



Monday, 30 September 2019

Dear Sir/Madam

A meeting of the Planning Committee will be held on Tuesday, 8 October 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
T A Cullen
D Grindell
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)
R D Willimott

A G E N D A

1. APOLOGIES

To receive any apologies and notification of substitutes.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

PAGES 1 - 16

The Committee is asked to confirm as a correct record the minutes of the meetings held on 4 and 9 September 2019.

4. NOTIFICATION OF LOBBYING

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

www.broxtowe.gov.uk

5. DEVELOPMENT CONTROL

5.1 18/00377/FUL PAGES 17 - 76

Construct 14 houses, garages and associated access road following demolition of dwelling.

Land to the rear of 13 Middleton Crescent, Beeston, NG9 2TH

5.2 19/00297/FUL PAGES 77 - 104

Construct student accommodation building (providing 28 bedrooms) following demolition of bungalow and single storey extension (at 3 Queens Road East).

1 Queens Road East, Beeston, Nottinghamshire, NG9 2GN

5.3 19/00267/OUT PAGES 105 - 134

Outline application with some matters reserved for construction of a building containing 10 flats with parking (following demolition of existing commercial premises).

198 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE

5.4 19/00314/FUL PAGES 135 - 160

Construct three storey apartment block containing four 2 bed units and two 1 bed unit.

Former Beeston Scout Headquarters, Waverley Avenue, Beeston, NG9 1HZ

5.5 19/00332/FUL PAGES 161 - 180

Construct two storey and single storey rear extensions, to form one x five bed unit to the rear.

Flewitt House, Middle Street, Beeston, NG9 2AR

5.6 19/00263/FUL PAGES 181 - 200

Change of use from town hall (Class B1) to church (Class D1) and construct single/two storey rear/side extensions, including alterations, following demolition of detached garages.

Broxtowe Borough Council, Town Hall, Foster Avenue, Beeston, NG9 1AB

- 5.7 19/00508/FUL PAGES 201 - 212
- Retain poly tunnel.
Babbington Hall, Westby Lane, Babbington Village,
Nottingham, NG16 2SS
- 5.8 18/00210/OUT PAGES 213 - 236
- Outline application to construct a maximum of 14 dwellings with all matters reserved.
Park House, 15 Nottingham Road, Kimberley, Nottingham,
NG16 2NB
- 5.9 19/00493/REM PAGES 237 - 252
- Construct 3 retail units (Class A1), care home (Class C2), day nursery (Class D1) and public house (Class A4) (approval of reserved matters relating to planning ref: 17/00131/ROC - layout and access only).
Land to the west of Toton Lane, Stapleford,
Nottinghamshire, NG9 7JB
- 5.10 19/00317/MMA PAGES 253 - 268
- Minor material amendment to planning reference 19/00047/MMA to alter the highway access.
Land North of Common Lane and West of Common Farm,
Common Lane, Watnall
- 5.11 19/00418/FUL PAGES 269 - 280
- Change of use from agricultural field to recreational field, retain 3 buildings and erect additional building.
Greasley Castle Farm, 120 Church Road, Greasley,
Nottinghamshire NG16 2AB
- 5.12 19/00503/FUL PAGES 281 - 290
- Change of use from spa and beauty salon to school (Class D1).
Durban House Heritage Centre, Mansfield Road, Eastwood,
NG16 3DZ

5.13	<u>19/00477/REG3</u>	PAGES 291 - 300
	Construction of 3 Industrial Units (Class B2). <u>Mushroom Farm Court, Meadowbank Way, Eastwood,</u> <u>Nottinghamshire, NG16 3SR</u>	
5.14	<u>19/00054/ENF</u>	PAGES 301 - 306
	Unauthorised development. <u>235 Derby Road, Beeston, Nottinghamshire, NG9 3A</u>	
5.15	<u>18/00013/ENF</u>	PAGES 307 - 308
	Unauthorised Advertisement Board <u>Basfords LTD, Nottingham Road, Attenborough,</u> <u>Nottingham, NG9 6DP</u>	
6.	<u>INFORMATION ITEMS</u>	
6.1	<u>Appeal Statistics - Update Report On Appeal Statistics In</u> <u>Relation To The Criteria For Designation Of Local Planning</u> <u>Authorities</u>	PAGES 309 - 310
6.2	<u>Delegated Decisions</u>	PAGES 311 - 320

PLANNING COMMITTEE

WEDNESDAY, 4 SEPTEMBER 2019

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
L A Ball BEM
D Grindell
M Handley
R I Jackson
R D MacRae
J W McGrath
P J Owen
H E Skinner (substitute)
D D Pringle
C M Tideswell
R D Willimott

An apology for absence was received from Councillor T A Cullen.

21 DECLARATIONS OF INTEREST

There were no declarations of interest.

22 MINUTES

The minutes of the meeting held on 24 July 2019 were approved as a correct record and signed.

23 NOTIFICATION OF LOBBYING

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

24 DEVELOPMENT CONTROL

24.1 19/00267/OUT

Outline application with some matters reserved for construction of a building containing 10 flats with parking (following demolition of existing commercial premises)
198 Cator Lane, Chilwell, Nottinghamshire, NG9 4BE

Councillor R I Jackson requested this application, which sought permission to construct apartments, be determined by the Committee.

Mrs K Ford, objecting and Councillor E Kerry (Ward Member) addressed the Committee prior to the general debate.

There was concern amongst members of the Committee that the proposed scheme was overbearing to the surrounding neighbours. The Committee requested that the application be deferred in order to accommodate a member site visit to assess the relationship between the proposal and the surrounding area.

RESOLVED that consideration of the application be deferred.

24.2 19/00297/FUL

Construct student accommodation building (providing 36 bedrooms) following demolition of bungalow and single storey extension (at 3 Queens Road East)
1 Queens Road East, Beeston, Nottinghamshire, NG9 2GN

Councillor P Lally requested this application, which sought permission for a three block building providing 36 bedrooms be determined by the Committee.

The Committee noted the late items, which included a further 8 letters of objection. Additionally, clarification was received in relation to the parking requirements of HMOs being stated in the consultation response from the Highways Authority.

Mr Fraser Williams (representative of the applicant), Ms Store (objecting), and Councillor L A Lally (Ward Member), addressed the Committee prior to general debate.

The Committee raised concerns that the proposal was overbearing and over intensive for the surrounding area. Further concern was raised as to the parking issues that would arise from the increased number of residents. The Committee requested that the item be deferred for further consideration.

RESOLVED that consideration of the application be deferred.

24.3 19/00012/FUL

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, NG9 6AB

Members had previously deferred this application to allow for further consideration to be given.

The Committee noted the late items, which included a travel plan statement submitted by the agent, comments from the highways authority and Environmental Health Technical Officer. There were no changes to the comments made previously.

Additionally, a further 32 letters of objections were received.

Mrs Janice Lawrance and Mr Michael Hutchinson (objecting), Mr Allan Harding, (applicant), and Councillor E Kerry (Ward Member) addressed the Committee prior to general debate.

The Committee raised concerns that the proposal was overbearing and over intensive for the surrounding area. It was also noted that the proposed development was close to a busy corner, with a village hall, garage and public house. The Committee agreed

that the property required renovation and that it had the potential to become an eyesore if it continued disused.

Further concern was raised with regard to parking issues that would arise from the increased number of residents and that no guarantee could be given as to the use of public transport by new residents.

RESOLVED that the application be refused.

Reason

The proposed development, by virtue of the intensity of occupation and location of the bin store, would have a detrimental impact on neighbour amenity in terms of noise, smells and disturbance, and would result in an unacceptable increase in vehicle movements, due to the inadequacy of the parking layout, contrary to Policies E34, H4 and T11 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan (2018).

24.4 19/00332/FUL

Construct two storey and single storey rear extensions, to form one x five bed unit.
Flewitt House Middle Street Beeston

The application, which sought planning permission to construct two storey and single storey rear extensions, had been called before the Committee by Councillor P Lally.

The late items included an additional objection and query regarding the amended plans.

Mr Stephen Porter (objecting) and Councillor L A Lally (Ward Member) made representations to the Committee prior to the general debate.

The Committee raised concern as to the scale of the development and the pre-existing overbearing nature of the building on the neighbouring properties. The Committee highlighted that a site visit would be beneficial to assess the nature of the application.

RESOLVED that consideration of the application be deferred.

24.5 19/00294/FUL

Change of use of 6 bed house in multiple occupation (Class C4) to a 7 bed house in multiple occupation
24 Lower Road, Beeston, NG9 2GL

The application, which sought permission to change the use of the existing six bed dwelling to a seven bed House in Multiple Occupation, had been called before the Committee by Councillor P Lally.

The only late item was a comment of no objection from Nottingham Express Transit.

Councillor L A Lally (Ward member) made representation to the Committee prior to the general debate.

The Committee raised concern in regards to the over intensification of the existing property, especially in regards to the increased number of residents being requested to reside in the property should the application be approved.

RESOLVED that the application be refused.

Reason

The proposed development, by virtue of the intensity of occupation, would have a detrimental impact on the amenity of residents of the proposed development and neighbour amenity in terms of noise and disturbance. Accordingly, the development is contrary to Policies E34 and H4 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan (2018).

24.6 19/00339/FUL

Construct single storey rear extension, raised patio and steps to rear garden
74 Peveril Road Beeston

The application which sought permission to construct a single storey rear extension, had been called before the Committee by Councillor P Lally.

The late items included a submission from the Council's Private Sector Housing Officer noting that the kitchen does not have access to natural light or ventilation. An additional two representations were received, one in support of the application and one making observations in regards to loss of light and increased parking issues.

Councillor L A Lally (Ward member) made representations to the Committee prior to the general debate.

The Committee raised concerns in relation to the lack of natural light and ventilation for the kitchen in the proposed plans and adverse impact neighbour amenity. Additional concern was raised over the current lack of a policy with regard to houses in multiple occupation.

RESOLVED that the application be refused.

Reason

The proposed development, by virtue of the intensity of occupation, would have a detrimental impact on amenity of residents of the proposed development and neighbour amenity in terms of noise and disturbance. Accordingly, the development is contrary to Policies E34 and H4 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Draft Part 2 Local Plan (2018).

25 INFORMATION ITEMS

25.1 Appeal Statistics - Update Report on Previous Government Changes to the Criteria for Designation of Local Planning Authorities

The Committee noted the appeal statistics, which stated that the Council was required to have a maximum of less than 10% of total major application decisions overturned at appeal over the preceding two years.

25.2 Appeal Decisions

The appeal decisions were noted.

25.3 Delegated Decisions

The Committee noted the decisions determined under delegated powers between 1 June 2019 to 9 August 2019.

This page is intentionally left blank

PLANNING COMMITTEE
MONDAY, 9 SEPTEMBER 2019

Present: Councillor D K Watts, Chair

Councillors: D Bagshaw
S J Carr (ex-officio)
T A Cullen
L Fletcher (substitute)
D Grindell
R I Jackson
R D MacRae
J W McGrath
J M Owen (substitute)
P J Owen
D D Pringle
P D Simpson (substitute)
C M Tideswell

Apologies for absence were received from Councillors L A Ball BEM, M Handley and R D Willimott

35 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

36 **MINUTES**

The Committee was informed that the minutes of the meeting held on 4 September 2019 would be confirmed at the meeting on 8 October 2019.

37 **NOTIFICATION OF LOBBYING**

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

38 **DEVELOPMENT CONTROL**

38.1 **18/00377/FUL**

Construct 14 houses, garages and associated access road following demolition of dwelling

Land to the rear of 13 Middleton Crescent, Beeston, NG9 2TH

The Committee was informed that the item would be withdrawn from the agenda due to the large amount of late items that would need to be considered.

38.2 18/00288/FUL

Change use of 4 ground floor retail units and basements (class A1) to form 11 apartments (class C3), external alterations and construct rear extensions
242, 244, 248, 250, 252, & 254 Derby Road, Stapleford, NG9 7G

The application to change four ground floor retail units and basements to form eleven apartments was first brought before Planning Committee on 10 October 2018 and members resolved to grant planning permission.

The application was returned to the Committee as a result of an objection by HS2 Ltd following changes to the safeguarding for the HS2 route.

Members were asked to consider a late item for the application which stated that the Government had announced on 21 August 2019 that an independent review was to be carried out to assess “whether and how” HS2 should proceed. The report was expected to be published in December 2019. It was not currently known when a final decision would be made by the Government.

There were no public speakers.

Members debated the application and the following comments were amongst those noted:

- Should the application be granted the property would have enhanced value. The owners of the property should not be denied because of HS2.
- Although the Town was in need of regeneration the law should be followed.
- HS2 had changed the boundaries and turning the application down would reduce the value of the site.
- The options were to refuse the application, defer, grant as previously or to grant with an additional condition to return the land to HS2 if it was required.
- The safeguarding zone had been a block but weight should be given to HS2.
- There was an opportunity to enhance Stapleford which should be taken. The decision should be made for the good of the Borough.

