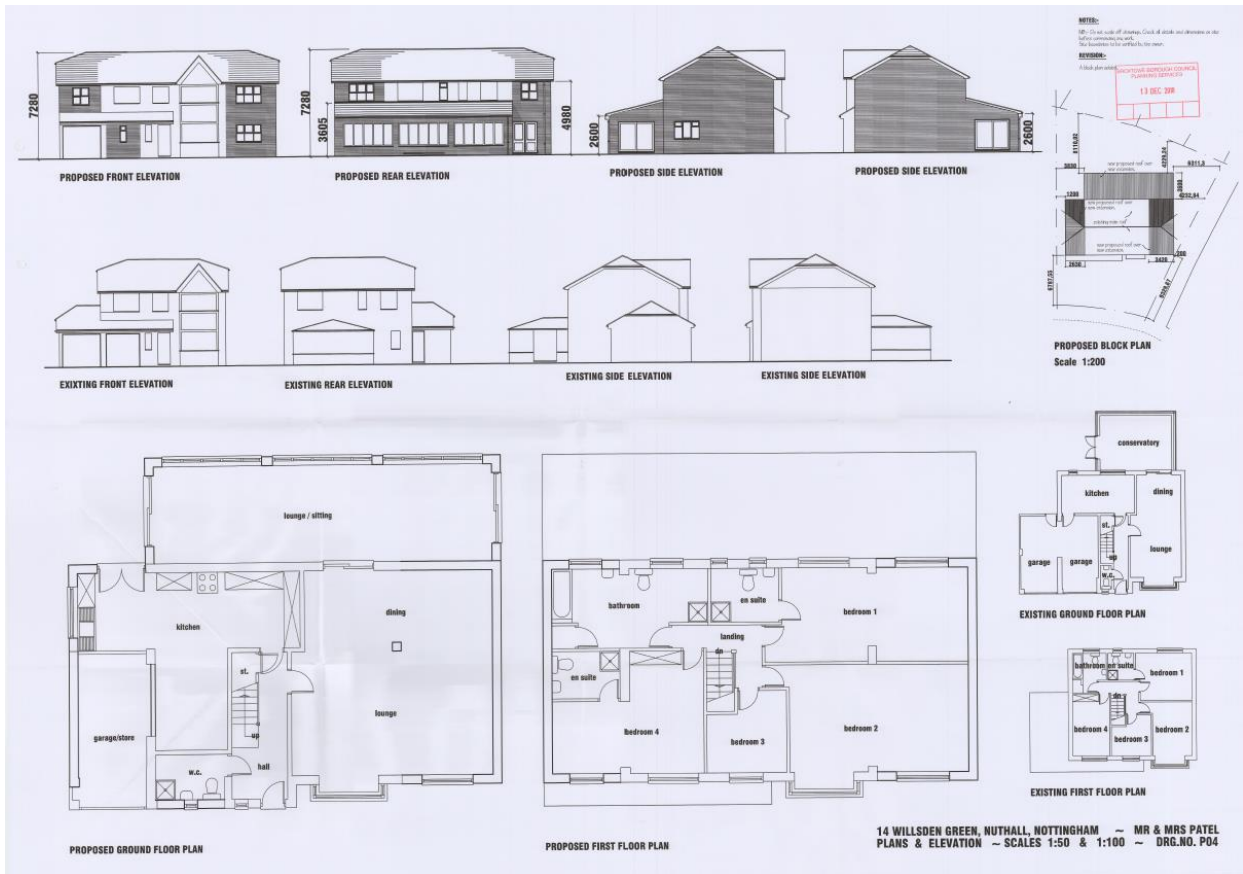
The application related to a two storey side extension on the east side of the dwelling, a first floor side extension above a garage on the west side and a single storey rear extension. The Council refused planning permission as the two storey side extension was considered to be a dominant addition that failed to respect the proportions and design of the existing dwelling. There was no objection to the first floor side extension or single storey rear extension.

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the host dwelling and the area.

In respect of the two storey side extension, the Inspector concluded that the scale and size of the proposed extension would result in an unsympathetic addition to the property significantly altering its appearance. Accordingly, it would have a harmful effect on the host dwelling and the character and appearance of the area.

As the first floor side extension was physically and functionally severable from the two storey side, the Inspector concluded that permission could be granted for this element. As the single storey rear extension was attached to the two storey side extension, this could not be separated from the unacceptable element of the proposal and therefore was not granted permission.





APPEAL AND COSTS DECISION

Reference number: 18/00808/ROC
Proposal: Variation of condition 1 of planning ref: 17/00245/REM
Site address: 178 Moorgreen, Newthorpe, NG16 2FE

**APPEAL ALLOWED
COSTS APPLICATION DISMISSED**

The application sought to regularise the dwelling which had not been completed in accordance with the approved plans. The main change related to the installation of six roof lights to allow for first floor accommodation. Planning permission was refused by the Planning Committee as it was considered that the dwelling, as built, was inappropriate development in the Green Belt and that very special circumstances had not been demonstrated.