On being put to the vote the motion to refuse planning permission was defeated.

It was proposed by Councillor D K Watts and seconded by Councillor R I Jackson the Council grant planning permission be granted in line with the application that was initially considered on 10 October 2018. On being put to the vote, the proposal was carried.

RESOLVED that:

The Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:

- (i) the prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and**
- (ii) 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 received by the Local Planning Authority on 23 April 2018; the drawings numbered: DB/MW/17/49/05 rev A, received by the Local Planning Authority on 10 July 2018; and DB/MW/17/49/04 rev C, DB/MW/17/49/06 rev A, DB/MW/17/49/07 rev D and DB/MW/17/49/08 rev C received by the Local Planning Authority on 17 September 2018.
3. The extension shall be constructed using bricks and, where applicable, tiles of a type, texture and colour so as to match those of the existing building.
4. The proposed boundary treatment/fencing for each dwelling shall be erected in accordance with the approved plans and details prior to the occupation of that dwelling.
5. No dwelling shall be occupied 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 measures for their protection during the course of development
 - (b) numbers, types, sizes and positions of proposed trees and shrubs
 - (c) proposed hard surfacing treatment
 - (d) proposed lighting details
 - (e) planting, seeding/turfing of other soft landscape areas

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

6. 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.

Reasons

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

5. 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 10 of the Aligned Core Strategy (2014)
6. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy 10 of the Aligned Core Strategy (2014)

Notes to Applicant

1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2. Please note that this permission has been granted contemporaneously with an agreement under Section 106 of the Town and Country Planning Act 1990, and reference should be made thereto.
3. Sound insulation to limit the transmission of noise between each property should achieve the minimum requirements as contained in the current version of British Standard Approved Document E.
4. 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.

38.3 19/00423/FUL

Change of use to micro pub (class A4)
1 Moor Road, Brinsley, Nottinghamshire NG16 5AZ

The application, which sought permission to change the use of an existing building to a micro pub, had been called in by Councillor E Williamson.

There were no late items.

Ms Ellis Rhodes (applicant) addressed the Committee prior to the general debate.

Members debated the item and stated that the pub would serve to improve the town.

RESOLVED that planning permission be granted subject to the following conditions.

1. The development hereby approved shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with drawings numbered site location plan 1:1250 received by the Local Planning Authority on 17 July 2019, proposed floor plan received by the Local

Planning Authority on 07 august 2019 and proposed parking plan received by the Local Planning Authority on 08 August 2019.

- 3. The A4 premises including any licensable activities shall not be open for business except between 11.00 - 22.00 hours Monday to Sundays, Bank Holidays and other public holidays.**
- 4. Deliveries by commercial vehicles shall only be made to or from the site between 08.00 - 18.30 hours Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays without the prior agreements in writing of the Local Planning Authority.**
- 5. No amplified speech or music shall be permitted inside or outside the premises at any time.**
- 6. External areas are not to be used by the patrons in conjunction with the A4 Use at any time.**
- 7. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise there from does not, at any time, increase the ambient equivalent continuous noise level as measured according to the current British Standard BS4142 at any adjoining or nearby residential property.**
- 8. The micro pub shall not be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority specification.**
- 9. The micro pub shall not be brought into use until the frontage parking is available for use, surfaced in a bound material with the parking bays clearly delineated showing 5.0m in length. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles.**

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To protect nearby residents from excessive operational noise.**
- 4. To protect nearby residents from excessive operational noise.**
- 5. To protect nearby residents from excessive operational noise.**
- 6. To protect nearby residents from excessive operational noise.**
- 7. To protect nearby residents from excessive operational noise.**
- 8. In the interests of Highway safety.**

9. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Notes to applicant

1. The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.
2. The development involves building works and given the proximity of residential properties to the site the applicant is reminded to ensure contractors limit noisy work to between 08.00 and 18.00 hours Monday to Friday, 08.00- 13.00 hours on Saturday and no noisy works on Sundays. There should be no bonfires at any time.
3. The applicant is advised that the proposed will require a premises license. Please contact the Councils Licensing Department on Tel 0115 9173241.
4. The internal layout, design and construction of the premises must meet the current Food Safety and Health and Safety requirements. The applicant must therefore contact the councils Food and Occupational Safety Section on Tel :01159173485
5. 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. 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>

39 19/00212/FUL

Extension to garden centre including coffee lounge, children's play area and plant protection and enlargement of retail area.

Trowell Garden Centre, Stapleford Road, Trowell, Nottinghamshire, NG9 3TG

The application, which sought permission for the extension of an existing garden centre building, including the extension of an existing coffee lounge, a children's play area, handling and processing area and additional canopies to provide plant protection and an enlarged retail area, had been called in by Councillor L A Ball BEM.

The Committee was asked to refer to the late items submitted in respect of the item, which included reference to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2009 should the application be successful in addition to updating a Section 52 legal agreement which restricts which goods can be sold from the site and specifies the area of the site in which they can be sold from.

There were no public speakers.

The application was debated and the following principle points were made:

- Consideration of Green Belt Policy was key to the decision. Should the application be granted this would lead to improvements to business and buildings, but the benefits fell short of going against the Policy.
- The owner had worked closely with officers and already cut down on the proposals. The area was being used before the 'Green Belt' was designated.
- It would have been sensible not to initially include this area in the Green Belt. The site locks Brownfield and would tidy the area up.
- The proposal was exceptional due to the creation of jobs and viability of the business.
- There was a desire to support business but the coffee shop extension was unreasonable. There were concerns over the potential size of the canopy but the coffee shop and retail offering were unreasonable.

In the event of the vote being tied the Chair's casting vote carried the motion.

RESOLVED that planning permission be refused.

Reason

The proposal constitutes inappropriate development within the Green Belt as the proposed extensions, in conjunction with the existing extensions, represent a disproportionate addition to the size of the original building. There are insufficient very special circumstances demonstrated to clearly outweigh the harm resulting from the inappropriateness of the proposed development and the significant harm upon openness. Accordingly, the proposal is contrary to Saved Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan and Section 13: Protecting Green Belt Land of the National Planning Policy Framework (NPPF) 2019 and there are no other material considerations that justify treating this proposal as an exception.

Note to Applicant

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

40

19/00412/REG3

Construct two bungalows

Beeston Market, Willoughby Street, Beeston, Nottinghamshire NG9 2LT

The application, which sought permission to construct two bungalows, was brought to the Committee as the Council is the owner of the site.

There were no late items.

There were no public speakers.

Members considered the application.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the Location Plan (CW20.007.001) and the Floor & Roof Plan (CW20.007.003 REV.A) received by the Local Planning Authority on 1 July 2019 and The Elevations Plan (CW20.007.004 REV.B) and Site Plan (CW20.007.002 REV.B) received by the Local Planning Authority on 21 August 2019.
3. The approved landscaping scheme as show in the Site Plan (CW20.007.002 REV.B) 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.
4. The bungalows hereby permitted shall not be occupied until the two adjacent first floor north east (side) elevation windows of the Oasis Christian Centre have been obscurely glazed to level 4 or 5. These windows shall thereafter be retained in this form for the lifetime of the development.

Reasons

1. In the interests of privacy and amenity for future occupiers and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).
2. To Comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. To ensure the development presents a more pleasant appearance in the locality and in accordance with Policy H7 of the Broxtowe Local Plan (2004).

Note to Applicant

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

41.1 Appeal Statistics

The Committee noted that the position remained unchanged from that reported at its meeting on 4 September 2019. The Council was not therefore currently at risk of special measures based on the figures reported to the Committee on the aforementioned date.

41.2 Appeal Decisions

The appeal decisions were noted.

This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	18/00377/FUL
LOCATION:	LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NG9 2TH
PROPOSAL:	CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING

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

1 Executive Summary

1.1 This is a major planning application to construct 14 new dwellings with garages and an associated access road following the demolition of one dwelling, no. 13 Middleton Crescent. A new access road will be created from Middleton Crescent. The application includes a Design and Access Statement, Flood Risk Assessment, Drainage Statement, Ecology Surveys, Foul Sewerage Assessment, Highway Impact Statement and Tree Survey.

1.2 The application was first brought before Planning Committee on 24 April 2019 but has since been deferred due to the reasons stated below:

- 24 April 2019 meeting: recommendation for refusal due to no agreement from the applicant to pay an affordable housing contribution. The applicant verbally agreed at the meeting that an affordable housing contribution would be made in line with the Council's request and therefore the application was deferred.
- 22 May 2019 meeting: recommendation for approval but late objection from the Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall meant the application was deferred in order to address these concerns.
- 9 September 2019 meeting: recommendation for approval but deferred at the request of the Chair of Planning Committee.

1.3 All three original reports are attached as part of the appendices.

1.4 A significant amount of work has been carried out by the applicant over the course of the application in order to alleviate the concerns raised by the Nottinghamshire Wildlife Trust (NWT) which are detailed in the 9 September 2019 committee report. Two ecological surveys have been undertaken and the gabion wall system has been amended from vertical to sloping. Ecological enhancement proposals include the following: 'greening' of the slope, a hedgerow is proposed at the top of the gabion wall, bird and bat boxes on all 14 houses, holes in fencing to allow movement of hedgehogs, open compost heap containers in garden corners to support hedgehogs, the provision of empty spaces in gabion baskets for smaller habitat creation and planting of species of ecological benefit along the bank.

- 1.5 The benefits of the scheme are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five-year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the s106 Agreement. There would be some impact on biodiversity but the NWT has not objected to the application and the subsequent impact is considered to be outweighed by the benefits of the proposal.
- 1.6 The Committee is asked to resolve that planning permission be granted subject to the prior completion of a s106 Agreement and the conditions outlined in the appendix.

APPENDIX 1

1 Details of Application

- 1.1 The plans have not been amended since the application was due to be presented at 9 September 2019 Planning Committee meeting.

2 Consultation Response

- 2.1 **Nottinghamshire Wildlife Trust (NWT): Raise no objection:** In accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM), the most recent survey carried out in line with this application is less than 12 months old (carried out in February 2019) and can be considered to be up to date. Whilst concerns have been expressed in relation to the built nature of the gabion wall, it is accepted that the required ecological survey has been carried out and the proposed mitigation measures are considered to be an improvement on the original proposal. Wider riparian corridor would be preferred but no objection subject to conditions relating to protected species survey and mitigation and ecological enhancements proposed by applicant.

3 Assessment

- 3.1 Throughout the application, the NWT has raised concerns in relation to the impact on biodiversity along the wildlife corridor due to the introduction of a gabion wall and removal of trees. However, in their latest response, they have stated that the required ecological survey (which is still valid) and mitigation measures are an improvement to the scheme and that as long as the mitigation measures and a further protected species are carried out and secured by planning conditions, they raise no objection to the application.
- 3.2 In relation to a concern raised by NWT, the applicant has confirmed that piles will not be used to construct the gabion wall. An additional condition is proposed to require a protected species survey to be undertaken prior to development commencing and the implementation of any required mitigation measures. Subject to this condition and the conditions previously proposed relating to details of the gabion wall, landscaping and ecological enhancements, it is considered that there will be no significant harm to biodiversity or the Green Infrastructure Corridor which would warrant refusal of the application.

4. Part 2 Local Plan

- 4.1 At the time of drafting this report, it is anticipated that the Council will have received the final Inspector's report into the soundness and legal compliance of the Broxtowe Part 2 Local Plan before the Planning Committee meeting. A detailed update will be given to the committee on the night, but this will have the effect of changing both the weight to be attached to emerging policies in the Part 2 Local Plan and also to the planning balance between environmental protections and housing delivery.

- 4.2 The policies relating to wildlife protection in the Part 2 Local Plan are Policy 31 (Biodiversity Assets) in specific terms, and Policy 28 (Green Infrastructure Assets) in more general terms. Both these policies share their main evidence base as the Council's Green Infrastructure Strategy and Policy 31 gives explicit protection to protected species, and priority habitats including watercourses. If significant harm to these environmental assets is identified then the local plan policies require the benefits of the development, such as housing delivery, to clearly outweigh the harm.
- 4.3 The advice of the NWT is clear in that this application is acceptable in relation to its impact on wildlife and will not therefore result in harm. If the committee disagrees with this advice, the weight to be attached to environmental policies will increase as a result of receiving the Inspector's report and a further update will be given by officers at the committee.

5 Other issue

- 4.1 A query was raised in relation to the validity of the report that was carried out in February 2019. The NWT has confirmed that as the most recent survey has been carried out within the last 12 months then the findings are still applicable. Furthermore, the pre-commencement condition requires a protected species survey to be carried out before the development takes place which means that this matter will be addressed at the closest point before development takes place.

5 Planning Balance

- 5.1 The benefits of the proposal are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the S106 Agreement. There would be some impact on biodiversity but the NWT has not objected and this impact is considered to be outweighed by the benefits of the proposal.

6 Conclusion

- 6.1 To conclude, the applicant has agreed to provide an affordable housing contribution which was the sole reason for recommending this application for refusal when reported to Planning Committee on 24 April 2019. The amended gabion wall proposals are considered to be acceptable. Furthermore, the planting of new native tree species and a hedgerow and provision of bird and bat boxes will be secured through conditions. Sufficient measures to enhance biodiversity are considered to have been made to ensure the Green Infrastructure Corridor will be maintained. As detailed in the previous report, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is

acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage, highways and ecology has satisfied concerns raised and is considered to be acceptable.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, education, open space and integrated transport measures contributions and</p> <p>(ii) the following conditions:</p>	
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 drawings: Site Location Plan (1:1250) received by the Local Planning Authority on 25 May 2018; 07 Rev D and 11 received by the Local Planning Authority on 3 April 2019; F16046/04 Rev C received by the Local Planning Authority on 8 April 2019; 13 Rev C received by the Local Planning Authority on 10 April 2019; 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H received by the Local Planning Authority on 14 August 2019, 09 Rev M and 10 Rev A received by the Local Planning Authority on 15 August 2019 and 01 Rev DD received by the Local Planning Authority on 29 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development, including site clearance, shall commence until a further protected species survey has been carried out, submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the methodology and mitigation measures included within the approved survey.</p> <p><i>Reason: To minimise the impact of the development on protected species within the site in accordance with Policy 17 of the Broxtowe Aligned Core Strategy (2014) and Policy 31 of the draft Part 2 Local Plan.</i></p>
4.	No development shall commence until detailed plans of the

	<p>proposed gabion wall system construction methodology and proposed maintenance arrangements have been submitted to and agreed in writing by the Local Planning Authority. These plans and methodology shall include:</p> <ul style="list-style-type: none"> i) Proposed substrate depth ii) Proposed planting/seeding/turfing details iii) Timetable for implementation of the scheme. <p>The proposed gabion wall system shall be constructed, planted and maintained in accordance with the agreed details. If any 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.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and in the interests of biodiversity and neighbouring visual amenity to secure appropriate planting of the gabion wall and longer term survival of the planting, to preserve the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
5.	<p>No development including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
6.	<p>No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Sustainable Drainage Statement (prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-CD-0001_SDS, dated October 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> - Demonstrate that the development will use SuDS throughout

	<p>the site as a primary means of surface water management</p> <ul style="list-style-type: none"> - Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area. - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA. - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods. - Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. - Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters. <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs and existing trees to be retained; (b) measures for the protection of retained trees (c) a detailed plan which demonstrates the proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse; (d) planting, seeding/turfing of other soft landscape areas; (e) details of the site boundary treatments; (f) a timetable for implementation of the scheme.

	<p>The landscaping scheme shall be carried out in accordance with the approved timetable and the tree protection measures shall be in place before any site clearance/development commences. 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.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and limited details were submitted with the application. To ensure the development presents a satisfactory standard of external appearance to the area and to maintain the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
8.	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>No development above slab level shall commence until precise details of the types of bat and bird boxes proposed have been submitted to and agreed in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective houses.</p> <p><i>Reason: To secure the provision of such features in the interests of biodiversity and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
10.	<p>No development above slab level shall commence until precise details of the ecological enhancement measures as set out on the first page of the 'NWT response letter' received on 29 August 2019 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings.</p> <p><i>Reason: In the interests of enhancing biodiversity, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policies 17</i></p>

	<i>and 31 of the Draft Part 2 Local Plan (2018).</i>
11.	<p>Prior to the first occupation of the houses hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-YE-0001_FRA, received by the Local Planning Authority on 30 April 2019 and in accordance with the mitigation measure that finished floor levels are set no lower than 37.1m above Ordnance Datum. This mitigation measure 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>
12.	<p>Prior to the first occupation of the houses hereby approved, all driveways and parking areas shall be surfaced in a hard, bound material (not loose aggregate), and designed to prevent the unregulated discharge of surface water onto the public highway. The surfaced drives and parking areas shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
13.	<p>Prior to the first occupation of the houses hereby approved, the existing site access shall be made redundant and permanently closed and the access crossing reinstated as a footway.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
14.	<p>Prior to the first occupation of the houses hereby approved, visibility splays shall be provided in accordance with the approved plans. The area within the visibility splays shall be kept free of all obstructions for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
15.	<p>The first floor side windows annotated as obscurely glazed on drawing numbers: 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H and 10 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.</p>

	<i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i>
16.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions or outbuildings shall be carried out to the dwellings on plots 1 - 5 hereby approved which come within Classes A and E of Schedule 2, Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>Reason: To ensure that access to the Tottle Brook watercourse is kept clear for future maintenance, to reduce the risk of flooding to the development, to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
17.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	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 applicant should note 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks. An agreement under Section 38 of the Highways Act 1980 will be required. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The proposal makes it necessary to reinstate the redundant access/ vehicular crossing over a footway of the public highway and these works should be carried out to the satisfaction of the Highways Authority. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage on telephone number: 0300 500 8080.

3.	The gabion wall and any activities that take place within 8 metres of the Tottle Brook watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03702 422 549. Further guidance can be obtained at: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits
4.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
5.	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.
6.	The applicant is advised to contact Natural England to obtain the relevant licence(s) before any ground works commence.



[illegible]

This page is intentionally left blank

APPENDIX 2

Report of the Chief Executive

APPLICATION NUMBER:	18/00377/FUL
LOCATION:	LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NG9 2TH
PROPOSAL:	CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING

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

1 Executive Summary

- 1.1 The application was first brought before Planning Committee on 24 April 2019 with a recommendation for refusal because the applicant had not agreed to provide an affordable housing contribution (original report attached as part of appendix 2). Members deferred making a decision on the application as at the meeting, the applicant stated an affordable housing contribution would be made in line with the Council's request. The application was due to be reported to the May meeting (report attached as appendix 2) but was deferred following receipt of a late objection from Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall.
- 1.2 A graded gabion wall system which can be planted with grasses/wildflowers with a hedgerow planted at the top of this gabion wall is now proposed. Trees will be planted beside the edge of Tottle Brook. Bird and bat boxes will be incorporated within the proposed 14 houses. It is considered that these measures are sufficient to address the concerns raised by NWT and will maintain a wildlife corridor beside the Tottle Brook. Conditions will be used to secure the appropriate detail and design of these measures.
- 1.3 The benefits of the scheme are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the s106 Agreement. There would be some impact on biodiversity but this impact is considered to be outweighed by the benefits of the proposal.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the prior completion of a s106 Agreement and the conditions outlined in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 The application was first brought before Planning Committee on 24 April 2019 with a recommendation for refusal because the applicant had not agreed to provide an affordable housing contribution (original report attached as part of appendix). Members deferred making a decision on the application as at the meeting, the applicant stated an affordable housing contribution would be made in line with the Council's request. The application was due to be reported to the May meeting but was deferred following receipt of a late objection from Nottinghamshire Wildlife Trust (NWT) relating to the proposed gabion wall and impact on biodiversity. It is now proposed to use a 'green' gabion wall system that will be angled/graded rather than presenting a straight vertical edge and the proposed system will enable it to be planted with grasses/wildflowers to encourage biodiversity and to soften the appearance of the wall. Two sets of steps have been included within the wall to enable access for maintenance. A native hedge would be planted at the top of the wall and trees would be planted along the edge of the Tottle Brook (beside the base of the wall). Bat and bird boxes are proposed to be incorporated into the dwellings (one per house on the south elevation).

2 Consultations (additional to those included in the April report which is attached as part of appendix 2)

- 2.1 **Nottinghamshire Wildlife Trust (NWT)** (comments summarised as a late item when the application was reported to the April Planning Committee): would prefer for natural vegetation and trees along the brook to be retained and request assurances that vegetation would be retained alongside the gabion wall. It would also be preferable to retain existing trees rather than plant replacement trees which take time to establish. They highlight that Tottle Brook is a wildlife corridor and therefore seek a mechanism to guarantee long-term maintenance of a river corridor, as by incorporating the brook into gardens, there is a danger that it could be encroached upon by new owners.

- 2.1.1 **NWT** objection received prior to the May Planning Committee (application subsequently withdrawn from this agenda, report attached as appendix) which included the following points:

- Impacts on Tottle Brook more severe than first envisaged as only recently made aware of proposed gabion wall
- Proposed gabion wall is located within 8m of the brook and cannot see how natural vegetation could be retained or re-established alongside this feature
- There should be a minimum 8m wide undeveloped buffer zone along the Tottle Brook measured from the top of the bank to the edge of any new development in order to allow maintenance and provide an undeveloped wildlife corridor
- The brook supports a range of wildlife evident from visit in May
- Consider the trees to be of value to wildlife and seen no evidence of decline or that the roots are being substantially eroded by the watercourse
- The Tottle Brook is a wildlife corridor (part of 2.11 Erewash to Wollaton Corridor as identified in the Broxtowe Borough Council Green Infrastructure

Strategy) so there is a strong intention to safeguard and enhance the watercourse through local policy protection

- Loss of mature trees, shrubs and ground cover would result in the loss of biodiversity
- The Tottle Brook is part of the local ecological network and as such is recognised by paragraph 170 of the NPPF which advises that “*Planning policies and decisions should contribute to and enhance the natural and local environment by ...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*”
- Part 1 of Policy 31 of Draft Part 2 Plan is relevant as it states: “*...permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation or geological value, together with species that are protected or under threat...*” Parts 2 and 3 of Policy 31 state: “*...In all cases permission will not be granted for development that results in any significant harm or loss to the Biodiversity Asset, unless the benefits of development are clearly shown to outweigh the harm...*”
- The application does not demonstrate a net gain in biodiversity of the Borough’s ecological network and in fact harms it, especially in relation to the loss of natural vegetation and river bank
- Highlight the Water Framework Directive which contains objectives to achieve good ecological conditions for watercourses and removing the vegetation and building the gabion wall would be contrary to this
- Wish to see a mechanism to secure long term maintenance of the river corridor rather than transfer to individual residents.

2.1.2 **NWT** comments received following receipt of amended gabion wall information: welcome amended plans, especially the ‘greening’ and sloping of the gabion wall which may provide more habitat opportunities than the previously proposed vertical gabion wall. Addition of native hedge welcomed as could be a useful habitat corridor but query its long term maintenance as consider future residents would remove it to have view of the city. Question whether any trees can be retained during installation of gabions. Maintain query about policy conflict with development and watercourse buffer. Query gradient of proposed gabion wall and whether access will be possible for the EA and wildlife to the brook – would like to see watercourse buffer wider than 2m. Request further information about how proposed gabion will work in terms of details of its construction. Query whether the installation of the gabion wall is acceptable to the EA. Welcome the proposed bird/bat boxes but request further details (type and precise locations).

2.1.3 **NWT** further comments following clarification of above matters: sensible to condition the nest boxes and details of the gabion wall. Query again whether EA has no objection to the amended scheme.

2.1.4 **NWT** further comments received following receipt of amended plans showing the steps: whilst the amendments in relation to ‘greening’ the gabions and a native hedgerow are welcomed, still have concerns in relation to the encroachment on the wildlife corridor. The structure is still substantial and even if ‘greened over’ would not provide a suitable habitat for foraging birds or other animals. The loss of mature trees is of a particular concern and there should be a continuation of their maintenance. Their replacement would mean mature habitats are lost and

new trees may struggle to establish due to the steep gabion wall. The Green Infrastructure Strategy (GIS) forms part of the Part 2 Local Plan and the brook is mapped as a green corridor and should be considered as part of the ecological framework. The revised natural environment National Planning Practice Guidance (NPPG) recognises the opportunities that development proposals can provide to conserve and enhance biodiversity and this is not achieved by the encroachment of the large gabion wall. It is unclear how far the gabion wall will extend in length and how far it will be set back from the brook as this is shown as both 2m and 3m. If the gabion wall is too steep, this will not function for the movement of wildlife. The addition of steps will lead to increased disturbances to the wildlife corridor. To conclude, concerns are still raised about the impact of the proposal and an alternative layout which is less damaging to the Tottle Brook should be explored.

2.2 Environment Agency (in response to amended Flood Risk Assessment): no objection subject to two conditions requiring the development to be carried out in accordance with FRA and requiring a landscaping scheme which details existing vegetation/trees and provides a detailed plan to ensure proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse (designated as a Main River). Three informatives are provided:

- i) Typically request an 8m easement area free of development. However, in this case, have agreed that minor development such as gabion baskets, patios and fencing can be incorporated but only in strict accordance with the submitted drawings. Site specific matters, topography and the current access to the watercourse have been taken into consideration.
- ii) Not commented on the specific details of the gabion baskets as those matters will be considered under separate legislation, i.e. the environmental permitting regulations. An Environmental Permit for any works within 8m of the watercourse will be required. The environmental permitting system is completely independent of the planning system and the granting of planning permission does not guarantee that a permit will be granted.
- iii) Local Planning Authorities (LPAs) must “have regard to the River Basin Management Plan (RBMP) and any supplementary plans in exercising their functions”. This means that LPAs need to reflect RBMP information on the determination of individual planning applications where applicable. If this watercourse was a Water Framework Directive (WFD) monitored watercourse, the EA would object until an adequate WFD assessment had been supplied. However, as it is not a monitored watercourse, responsibility for ensuring compliance with WFD is the responsibility of the LPA and applicant.