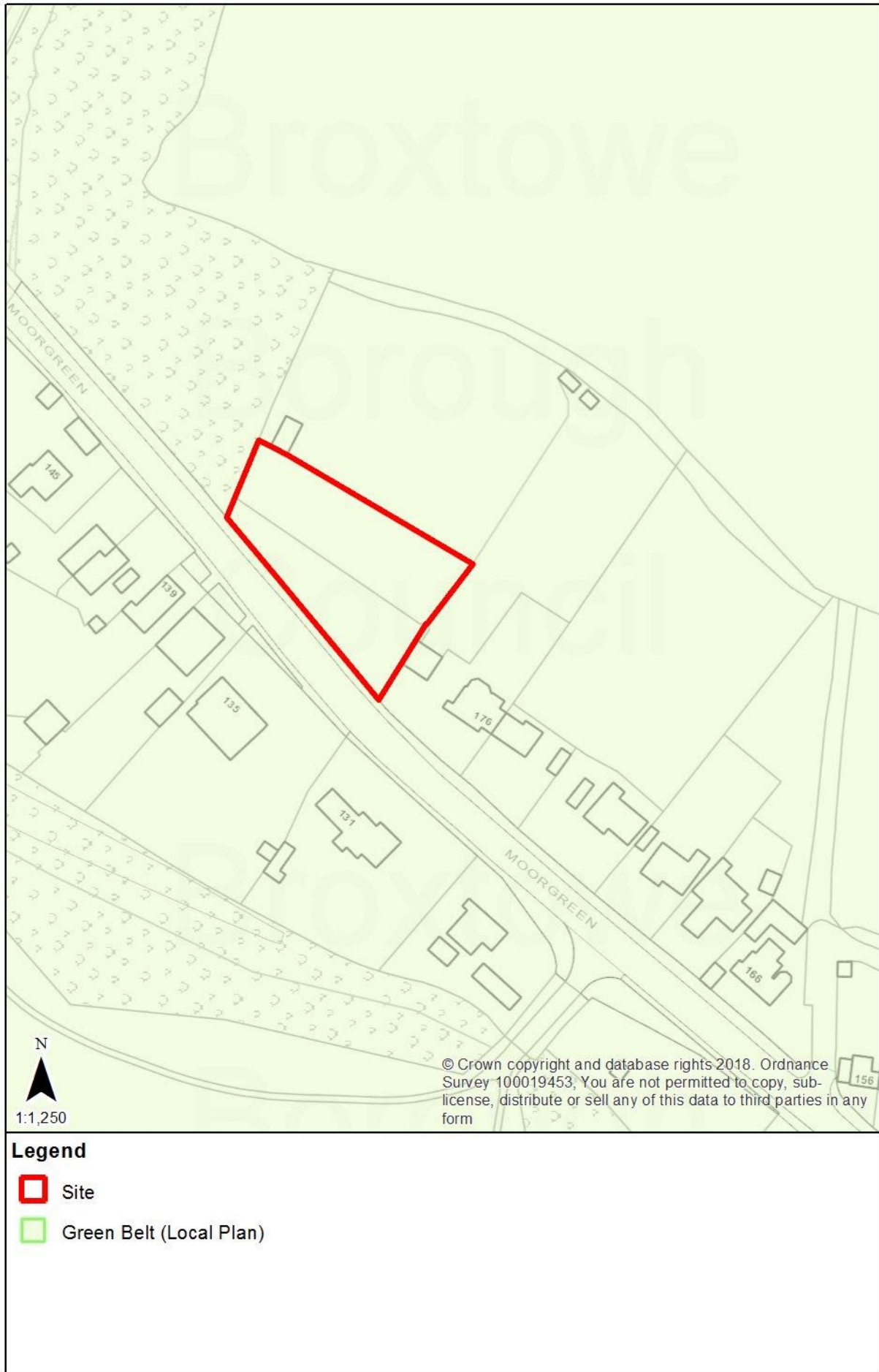
The Inspector considered that the main issues were whether the proposal would be inappropriate development in the Green Belt and the effect on openness and whether very special circumstances exist to justify it.

The Inspector concluded that the new dwelling was inappropriate development in the Green Belt. However, as the dwelling is now an established component in the landscape and the changes from the approved plans have not had a substantial effect on openness, the appeal scheme has only had a very limited harmful impact.

The Inspector highlighted that the Council had concluded that very special circumstances existed when determining the original outline application and that the fundamental reason for approval remains as relevant today as it was then. The Council's reasoning that creating habitable rooms at first floor undermines the original decision, was considered unconvincing as the plans showed all the required facilities for single storey living located on the ground floor. The extant permission was also a significant fall-back position which would be considered as a very special circumstance in its own right. For the above reasons, it was concluded sufficient very special circumstances exist and the appeal was therefore allowed.

It was concluded that permitted development rights could not be removed for extensions and roof alterations as this should only be done in exceptional circumstances. Protecting the openness of the Green Belt was not considered to be an exceptional circumstance.

The costs application was dismissed as Members were entitled to evaluate the merits of the case, particularly the matter of special circumstances which in this case were particularly finely balanced. Therefore, the decision had not resulted from unreasonable behaviour.



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