2.2.1 EA comments in relation to amended gabion wall information: support the provision of access steps for maintenance purposes and raise no objection to amended information subject to conditions previously advised (as above).

2.3 Business and Projects Manager (Environment): advises that the trees proposed are appropriate for their location adjacent to a brook and should be able to grow at the base of the gabion wall. Such walls can appear visually stark and there are options to fill them with soil and compost sacks and then sow these with grasses and wild flowers to speed up the natural process.

2.4 Additional letter of objection (sent to all committee members in May) from neighbour detailing the following:

- The plans submitted on 10 April 2019 were the first indication of a gabion wall
- Gabion wall more usually found in an industrial setting and will mean the destruction of a designated wildlife corridor by removal of trees, shrubs and undergrowth
- Site recently visited by the Nottinghamshire Wildlife Trust and they have now objected to the application (quotes part of the NWT's objection)
- Attached to objection is a photo of a gabion wall, sectional plan showing gabion wall and a diagram of plans showing relationship with a property on Wollaton Vale.

2.5 14 representations have been received in relation to the amended plans of the gabion wall comprising 12 objections (including one made on behalf of the occupiers of 17 houses) and two raising no objections. The objections can be summarised as follows:

- a summary of NWT's comments are provided including the concern that the plans still represent destruction of a green corridor, loss of the corridor will weaken the entire Green Infrastructure Strategy – proposal is contrary to Policy 31 of the Draft Part 2 Local Plan, no guarantees are made for the retention of any trees, tree retention is not possible with the proposed gabion wall, queries whether width of 2m and steep gradient are sufficient to safeguard corridor and how vegetation will be planted in the gabion and future maintenance arrangements.
- A full topographical survey of the north bank of the brook should be submitted
- Development does not protect or enhance the green corridor and it will set a precedent for the destruction of others
- Gabion wall of any kind will deter wildlife from living there due to the steep sides
- Gabion wall is unsightly and just allows building to take place as close to the boundary as possible
- Amended gabion wall system and hedge has resulted in 2m smaller gardens for proposed houses and the density is out of keeping with open character of area
- New houses remain at three storey, at higher level than existing homes, causing loss of amenities, privacy and outlook
- Close proximity will cause overlooking
- Development has same density and proximity issues as previous plans which were refused permission
- No more details of solution to foul sewer issue for site – Councillor Carr requested clarification about installation of pump and generator. Queries about proposed route, back-up systems and how foul water will be prevented from entering Green Corridor.
- Flood risk will be increased by proposed density of building and lack of natural drainage
- Removal of 100+ trees from site before application submitted shows disregard for habitat and wildlife
- Concerns over potential removal of an oak tree

- The tree survey submitted with the application is the only reliable evidence of the state of the trees
- The retention of some trees is doubtful due to the removal of earth required for works
- Trees are healthy, mature and tall - introduction of new trees will take at least 20 years to establish
- Steps will create access to the development for burglars
- Insufficient parking
- Not in keeping with The Crescent building line
- Increase in traffic on Middleton Crescent to detriment of highway safety
- A transport survey should be submitted
- Reduction in air quality and increase in noise, dust and disturbance
- Poor design.

3 Assessment

3.1 The main issues to consider are the s106 Agreement obligations and the proposed gabion wall and impact on biodiversity.

3.2 **S106 Agreement**

3.2.1 The applicant had agreed to pay the education, open space and integrated transport measures financial contributions but not the requested affordable housing contribution. The applicant's justification for this was a belief the developable site area was below the threshold of 1 hectare and measured 0.98 hectares. However, it is clear the area of land surrounding no. 7A Middleton Crescent is demonstrably part of the 'developable area' of the site which was omitted to avoid paying an affordable housing contribution and when this area of land is included, the site area measures 1.2 hectares and therefore meets the threshold for an affordable housing contribution (explained in section 6.7 of the April report attached). The April report also referenced relevant case law to support this argument, the high demand for affordable housing in the Beeston sub-market area, as well as outlining the current planning policy position, all of which justifies the requirement for an affordable housing contribution to be paid.

3.2.2 The applicant outlined his intention at Planning Committee on 24 April 2019 to pay the affordable housing contribution, thus removing the proposed reason for refusal and overcoming the previous objection raised by the Housing Strategy and Development Officer. Consequently with respect to the financial contributions, the planning application is now considered acceptable.

3.3 **Gabion wall and impact on biodiversity**

3.3.1 The plans for this have been amended so the proposed gabion wall has a more natural gradient and is capable of being planted. Two sets of access steps have also been included to enable maintenance. A native species hedgerow is also proposed to be planted at the top of the wall.

3.3.2 In response to the objection from NWT to the amended gabion wall system, the applicant has advised the following:

- A bank reinforced by gabions and not a wall is proposed.

- The site is currently garden land and could be changed to manicured lawn without requiring permission.
- The bank has a steep gradient to prevent residents incorporating it within their garden, a previous concern raised by NWT.
- The addition of the hedge at the top of the bank will provide a definitive boundary to the proposed gardens and prevent residents mowing/building upon the bank. Retention of the hedge will be secured by legal covenant on the sale of the houses.
- The function of the wildlife corridor as a route for wildlife to move along will be unaffected by the building of the bank.
- The ecology report and survey confirm the construction of the bank will have negligible impact on the ecology of the stream. No notable species were identified and the habitats were considered relatively common.
- The following ecological enhancements can be incorporated: addition of holes in fencing to allow movement of hedgehogs, addition of open compost heap containers in garden corners to support hedgehogs, incorporation of badger set in gabion wall, provision of empty spaces in gabion baskets for smaller habitat creation and planting of species of ecological benefit along the bank.
- At a site visit in March, the Tree Officer recommended that T7, T8 and T9 be removed as soon as the bird nesting season had ended due to them being unsafe. These trees would have been removed already had it not been the nesting season.
- The length of gabion wall has been reduced so it stops at the east of plot 5 so T19 (an oak) can be retained. It is also intended to retain T11, T12 and T13.
- At the time of NWT's site visit, the weather conditions were very poor and with the area being overgrown, they were not able to see the condition of the trees.
- New trees and planting will be provided to further enhance the vegetation in the area of the bank.
- The bottom edge of the gabion bank is set back from the brook between 2-3m.
- Following concern from the NWT, the length of gabion bank has been significantly reduced to 90m which covers 69% of the boundary adjacent to the brook.
- Steps were added to provide access for tree maintenance but can be removed if NWT prefer
- Mammals can travel to the brook as the gabion bank does not start at the edges of the site
- The bank has an approximate gradient of 58 degrees so trees will not be overhung by it.
- Planting of trees could be conditioned to allow them to be installed for a period before the houses are constructed
- This is the only section of bank that has not been built on (many examples on both sides of the brook where residents have concreted over the boundary to the brook) – the scheme will ensure the area isn't incorporated into the gardens and will stay as a wildlife corridor.

- The houses have already been moved further away from the brook – moving them further away or removing the bank would affect the site's viability
- A contribution of £20,000 could be made to NWT to improve wildlife habitat within the borough
- The gabion bank allows the level change across the site to be reduced which provides the following benefits: levels the site to that of Appledore Avenue, allows for the access road to be adopted and for refuse collection to take place on site, reduces gradients for those with limited mobility, enables most of the proposed houses to discharge into the Middleton Crescent sewer and improves the viability of the scheme making it more likely to be built.

3.3.3 Whilst it is acknowledged there will be a loss of biodiversity following the removal of some trees and vegetation, the applicant has agreed to plant more trees and a hedgerow. The Council's Business and Projects Manager (Environment) has advised that the trees proposed are appropriate for their location adjacent to the brook and should be able to grow at the base of the gabion wall. Some trees will be retained on site where possible and the two highest graded trees (both oaks) will be retained. Tree protection measures are conditioned. The Tree Officer has considered the submitted Tree Survey and it is his view that none of the trees beside the brook are worthy of Tree Preservation Orders. Loss of some trees is unavoidable to enable the construction of the gabion wall system which will facilitate the provision of 13 additional houses. A landscaping condition will ensure that suitable native species of trees and hedgerow are introduced into this area and it is considered this is sufficient to partly address the concerns raised by the Nottinghamshire Wildlife Trust. It is accepted that the installation of a gabion wall replaces a natural bank but this is considered necessary in order to adequately support the bank and without it, it would pose a safety risk to the occupants of the proposed homes given their closer positioning to the brook. In addition, as stated by the applicant, the provision of the bank provides a number of benefits, notably the reduction of gradients and the construction of an access road that can be adopted. The proposed gabion wall system will not extend to the site boundaries so mammals will still be able to access the brook from either side. As the gabion wall will now be constructed using a sloping, 'green' system that can be planted, it is considered this will soften its appearance and encourage wildlife. A condition will be used to secure the details of the proposed gabion wall system.

3.3.4 As stated by the applicant, the site could be laid to lawn without requiring planning permission. Various structures have been constructed beside the brook. The Tottle Brook has not been maintained historically and has not been significantly enhanced or improved over recent years. Nevertheless, there is no proposal through this application that this status as a wildlife corridor will be removed. A landscaping condition can ensure that suitable native species are introduced into this area and this is considered to be sufficient to ensure the brook is enhanced. The need for housing carries significant weight and the retention of this site as an undeveloped part of an unmaintained Green Infrastructure Corridor and wildlife corridor is considered to be of less weight than the significant benefits of redeveloping this site for housing in an urban location.

- 3.3.5 The EA has raised no objection to the proposed gabion wall system and advise that such development would be seen as 'minor development' and would be acceptable within 8m of the watercourse. They advise that the applicant will need to apply for an environmental permit for the works due to the proximity to the Tottle Brook and this is entirely independent of the planning system.
- 3.3.6 In terms of the issues raised by NWT in their initial objection to the vertical gable wall system, the Green Infrastructure Strategy is not policy itself but it has informed the policies in the Draft Part 2 Local Plan. Policy 31 of the Draft Part 2 Local Plan concerns Biodiversity Assets and advises that all development should seek to deliver a net gain in biodiversity. This policy confirms that development will be refused if it results in any significant harm or loss to biodiversity assets unless the benefits of the development are clearly shown to outweigh the harm. The application site is subject to no local or national designations in terms of wildlife and no trees on the site are subject to Tree Preservation Orders. No evidence of protected species was found in the ecological surveys undertaken. The applicant proposes to install bat and bird boxes on the houses as an additional biodiversity measure and these will be secured through condition. In addition, a condition to secure the ecological enhancements measures (e.g. holes in fencing to facilitate movement of hedgehogs) as proposed by the applicant (see 3.3.2) is proposed. Measures to secure the long term maintenance of the gabion wall structure and hedgerow at the top of the wall will be conditioned. Subject to this and the above conditions, it is considered that there will be no significant harm to biodiversity or the Green Infrastructure Corridor which would warrant refusal of the application.
- 3.3.7 The applicant's offer to pay a £20,000 contribution to NWT is noted. However, as concluded above, given that no significant harm to biodiversity is considered to result from the proposed development, the contribution would not meet the tests for planning obligations as it would not be deemed necessary to make the development acceptable.

3.4 Other issues

- 3.4.1 In terms of foul drainage, it remains the proposal to connect to the sewers in Appledore Avenue and Middleton Crescent. If the property owner on Appledore Avenue does not permit such a connection, individual pumping stations may be required for some of the proposed houses to enable connection to Middleton Crescent. This will be a matter for Severn Trent Water Limited and building control.
- 3.4.2 The rear gardens of the proposed houses are considered to be of sufficient size to provide a satisfactory level of amenity for the proposed occupants and to be in keeping with the character of the area.
- 3.4.3 In terms of application (09/00289/FUL) which was dismissed at appeal, three storey apartments (with a central four storey 'tower') were proposed to the north of the site beside the brook, with block 1 being 8.2m from the brook. These apartments were part of a higher density scheme of 10 houses and 11 apartments and the apartments formed a continuous block whereas the current

application proposes 14 detached houses which have gaps between them and the closest house (plot 5) is 8.8m from the brook.

- 3.4.4 A full topographical survey of the north bank of the brook has not been provided due to this part of the site being overgrown. It is considered that the site visits conducted by the case officer to the site and a neighbouring property on Wollaton Vale are sufficient to enable consideration of the existing site levels.
- 3.4.5 The steps proposed within the gabion wall are not considered to encourage crime and the top of the steps could be gated.
- 3.4.6 In terms of the concern that no transport survey has been submitted, a Highway Impact Survey was submitted with the application and Nottinghamshire County Council has no objection to the submitted survey.
- 3.4.7 Other issues raised in the representations have been addressed in the previous reports.

4 Planning Balance

- 4.1 The benefits of the proposal are considered to be the provision of 13 additional houses and the contribution this will make to the Council's five year land supply, the sustainable location of the site, the short terms jobs created during the construction of the development and the financial contributions towards open space, education, affordable housing and integrated transport measures which will be secured through the S106 Agreement. There would be some impact on biodiversity but this impact is considered to be outweighed by the benefits of the proposal.

5 Conclusion

- 5.1 To conclude, the applicant has agreed to provide an affordable housing contribution which was the sole reason for recommending this application for refusal when reported to Planning Committee on 24 April 2019. The amended gabion wall proposals are considered to be acceptable. Furthermore, the planting of new native tree species and a hedgerow and provision of bird and bat boxes will be secured through conditions. Sufficient measures to enhance biodiversity are considered to have been made to ensure the Green Infrastructure Corridor will be maintained. As detailed in the previous report, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage and highways has satisfied concerns raised and is considered to be acceptable.

<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that the Head of Neighbourhoods and Prosperity be given delegated authority to grant planning permission subject to:</p> <p>(i) prior completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure affordable housing, education, open space and integrated transport measures contributions and</p> <p>(ii) the following conditions:</p>	
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 drawings: Site Location Plan (1:1250) received by the Local Planning Authority on 25 May 2018; 07 Rev D and 11 received by the Local Planning Authority on 3 April 2019; F16046/04 Rev C received by the Local Planning Authority on 8 April 2019; 13 Rev C received by the Local Planning Authority on 10 April 2019; 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H received by the Local Planning Authority on 14 August 2019, 09 Rev M and 10 Rev A received by the Local Planning Authority on 15 August 2019 and 01 Rev DD received by the Local Planning Authority on 29 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development shall commence until detailed plans of the proposed gabion wall system construction methodology and proposed maintenance arrangements have been submitted to and agreed in writing by the Local Planning Authority. These plans and methodology shall include:</p> <ul style="list-style-type: none"> i) Proposed substrate depth ii) Proposed planting/seeding/turfing details iii) Timetable for implementation of the scheme. <p>The proposed gabion wall system shall be constructed, planted and maintained in accordance with the agreed details. If any 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.</p>

	<i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and in the interests of biodiversity and neighbouring visual amenity to secure appropriate planting of the gabion wall and longer term survival of the planting, to preserve the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i>
4.	<p>No development including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
5.	<p>No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Sustainable Drainage Statement (prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-CD-0001_SDS, dated October 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management - Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area. - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA. - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate

	<p>change return periods.</p> <ul style="list-style-type: none"> - Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm. - Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters. <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:</p> <ul style="list-style-type: none"> (a) numbers, types, sizes and positions of proposed trees and shrubs and existing trees to be retained; (b) measures for the protection of retained trees (c) a detailed plan which demonstrates the proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse; (d) planting, seeding/turfing of other soft landscape areas; (e) details of the site boundary treatments; (f) a timetable for implementation of the scheme. <p>The landscaping scheme shall be carried out in accordance with the approved timetable and the tree protection measures shall be in place before any site clearance/development commences. 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.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and limited details were submitted with the application. To ensure the development presents a satisfactory standard of external appearance to the area and to maintain the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>

7.	<p>No development above slab level shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No development above slab level shall commence until precise details of the types of bat and bird boxes proposed have been submitted to and agreed in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective houses.</p> <p><i>Reason: To secure the provision of such features in the interests of biodiversity and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
9.	<p>No development above slab level shall commence until precise details of the ecological enhancement measures as set out on the first page of the 'NWT response letter' received on 29 August 2019 have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details, prior to the occupation of the dwellings.</p> <p><i>Reason: In the interests of enhancing biodiversity, in accordance with Policy 17 of the Aligned Core Strategy (2014) and Policies 17 and 31 of the Draft Part 2 Local Plan (2018).</i></p>
10.	<p>Prior to the first occupation of the houses hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-YE-0001_FRA, received by the Local Planning Authority on 30 April 2019 and in accordance with the mitigation measure that finished floor levels are set no lower than 37.1m above Ordnance Datum. This mitigation measure 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>
11.	<p>Prior to the first occupation of the houses hereby approved, all driveways and parking areas shall be surfaced in a hard, bound</p>

	<p>material (not loose aggregate), and designed to prevent the unregulated discharge of surface water onto the public highway. The surfaced drives and parking areas shall then be maintained in such form for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
12.	<p>Prior to the first occupation of the houses hereby approved, the existing site access shall be made redundant and permanently closed and the access crossing reinstated as a footway.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
13.	<p>Prior to the first occupation of the houses hereby approved, visibility splays shall be provided in accordance with the approved plans. The area within the visibility splays shall be kept free of all obstructions for the lifetime of the development.</p> <p><i>Reason: In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).</i></p>
14.	<p>The first floor side windows annotated as obscurely glazed on drawing numbers: 02 Rev J, 03 Rev K, 04 Rev E, 05 Rev F, 06 Rev H and 10 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.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
15.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions or outbuildings shall be carried out to the dwellings on plots 1 - 5 hereby approved which come within Classes A and E of Schedule 2, Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.</p> <p><i>Reason: To ensure that access to the Tottle Brook watercourse is kept clear for future maintenance, to reduce the risk of flooding to the development, to prevent flooding elsewhere and in accordance</i></p>

	<i>with Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i>
16.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	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 applicant should note 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks. An agreement under Section 38 of the Highways Act 1980 will be required. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The proposal makes it necessary to reinstate the redundant access/ vehicular crossing over a footway of the public highway and these works should be carried out to the satisfaction of the Highways Authority. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage on telephone number: 0300 500 8080.
3.	The gabion wall and any activities that take place within 8 metres of the Tottle Brook watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03702 422 549. Further guidance can be obtained at: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits
4.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
5.	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.



SECTION AA

Wollaton Vale

59 Wollaton Vale

Middleton Crescent Site

74 Middleton Crescent

1. 3m tall walling to top of bank

2. 10m tall walling to top of bank

3. 10m tall walling to top of bank

4. 10m tall walling to top of bank

5. 10m tall walling to top of bank

6. 10m tall walling to top of bank

7. 10m tall walling to top of bank

8. 10m tall walling to top of bank

9. 10m tall walling to top of bank

10. 10m tall walling to top of bank

[illegible]

The diagram illustrates the evolution of a building facade through five stages. Stage 1 (Fig. 1) is a simple gable. Stage 2 (Fig. 2) adds a second story and a chimney. Stage 3 (Fig. 3) adds a third story and more windows. Stage 4 (Fig. 4) adds a fourth story and more windows. Stage 5 (Fig. 5) is the most complex, featuring multiple gables, chimneys, and a large central bay window.

[illegible]

APPENDIX

Report of the Chief Executive

18/00377/FUL**CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NOTTINGHAMSHIRE**1. Details of the application

- 1.1 The application was first brought before Planning Committee on 24 April 2019 with a recommendation for refusal because the applicant had not agreed to provide an affordable housing contribution (original report attached as an appendix). Members deferred making a decision on the application as at the meeting, the applicant stated an affordable housing contribution would be made in line with the Council's request.

2. Appraisal

- 2.1 The applicant has agreed to pay the education, open space and integrated transport measures financial contributions but did not previously agree to pay an affordable housing contribution. The applicant's justification for this was a belief the developable site area was below the threshold of 1 hectare and measured 0.98 hectares. However, it is clear the area of land surrounding no. 7A Middleton Crescent is demonstrably part of the 'developable area' of the site which was omitted to avoid paying an affordable housing contribution and when this area of land is included, the site area measures at 1.2 hectares and therefore meets the threshold for an affordable housing contribution (explained in section 6.7 of the original report attached). The original report also referenced relevant case law to support this argument, the high demand for affordable housing in the Beeston sub-market area as well as outlining the current planning policy position, all of which justifies the requirement for an affordable housing contribution to be paid.
- 2.2 The applicant outlined his intention at Planning Committee to pay the affordable housing contribution, thus removing the proposed reason for refusal and overcoming the previous objection raised by the Housing Strategy and Development Officer. Consequently with respect to the financial contributions, the planning application is now considered acceptable.
- 2.3 Nottinghamshire Wildlife Trust provided comments as a late item when this application was reported to the previous Planning Committee. They stated they would prefer for natural vegetation and trees along the brook to be retained and requested assurances that vegetation would be retained alongside the gabion wall. It would also be preferable to retain existing trees rather than plant replacement trees which take time to establish. They highlight that Tottle Brook is a wildlife corridor and therefore seek a mechanism to guarantee long-term maintenance of a river corridor, as by incorporating the brook into gardens, there is a danger that it could be encroached upon by new owners.

- 2.4 Whilst it is acknowledged there will be a loss of biodiversity following the removal of some trees and vegetation, the applicant has agreed to retain trees where possible and plant more trees. A landscaping condition will ensure that suitable native species of trees are introduced into this area and alongside the retention of some trees, it is considered this is sufficient to partly address the concerns raised by the Nottinghamshire Wildlife Trust. It is accepted that the installation of a gabion wall replaces a natural bank but this is considered necessary in order to adequately support the bank and without it, it would pose a safety risk to the occupants of the proposed homes given their closer positioning to the brook. The Tottle Brook has not been maintained historically and has not been significantly enhanced or improved over recent years. Nevertheless there is no proposal through this application that this status as a wildlife corridor will be removed. A landscaping condition can ensure that suitable native species are introduced into this area and this is considered to be sufficient to ensure the brook is enhanced. The need for housing carries significant weight and the retention of this site as an undeveloped part of an unmaintained Green Corridor and wildlife corridor is considered to be of less weight than the significant benefits of redeveloping this site for housing in an urban location.

3. Conclusion

- 3.1 To conclude, the applicant has agreed to provide an affordable housing contribution which was the sole reason for recommending this application for refusal when reported to Planning Committee on 24 April 2019. Furthermore, the applicant has stated the intention to retain trees where possible along the Tottle Brook, in addition to introducing new native species which can be secured through a landscaping condition. As detailed in the previous report, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage and highways has satisfied concerns raised and is considered to be acceptable.

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 to secure affordable housing, education, open space and integrated transport measures contributions and**
- (ii) the following conditions:**
 - 1. The development hereby permitted shall be commenced before the expiration three years beginning with the date of the permission.**
 - 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 May 2018, 03 Rev J, 04 Rev D, 05 Rev E, 06 Rev G, 07 Rev D, 10 and 11 received by the Local Planning Authority on 3 April 2019, 02 Rev H**

received by the Local Planning Authority on 4 April 2019, 01 Rev W received by the Local Planning Authority on 5 April 2019, F16046/04 Rev C received by the Local Planning Authority on 8 April 2019 and 09 Rev E and 13 Rev C received by the Local Planning Authority on 10 April 2019.

3. No development including site clearance, shall commence until wheel washing facilities have been installed on site in accordance with details first submitted to and approved in writing by the Local Planning Authority. The wheel washing facilities shall be maintained in working order at all times.
4. No development shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Sustainable Drainage Statement (prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-CD-0001_SDS, dated October 2018) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management
 - Limit the discharge rate generated by all rainfall events up to the 100 years plus 40% (for climate change) critical rain storm to the QBar Greenfield rates for the developable area.
 - Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Make provision for all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
 - Provide evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.
5. No development or site clearance shall commence until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
 - (a) numbers, types, sizes and positions of proposed trees and shrubs and existing trees to be retained;
 - (b) a detailed plan which demonstrates the proposed tree planting will not prevent sufficient access to the Tottle Brook watercourse;
 - (c) planting, seeding/ turfing of other soft landscape areas;
 - (d) details of the site boundary treatments;

(e) a timetable for implementation of the scheme.

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

- 6. No development above slab level shall be carried out until samples of the materials to be used in the facing walls and roofs have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed only in accordance with those details.**
- 7. Prior to the first occupation of the houses hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by BWB Consulting Ltd, ref: MCB-BWB-ZZ-XX-RP-YE-0001_FRA, received by the Local Planning Authority on 30 April 2019 and in accordance with the mitigation measure that finished floor levels are set no lower than 37.1m above Ordnance Datum. This mitigation measure shall be maintained and retained for the lifetime of the development.**
- 8. Prior to the first occupation of the houses hereby approved, all driveways and parking areas shall be surfaced in a hard, bound material (not loose aggregate), and designed to prevent the unregulated discharge of surface water onto the public highway. The surfaced drives and parking areas shall then be maintained in such form for the lifetime of the development.**
- 9. Prior to the first occupation of the houses hereby approved, the existing site access shall be made redundant and permanently closed and the access crossing reinstated as a footway.**
- 10. Prior to the first occupation of the houses hereby approved, visibility splays shall be provided in accordance with the approved plans. The area within the visibility splays shall be kept free of all obstructions for the lifetime of the development.**
- 11. The first floor side windows annotated as obscurely glazed on drawing numbers: 02 Rev H, 03 Rev J, 04 Rev D, 05 Rev E, 06 Rev G and 10 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.**
- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking or re-enacting this Order, no extensions or outbuildings shall be carried out to the dwellings on plots 1 - 5 hereby approved which come within Class A and E of Schedule 2 Part 1 of the Order without the prior written permission of the Local Planning Authority by way of a formal planning permission.**
- 13. No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works**

or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
4. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).
5. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the development presents the satisfactory standard of external appearance to the area and to maintain trees to preserve the Tottle Brook as a wildlife corridor and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
6. The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. To ensure the satisfactory standard of external appearance in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).
7. To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Broxtowe Aligned Core Strategy (2014).
- 8.9.&10. In the interests of highway safety to mitigate the impact of the development on the highway network and in accordance with the aims of Policy T11 of the Broxtowe Local Plan (2004).
11. In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).
12. To ensure that access to the Tottle Brook watercourse is kept clear for future maintenance, to reduce the risk of flooding to the development, to prevent flooding elsewhere and in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014).

13. In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).

Note to applicant

1. The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.
2. The applicant should note 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks. An agreement under Section 38 of the Highways Act 1980 will be required. It is also an offence under Sections 148 and 151 of the Highways Act 1980 to deposit mud onto the public highway. The proposal makes it necessary to reinstate the redundant access/ vehicular crossing over a footway of the public highway and these works should be carried out to the satisfaction of the Highways Authority. The applicant is advised to contact the Nottinghamshire County Council as Highways Authority at an early stage on telephone number: 0300 500 8080.
3. The gabion wall and any activities that take place within 8 metres of the Tottle Brook watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03702 422 549. Further guidance can be obtained by visiting: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.
5. 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.

Background papers
Application case file

APPENDIX

Report of the Chief Executive

18/00377/FUL**CONSTRUCT 14 HOUSES, GARAGES AND ASSOCIATED ACCESS ROAD FOLLOWING DEMOLITION OF DWELLING LAND TO THE REAR OF 13 MIDDLETON CRESCENT, BEESTON, NOTTINGHAMSHIRE**

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

1 Details of the Application

- 1.1 This is a major planning application to construct 14 new dwellings with garages and an associated access road following the demolition of one dwelling, no. 13 Middleton Crescent. A new access road will be created from Middleton Crescent. The application includes a Design and Access Statement, Flood Risk Assessment, Drainage Statement, Ecology Survey, Foul Sewerage Assessment, Highway Impact Statement and Tree Survey.
- 1.2 Each house will be two or three storeys high, between 8.7m – 11.1m in height, have hipped/gable roofs, between four and six bedrooms and a minimum of three car parking spaces on a driveway and in garages. A bin store serving plots 7A, 10 and 11 is positioned in front of the garage on plot 11. A gabion wall is proposed along the northern boundary of the site to support the land sloping down towards the Tottle Brook.
- 1.3 Amended plans were received during the course of the application and the main changes include a reduction in height of house type A by 1.2m, removal of the second floor and reduction in the height of house type B by 1.5m. House type E was reduced in height by 0.6m and an additional house type was included, house type F. Plot 1 has been moved approximately 1m further away from the boundary with no. 165 Appledore Avenue and the footprint of the property has been handed so the longest part of the property will align with the boundary of plot 2. Plots 1 – 4 have been moved further south and the garden sizes increased to a length of 10-12m. The detached garages were changed from gable to hipped roofs and reduced in height by 0.6m (reduced by 0.8m for plot 1). The front dormer of plot 1 will have a recessed window surrounded by boarding. A mixture of trees will be planted along Tottle Brook following the removal of the existing trees. The gradient of the road entering the site has been lowered and a retaining wall ranging from 0.5m – 1m in height has been included along the west side of the road wrapping around the southern boundary of plot 13. Several amendments were made in relation to the design.

2 Site and Surroundings



View of site to the north west and view of rear of no. 165 Appledore Avenue



View of site to the north



View of site facing south east and view of no. 7A Middleton Crescent from no. 165 Appledore Avenue



View of site facing east from no. 165 Appledore Avenue



View of site facing south west from rear garden of no. 55 Wollaton Vale



View of site facing south west from rear garden of no. 15 Middleton Crescent



View of site facing southern boundary and view of access into site



East elevation of no. 7A Middleton Crescent

- 2.1 The site lies between Middleton Crescent, Wollaton Vale and Appledore Avenue in a residential area. The site is approximately 1.2 hectares in size and is vacant land. The existing house on the site, no. 7A Middleton Crescent, is currently accessed by a single track road from Middleton Crescent. The site slopes steeply from south west to north east. It slopes down approximately 12.5m from the highest point in the south west corner down to the north east adjoining Wollaton Vale.
- 2.2 There are a number of mature trees along the boundary with Tottle Brook and no. 15 Middleton Crescent. Tottle Brook runs along the north boundary of the site and separates the site with the properties along Wollaton Vale. Wollaton Vale is located within the Nottingham City Council boundary. A 2m high fence extends across the western boundary of the site. Mature trees, a hedge and vegetation extend across the boundary with no. 15 Middleton Crescent. The properties surrounding the site along Wollaton Vale and Middleton Crescent are large detached houses, nos. 165, 167 and 169 Appledore Avenue are link detached houses and no. 40A Derby Road is a detached dwelling.

3 Relevant Planning History

- 3.1 in 2007, following the publication of a Committee report recommending refusal, an application (07/00856/FUL) to demolish 7A Middleton Crescent and 61 Wollaton Vale and construct 10 houses, 17 apartments and access from Wollaton Vale was withdrawn.
- 3.2 A revised application to demolish no. 7A Middleton Crescent and no. 61 Wollaton Vale and construct 10 houses and 11 apartments, with a new access road from Wollaton Vale (09/00289/FUL) was dismissed on appeal following non-determination. The Inspector dismissed the appeal because he considered a cramped and over intensive form of development was proposed, which would be harmful to the spacious character of the area, that the proposed three storey apartments would have a detrimental impact on outlook from the rear garden of

Wollaton Vale and cause potential for overlooking and the proposed dwellings would be harmful to neighbour amenity.

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 Paragraphs 56 – 57 advise that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and are fairly and reasonably related in scale and kind to the development. Furthermore, where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.

4.1.3 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.

4.1.4 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.

4.1.5 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.

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

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

4.2 Broxtowe Aligned Core Strategy

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 'Policy 2: The Spatial Strategy' sets the overarching strategy for how growth in Greater Nottingham will be accommodated and distributed. It sets the required number of homes for Greater Nottingham (GN) between 2011 and 2028 (6,150 in the Broxtowe Borough part of GN, of which 3,800 are in or adjoining the existing built up area of Nottingham) and outlines a settlement hierarchy.
- 4.2.5 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space. It sets out the approach to affordable housing and establishes a 30 per cent target for Broxtowe Borough.
- 4.2.6 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.
- 4.2.7 'Policy 14: Managing Travel Demand' aims to reduce the need to travel by private car. It states that the priority should be to select sites which are already accessible by walking, cycling and public transport.
- 4.2.8 'Policy 16: Green Infrastructure, Parks and Open Space' states that a strategic approach to the delivery, protection and enhancement of Green Infrastructure will be taken.
- 4.2.9 'Policy 18: Infrastructure' seeks to ensure new development is provided with the necessary infrastructure.
- 4.2.10 'Policy 19: Developer Contributions' confirms the current use of section 106 agreements.

4.3 Saved Policies of the Broxtowe Local Plan

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

- 4.3.2 Policy E24 'Trees, hedgerows and Tree Preservation Orders': Development that would adversely affect these will not be permitted.
- 4.3.3 Policy E27 'Protection of Groundwater' states planning permission will not be granted for development which would be liable to result in the infiltration of contaminants into groundwater resources unless mitigation measures are proposed.
- 4.3.4 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.5 Policy H5 'Affordable housing' states that on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25% of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision.
- 4.3.6 Policy H6 'Density of Housing Development' provides density requirements for residential development: where development is within 400m walking distance of frequent public transport services, a minimum density of 40 dwellings per hectare is required and if the distance is beyond 400m, 35 dwellings per hectare.
- 4.3.7 Policy H7 'Land Not Allocated for Housing Purposes' states that residential development on sites within existing built-up areas will be permitted provided the amenity of existing and proposed occupiers is not adversely affected; the development would not result in an undesirable change in the character or appearance of the area; the development of a larger area is not prejudiced; satisfactory provision is made for access and parking; the site is not of significant nature conservation value and the site is not required to be retained for another purpose in the local plan.
- 4.3.8 Policy RC6 'Open space: requirements for New Developments' provision should be made for public open space and children's play areas on residential development sites which exceed 0.5 hectares. The design of any open space provision should take into account the possible provision of features beneficial to wildlife.
- 4.3.9 Policy T1 'Developers' Contributions to Integrated Transport Measures' planning permission for developments which generate a demand for travel will not be granted until a contribution towards transport infrastructure has been negotiated.
- 4.3.10 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 representations in relation to Policy 1, 12 representations in relation to Policy 15,

11 representations in relation to Policy 17, 7 representations in relation to Policy 26 and 11 representations in relation to Policy 32. 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, 26 and 32. 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, 26 and 32 can now be afforded moderate weight. As further modifications have been requested for Policy 15, this can only be afforded limited weight. It is also relevant that the Inspector's comments on this policy do not relate to the proposed approach to affordable housing contributions.

- 4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.
- 4.4.3 Policy 15 'Housing Size, Mix and Choice' states that 30% or more of housing should be affordable within the Beeston sub-market area if more than 10 dwellings are proposed. If less than this is proposed, a viability assessment must accompany the application. Affordable housing provision should be made on site, unless there are exceptional circumstances. Developments should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the borough are met. At least 10% of the dwellings should comply with requirement M4(2) of the Building Regulations regarding 'accessible and adaptable dwellings'.
- 4.4.4 Policy 17 'Place-making, Design and Amenity' states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.
- 4.4.5 Policy 26 'Travel Plans' states that a Travel Plan will be expected to be submitted for developments of 10 or more dwellings or 1000 sqm or more gross floor space.
- 4.4.6 Policy 32 'Developer contributions' financial contributions may be sought from developments of 10 or more dwellings or 1000 sqm or more gross floorspace for provision, improvement or maintenance, where relevant, of: affordable housing; health; community facilities; green space; biodiversity; education and highways.

5 Consultations

- 5.1 The County Council as Highways Authority initially advised that the proposed roads were not to an adoptable standard. On receipt of amended plans the Highways Authority were satisfied that the outstanding issues had been resolved but have requested conditions in respect of the submission of details of the new access roads (e.g. visibility splays, gradients and construction specification). Further conditions were advised in relation to the driveways being surfaced in a hard, bound material that are appropriately drained, the existing site access being made redundant and wheel washing facilities being installed on site. An advisory to contact the Highways Authority in relation to the redundant access has been advised.
- 5.2 The Council's Waste and Recycling Officer has advised on the requirements for waste and recycling.
- 5.3 The Tree Officer has stated that none of the trees along the Tottle Brook are worthy of protection with most of them being in a state of decline or decay due to erosion from the bank. Tree T15 has been recommended for retention.
- 5.4 The Nottinghamshire Wildlife Trust have stated that they are satisfied with the information provided in relation to the gabion wall and the Ecology Survey and have advised a condition that works are carried out in accordance with this.
- 5.5 The Environment Agency (EA) raise no objection subject to the inclusion of a condition requiring that finished floor levels are set no lower than 37.1m above Ordnance Datum and there is no development within 8m of the Tottle Brook. No objection has been raised by the EA in relation to the gabion wall but a flood risk activity permit will be required. A pre-commencement condition has been advised in relation to tree planting along the Tottle Brook. The EA have commented that the Flood Risk Assessment would be required to be updated due to receiving amended plans and that this should include information on the gabion wall.
- 5.6 The County Council as Lead Local Flood Authority (LLFA) initially objected to this application in the absence of a drainage strategy. Further information has been provided and the LLFA have no objection subject to the inclusion of a condition requiring the submission of a surface water drainage scheme based on the submitted Drainage Statement.
- 5.7 The Housing Strategy and Development Officer has objected to the application as the site meets the threshold for an affordable housing contribution but this has not been provided. Furthermore, it has been identified there is a high need for social and affordable home ownership, particularly within the Beeston sub-area. The provision of an on-site or off-site contribution would help achieve a key outcome identified in Broxtowe Borough Council's Housing Strategy 2015 – 2020.
- 5.8 The Business and Projects Manager (Environment) has requested a financial contribution of £18,589.35 towards Beeston Fields Recreational Park for path and play area surfacing.
- 5.9 The County Council Planning Policy team have requested an education contribution of £40,968.

- 5.10 The Environmental Health Officer raises no objection subject to an advisory in respect of working hours and no bonfires taking place on the site.
- 5.11 Natural England were consulted but stated the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 5.12 Severn Trent Water Ltd, NHS Nottingham West Clinical Commissioning Group and the Nottingham Police Crime Prevention Design Officer Advisor were consulted but have not provided comments.
- 5.13 Nottingham City Council's Planning Department was consulted but was consulted but stated they had no comments to make in relation to the application.
- 5.14 A site notice and amended site notice were posted on Middleton Crescent and Appledore Avenue. 121 neighbours were consulted and 37 representations were received. One in support of the development, one raising no objection, six raising observations, 29 objecting (with one letter including 16 neighbours addresses supporting an objection). Comments received can be summarised as follows:
- Three storey houses are not appropriate due to the steep ground level of the site and should be reduced to two storeys unless they are set back from boundaries of neighbouring properties
 - Six properties facing Wollaton Vale will create an overbearing continuous line of development due to raised ground level
 - Laurel hedge may be destroyed which retains privacy
 - No cross sections provided in order to assess the impact of the properties on existing properties adjoining site
 - Sense of enclosure
 - Loss of daylight/sunlight due to large, tall properties and proximity to neighbouring properties due to short garden lengths
 - Previous application was refused as properties were 13m from property and these properties are 4-6m which is even closer
 - No direct sunlight into dining rooms on plots 2 – 4 as the houses are so close to each other
 - Overlooking from houses and patios to adjoining neighbours due to close proximity
 - Overlooking from balconies
 - Increase in noise due to proximity of properties and construction of properties
 - Increase in air pollution
 - Properties are too large, six bedrooms with very small gardens
 - Does not follow character of properties on Middleton Crescent and Wollaton Vale
 - Follows building line of Appledore Avenue despite the fact these are smaller houses
 - Not in keeping with unique 1920's existing properties
 - Plot 14 out of character with properties on Middleton Crescent as it appears to be 'squeezed in' and projects beyond the building line of no. 15
 - Overdeveloped and too intensive
 - New access from Middleton Crescent interrupts the crescent
 - Destruction of character of historical crescent

- Risk of emergency vehicles not being able to reach existing properties on Middleton Crescent
- Access should be created from Appledore Avenue as Middleton Crescent becomes congested from traffic from A52
- The Flood Risk Assessment states that an “8m standoff from the top of the bank is required where no planting can take place to ensure the Environment Agency can carry out maintenance.” This means the proposed houses will be within this area as the bank is 3.5m back from the Brook in places and new residents will not be able to plant anything in this area
- 50% of each plot will be covered by hardstanding meaning there will be substantial surface water-run off and will run into the Tottle Brook and cause flooding
- The 09/00289/FUL application included a balancing pond but no such provision has been made for this application.
- Concern raised in regards Tottle Brook being diverted to enable the amount of houses to be built
- Drainage and flooding issues from sewers on Appledore Avenue meaning a survey should be undertaken if the intention is to connect to these
- Recommendation of this application should reflect the Inspector’s findings from the appeal which was dismissed in relation to application 09/00289/FUL. The Inspector concluded the nature of the site due to its relationship with adjoining areas, matters of overlooking and intensity supported the reasons of members to refuse the application
- No planting shown between plots 1 – 4
- No screening provided as trees will be removed
- All remaining vegetation forming a Green Corridor turned into residential gardens
- The Green Corridor is the remains of the original hedge and trees that ran along the field boundary, additional planting and enhancement of this should be incorporated and trees marked blue and green on the Tree Survey should have TPO’s attached
- Removal of Green Corridor is contrary to the Regional Biodiversity Strategy Policy 29 which requires Local Planning Authorities to take responsibility in creating, protecting and enhancing networks of semi-natural green spaces in urban areas
- No encouragement for people to walk as no pavements
- No guidance on how many car parking spaces required but future residents will most likely have three or four cars
- Width of road not adequate for additional traffic and not enough room for additional people to park if residents have visitors
- Gabion walls to reinforce the bank wall would destroy the only natural corridor left
- Traffic will be increased from Middleton Crescent which is a quiet road
- Increase in chance of serious accidents from additional traffic
- Middleton Crescent is not a suitable access road for this number of houses
- Repositioning of the garage for plot 14 is sited directly on the road and will have no proper sight lines for vehicles
- Swept path analysis shows a structure in the garden of plot 6 which is an error
- Tree survey suggest T7 and T8 are of no value but are young healthy oaks which provide a screening to the site
- Concerns trees and vegetation will be removed from southern boundary of site

- Incomplete tree survey as it does not show two semi-mature oak trees on the bank opposite rear of property between T7 and T8 which is a significant screening
- Disturbance of local flora and fauna
- Possible contamination of the Tottle Brook from excess surface water not being pumped up to Middleton Crescent
- Restrictions should be put in place to prevent the disturbance of wildlife
- Raise no objection as long as the access road will not go through Wollaton Vale
- Highway safety survey should be conducted
- Private access road serving no. 7A Middleton Crescent will become redundant and should be regenerated with the removal of the concrete boarded fencing
- Restrictive covenants on Middleton Crescent to prevent any through roads being developed on property land.

6 Appraisal

6.1 The main issues are considered to be the principle of the proposed development, if the development is acceptable in flood risk terms, the design and layout, parking, the relationship with neighbouring properties and if satisfactory Section 106 financial contributions have been agreed.

6.2 **Principle**

6.2.1 The site is currently overgrown and is within an existing residential area which provides an opportunity to provide additional housing outside of the Nottinghamshire 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 Nottinghamshire Green Belt in the Broxtowe Part 2 Local Plan. The provision of 13 houses on this site (14 new houses proposed but 13 Middleton Crescent is to be demolished) is considered to be a benefit in terms of five year supply and provision of homes.

6.2.2 The density of the development falls below the threshold to comply with Local Plan Policy H6. However, if the Council is satisfied that the proposed density not meeting this threshold is not detrimental to the character and appearance of the area, a lower density can be agreed. In this case, it is acknowledged the properties along Appledore Avenue are on modest sized plots but the properties along Wollaton Vale and Middleton Crescent which mainly border the site are substantial sized properties with spacious plots that the principle of 14 dwellings on this sized plot would be in keeping with the surrounding area.

6.2.3 Whilst it is acknowledged a Green Corridor runs along the centre of the site, it is clear this hasn't been maintained for an extended period of time. The need for housing carries weight and the retention of this unmaintained Green Corridor is considered to be of less weight than the in principle benefits of redeveloping this site for housing in an urban location.

6.3 **Flood Risk, Drainage and Foul Sewerage**

- 6.3.1 The site is located within Flood Zone 1 which is land with a low probability (between 1 in 1000) of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application and the Environment Agency (EA) was consulted on the application. The EA raised no objection to the application subject to a pre-commencement condition requiring information in relation to tree planting along the Tottle Brook. The EA have advised that a permit is required by the developer in order to construct the gabion wall along the Tottle Brook.
- 6.3.2 Paragraphs 155 – 158 of the NPPF states that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere.
- 6.3.3 From reviewing the FRA, it is considered that flood risk issues have been satisfactorily addressed. A number of mitigation measures are proposed within the FRA which include floor levels being set at least 2.1m above the Tottle Brook, finished floor levels being set 0.2m above surrounding ground levels of the houses and finished floor levels being set 37.1m above Ordnance Datum. An appropriate drainage strategy, in addition to the Drainage Statement, for discharging surface water has been advised to ensure flood risk off site is not increased as a result of the development. Due to the plans being amended, it is acknowledged the FRA will not be wholly accurate, in particular, section 4.3 states that an 8m standoff area from the top of the bank should be retained where no development, construction or planting can take place in order for the EA to carry out maintenance. However, the EA have clearly stated that a standoff of 8m from the Tottle Brook itself is acceptable as the site is located within Flood Zone 1, there are no formal flood defence structures within 8m of the brook and this part of the site is not used for direct management of the brook. It is considered a pre-commencement condition would be necessary to require an updated FRA which reflects the finalised plans if the development were approved. To conclude, it is considered the development is acceptable in terms of dealing with the issues of flooding.
- 6.3.4 The Lead Local Flooding Authority initially objected due to the absence of a Drainage Strategy. Further information has been provided to overcome this objection and a condition has been advised that a surface water drainage scheme is submitted.
- 6.3.5 A letter has been provided from Severn Trent Water which has been included within the Drainage Statement and referenced in the Foul Sewerage Assessment. It has been confirmed that a foul discharge for a maximum of 18 new dwellings could be accommodated if connected to the existing sewers along Middleton Crescent. Furthermore, Severn Trent Water confirms that the Tottle Brook is sufficient to accommodate surface water run-off from the development should this be required. Whilst the Drainage Statement states that discussions have taken place in relation to connecting to the sewers on Appledore Avenue, it recognises that this is through third party land and would be subject to the agreement of that particular homeowner.
- 6.3.6 Whilst it is acknowledged there is concern raised in relation to flood risk, the amount of hardstanding proposed and drainage and foul sewerage, it is considered these issues have been satisfactorily addressed with appropriate

mitigation measures within the FRA, Drainage Statement, discussions with Severn Trent Water and appropriate pre-commencement conditions. Subject to the 8m buffer zone with the Tottle Brook, permitted development rights should be removed for extensions and outbuildings for plots 1 - 5 to ensure that the area remains open for the lifetime of the development. To conclude, it is considered the development complies with the NPPF (2019) in flood risk terms, the Drainage Statement addresses the concerns raised by the LLFA and there is sufficient capacity to support the site in regards to foul sewerage.

6.4 Amenity

- 6.4.1 A number of amendments have been incorporated within the design and it is considered the application is acceptable in relation to the impact on surrounding neighbours. The properties that will be mostly affected by the scheme are those which directly adjoin the site on Appledore Avenue, Wollaton Vale and Middleton Crescent.
- 6.4.2 Nos. 165, 167 and 169 are link detached houses positioned to the west of the site. Plots 1 and 8 will be closest to the western boundary with these properties. The footprint of plot 1 has been handed so the longest projection of the property is set away from no. 165's boundary, the height of this property has been lowered by 1.2m and the front dormer window has been recessed in order to restrict views to the west. The land slopes down significantly and plot 1 will be positioned 0.2m lower than no. 165 (not including the proposed chimney). Plot 1 will not directly face no. 165 and the west (side) elevation of the proposed house will be blank and extend 8.2m. The detached garage on plot 1 will have a height to eaves of 2.9m and height to ridge of 5.6m and has been moved a further 2m from the boundary so the separation distance is 3.5m. It is considered the impact of the plot 1 on the amenity of no. 165 will be acceptable. To conclude no. 165 benefits from a sizeable garden which is approximately 28m in width and 16m in depth (measured at widest points). As no. 165 is positioned to the west of the site the loss of sunlight caused by plot 1 will not be detrimental. Taking the above into consideration, it is considered that plot 1 will not have a detrimental impact on the amenity of no. 165.
- 6.4.3 It is acknowledged that no. 167 Appledore Avenue has a garden that is approximately 12m in length. However, plots 1 and 8 are positioned to the north east and south east of no. 167 and therefore are not directly positioned to the rear of this garden. It is therefore considered there will not be a detrimental impact on no. 167 from plots 1 and 8.
- 6.4.4 No. 169 Appledore Avenue has a garden length which is approximately 14m in length and width. Whilst it is acknowledged plot 8 is beyond the rear garden of no. 169, the separation distance between these two properties is 20m which is considered an acceptable separation distance. Plot 8 will have a first floor window in the west (side) elevation but due to the separation distance and orientation of the properties not directly aligning with each other, it is considered this will not cause an unacceptable amount of overlooking.
- 6.4.5 The land slopes up significantly so plots 1 – 5 will be at a higher level than the properties along Wollaton Vale. However, the separation distances range from a

minimum of 30m to a maximum of 43m which is considered a sufficient distance to ensure no significant harm to amenity. Due to the condition of the trees along the north of the site on Tottle Brook, these will be removed and replaced with a mixture of trees as advised by the Tree Officer in order to provide a level of screening for the proposed houses. It is acknowledged that the removal of mature trees and replacement with younger trees will mean a period of time must be allowed in order for this boundary treatment to provide such a dense coverage which improves over time. Furthermore, the properties respond to the land level by being cut into it and there will be a visual break between each property which is considered to reduce the dominance of the properties along this boundary. It is therefore concluded that due to the separation distance between the properties and the reduction in size of the proposed houses, it is considered the impact from these properties will still be acceptable due to the substantial sized gardens of nos. 43, 45, 55, 57, 59 and 61 Wollaton Vale. A landscaping condition would provide control over the specification of future trees.

- 6.4.6 No. 13 Middleton Crescent will be demolished and replaced with a new house. Plot 14, house type E, has been reduced in height by 0.6m so that it will be lower than the existing property, no. 13. plot 14 will extend beyond the front elevation of no. 15 Middleton Crescent by 4m and will be relatively in line with the rear elevation of no. 15. The east (side) elevation of plot 14 will have three first floor windows serving an en-suite, bathroom and stairs. The bathroom windows have been annotated as obscurely glazed and along with the stairs window, would be conditioned as such to ensure overlooking is reduced to an acceptable level. Whilst it is acknowledged plot 14 would extend 4m beyond the front elevation of no. 15, it is considered this is acceptable given no. 15 has a 13m length driveway, there are no side facing windows in this projection and this is not a primary amenity area. No. 15 benefits from a sizeable rear garden which is 27m in length. No. 13 is currently vacant and the site is overgrown with vegetation and large conifers meaning no. 13 is obscured from view from the rear garden of no. 15. Whilst it is acknowledged a number of trees will be removed in order to demolish no. 13 and construct plot 14, the resultant impact of a replacement dwelling will not be dissimilar to the impact that would have been experienced by this dwelling before the site became overgrown. It is therefore concluded that plot 14 will not have a detrimental impact on the amenity of the occupants of no. 15.
- 6.4.7 No. 7A Middleton Crescent (included within the blue line on the site plan to denote the land under the control of the applicant) is positioned to the west and south of the site. Plot 10 will extend beyond the rear elevation of no. 7A by approximately 5m but this projection will be a blank elevation. There will be a separation distance between the two properties of 5m. No. 7A is a large property which benefits from a sizeable garden which is 32m in width and 14m in length. As plot 10 is positioned to the east of no. 7A, it is considered the loss of light experienced by no. 7A and the 5m rear projection will not be detrimental to the occupants of no. 7A. As no. 7A is at a higher level than plots 8 and 9 and due to no. 7A's sizeable front driveway, it is considered the impact of these adjoining properties will be minimal.
- 6.4.8 Plots 6, 7, 9, 10, 11, 12 and 13 are a minimum of 25m from neighbouring properties adjoining the site which is considered a sufficient distance that there will not be a detrimental impact on their amenity. There are a number of trees

and vegetation that extend across parts of the southern boundary (in the rear gardens of adjoining properties to the site) which will provide a level of obscurity from plots 10, 11, 12 and 13.

6.4.9 The proposed houses are relatively large and have adequate sized plots. They will have between four and six bedrooms, a garage and rear private garden with a patio. It is considered each plot is a sufficient size for future occupants and the design and layout has been considered that there is a sufficient separation distance from each property without an unacceptable amount of overlooking caused to each property. Furthermore, side facing windows would be conditioned to be obscurely glazed where necessary.

6.4.10 To conclude, it is acknowledged the topography of the site means the proposed houses will be more prominent in some locations than others. However, it is considered sufficient amendments such as reducing heights, removing second floors and amending the layout of the most prominently located houses are sufficient that the impact on the amenity of surrounding properties will be acceptable and will not cause a sense of enclosure or significant loss of daylight or sunlight.

6.5 Design and Layout

6.5.1 The majority of the site is enclosed by houses which have a variety of different sizes and styles meaning there is not a prevalent character within the area. The most prominent house from the development will be the replacement house of no. 13 Middleton Crescent. Middleton Crescent has a varying style of properties with some including double height bay windows, forward projections, dormers, chimneys and attached garages. It is considered house type E (plot 14) incorporates these design features and due to the varying character will not appear out of keeping with the street scene of Middleton Crescent.

6.5.2 Each house will have a mixture of hipped roofs with gable features, double height bay windows in the front elevations and chimneys. Some properties will have lean-to roofs and dormers. It is considered this mix of features breaks up the appearance of each property and reflects a traditional appearance which is mainly seen along Wollaton Vale and Middleton Crescent. A condition would be advised to ensure the appropriate external materials area used.

6.5.3 The end of each road has been amended to include 12m of hardstanding in line with Highway specifications for maintenance vehicles (see Parking and Highways section). A landscaping condition is considered sufficient to appropriately manage these areas in terms of their visual appearance.

6.5.4 Concerns have been raised in the representations that the new access road interrupts the layout of properties along Middleton Crescent. However, no. 13 Middleton Crescent will be replaced with a new dwelling and the new access road will be approximately 12m at its widest point with appropriate landscaping. It is considered a new access road will not appear out of keeping with the surrounding residential area.

6.5.5 To conclude, it is considered the proposed houses achieve an acceptable level of design, are positioned on adequate sized plots which respond to the plot sizes along Appledore Avenue and address the street scene appropriately along the

new access road into the site. It is considered the proposal of 14 houses on this infill site makes a good use of a currently vacant site.

6.6 Parking and Highways

6.6.1 Each property will have a minimum of three car parking spaces which is considered sufficient for these sized houses. A number of concerns have been raised within the consultation responses in relation to the amount of traffic increasing along Middleton Crescent. Whilst it is acknowledged traffic will increase along this road, it is considered the proposal of 13 additional houses would not result in a detrimental amount of traffic. The Highways Authority have raised no concern over the amount of traffic that would be associated with this site.

6.6.2 The Highway Impact Statement demonstrates pre-application discussions have taken place with the Highways Authority. The statement confirms that appropriate visibility splays can be achieved when entering and exiting the site from Middleton Crescent, that an appropriate amount of parking has been provided for each property and that the site can be developed to an adoptable highway standard.

6.6.3 The plans were amended during the course of the application in line with the Highway Authority's comments and the main changes included changing the gradient of the road and including a pavement. Due to the change in the road level, a retaining wall between 0.5m – 1m high would extend across part of the west boundary of the road when entering the site and across part of the southern boundary of plot 13. To reduce the turning heads in line with the Highway specification for service vehicle manoeuvres, approximately 12m of the road has been replaced by hardstanding at each of the end points. This means that no. 10 and 11 would be served by a private road and a bin store has been positioned beyond the garage of no. 11.

6.6.4 The Highways Authority have recommended a pre-commencement condition in relation to a number of details including hardsurfacing driveways, drainage, the existing site access being made redundant, wheel washing facilities on site and information in relation to a number of details including visibility splays, gradients and a construction specification. An advisory to contact the Highways Authority in relation to the redundant access has been advised.

6.6.5 To conclude, it is considered that sufficient information has been submitted in relation to parking and highways and with the use of an appropriately worded condition for further information requested by the Highways Authority, the proposed development is acceptable in relation to parking and highways.

6.7 Financial Contributions

6.7.1 A residential development of this scale generates the need for financial contributions towards affordable housing, education, open space and integrated transport measures.

6.7.2 In accordance with paragraph 56 of the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010, planning obligations can only be used if they are:

necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 6.7.3 The Business and Projects Manager has requested a contribution of £18,589.35 towards Beeston Fields Recreational Park for path and play area surfacing.
- 6.7.4 Nottinghamshire County Council has stated that the proposed development would yield an additional three primary school places within the Beeston Primary Planning Area which would necessitate a contribution of £40,968.
- 6.7.5 An integrated transport measures contribution of £36,000 has been requested by the Council in accordance with Appendix A of the Broxtowe Local Plan (2004).
- 6.7.6 An affordable housing contribution of £180,000 has been requested by the Council in accordance with Policy H5 of the Broxtowe Local Plan (2004) and Policy 8 of the Broxtowe Aligned Core Strategy (2014).
- 6.7.7 The applicant has agreed to the education, open space and integrated transport measures financial contributions. However, the applicant considers the request for an affordable housing contribution is unjustified as they have stated the site area is below 1ha.
- 6.7.8 The applicant has stated the site area has been calculated as being 0.98 hectares. However, it is clear the area of land surrounding no. 7A Middleton Crescent is demonstrably part of the 'developable area' of the site which has been omitted to avoid paying an affordable housing contribution and when this dwelling is included, the site area measures at 1.2 hectares and therefore meets the threshold for an affordable housing contribution.
- 6.7.9 In relation to the above, the term 'developable area' has been established in recent case law when assessing the size of the site in relation to an affordable housing contribution. In the case of *Crane v Wycombe District Council* [2018] (ref: APP/K0425/W/17/3192287), the appeal related to an outline application which proposed the demolition of five flats and alterations to access and erection of 14, one bedroom apartments. Wycombe District Council argued that a contribution was appropriate as the appeal site and the neighbouring site formed a "single developable area." The Inspector dismissed the appeal based on the physical links between both sites, the shared ownership and shared access arrangement and the revised NPPF (2018) highlighting the importance of the delivery of affordable housing.
- 6.7.10 Policy H5 of the Broxtowe Local Plan 2004 states that on housing sites of over 1 hectare or over 25 dwellings, the Council will seek to ensure that at least 25 per cent of dwellings built will be affordable or, exceptionally, that a financial contribution is made to facilitate off-site provision. Policy 8 of the Aligned Core Strategy (2014) establishes a 30 per cent target for affordable housing in Broxtowe Borough. Policy 15 of the draft Part 2 Local Plan establishes a 30 per cent affordable housing contribution is required on sites of more than 10 dwellings within the Beeston sub-market area. However, Policy 15 of the Part 2 Local Plan was subject to further consideration by the Inspector in a 'Post Hearing Advice

Note' issued on 15 March 2019 and whilst the part of the policy that refers to the threshold of 10 units or more generating an affordable housing contribution of 30% or more in the Beeston submarket area wasn't queried, this policy can only be afforded limited weight. The draft Part 2 Local Plan has been subject to a Viability Assessment which shows that affordable housing delivery is viable across the Borough subject to differential approaches to delivery in different sub-market areas. For the Beeston submarket, the delivery level is set at 30% as it is a strong market.

6.7.11 The Housing Strategy and Development Officer has objected to the application as the site meets the threshold for an affordable housing contribution but has not been provided. It has been identified there is a high need for social and affordable home ownership particularly within the Beeston submarket area. The provision of an onsite or off-site contribution would help achieve a key outcome identified in Broxtowe Borough Council's Housing Strategy 2015 – 2020.

6.7.12 To conclude, in line with the NPPF (2019) and the information as stated above, there is a specific importance attached to the delivery of affordable housing. The draft Part 2 Local Plan has been subject to a Viability Assessment which shows that affordable housing delivery is viable across the Borough subject to differential approaches to delivery in different sub-market areas. For the Beeston submarket, the delivery level is set at 30%. It is therefore considered justifiable that the Council has requested a financial contribution of £180,000 for affordable housing based on the site measuring 1.2 hectares, due to the location of the scheme being within the most profitable area of Broxtowe Borough and no viability assessment being submitted. The application is therefore recommended for refusal on this basis.

6.8 Other Issues

6.8.1 Whilst it is acknowledged there will be a number of trees removed along the Tottle Brook, the Tree Officer has not recommended that any trees are worthy of a TPO (Tree Preservation Order). The plans have been annotated to retain T15 which is an oak tree. The agent has confirmed an intention to retain T19 which is an oak tree. A landscaping condition and condition required by the EA would ensure that appropriate species of trees are planted along this boundary.

6.8.2 The Nottinghamshire Wildlife Trust has stated that they are satisfied with the information provided in relation to the gabion wall and Ecology Survey and have advised a condition that works are carried out in accordance with this.

6.8.3 A laurel hedge extends across the boundaries separating nos. 13 and 15 Middleton Crescent and the agent has confirmed the intention is for this to be retained.

6.8.4 Cross sections were provided during the course of the application in order to enable an assessment of the proposed houses in relation to neighbours adjoining the site.

- 6.8.5 Although a balancing pond was proposed within the 09/00289/FUL application, this was for a higher density of housing (10 houses and 11 apartments). The Environment Agency have not requested a balancing pond for this application.
- 6.8.6 Whilst the previous application has been considered in line with this application, it should be noted that this scheme is different and policies have changed since this application was determined.
- 6.8.7 Concerns have been raised in regards to the removal of the Green Corridor which has been highlighted as being contrary to policy 29 of Regional Biodiversity Strategy. Whilst it is unclear which exact document is being referred to, the Biodiversity Strategy for the East Midlands is a document that is no longer in use and therefore carries no weight in decision making.
- 6.8.8 The Highways Authority has not raised any concerns in relation to the amount of parking proposed and the justification for the parking requirements for these sized properties is provided in the Highway Impact Statement.
- 6.8.9 The Highways Authority has advised the existing access to the site is made redundant subject to the new access being constructed. As this is private land, it would not be possible to request for the concrete fence to be removed.
- 6.8.10 Restrictive covenants are not a planning matter that can be taken into consideration with this application.

7 Conclusion

- 7.1 To conclude, it is considered that sufficient amendments have been sought so the proposed development has an acceptable impact on the amenity of the surrounding neighbours, the design is acceptable and will not appear out of keeping with the surrounding area and an acceptable standard of amenity has been provided for future occupants. The information provided in relation to flooding, drainage and highways has satisfied concerns raised and is considered to be acceptable. However, as the applicant has not agreed to provide any affordable housing contribution, the application is contrary to Policy H5 of the Broxtowe Local Plan (2004), Policy 8 of the Aligned Core Strategy (2014), Policy 15 of the draft Part 2 Local Plan and paragraphs 56 – 57 of the National Planning Policy Framework (2019) and should be refused.

Recommendation

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

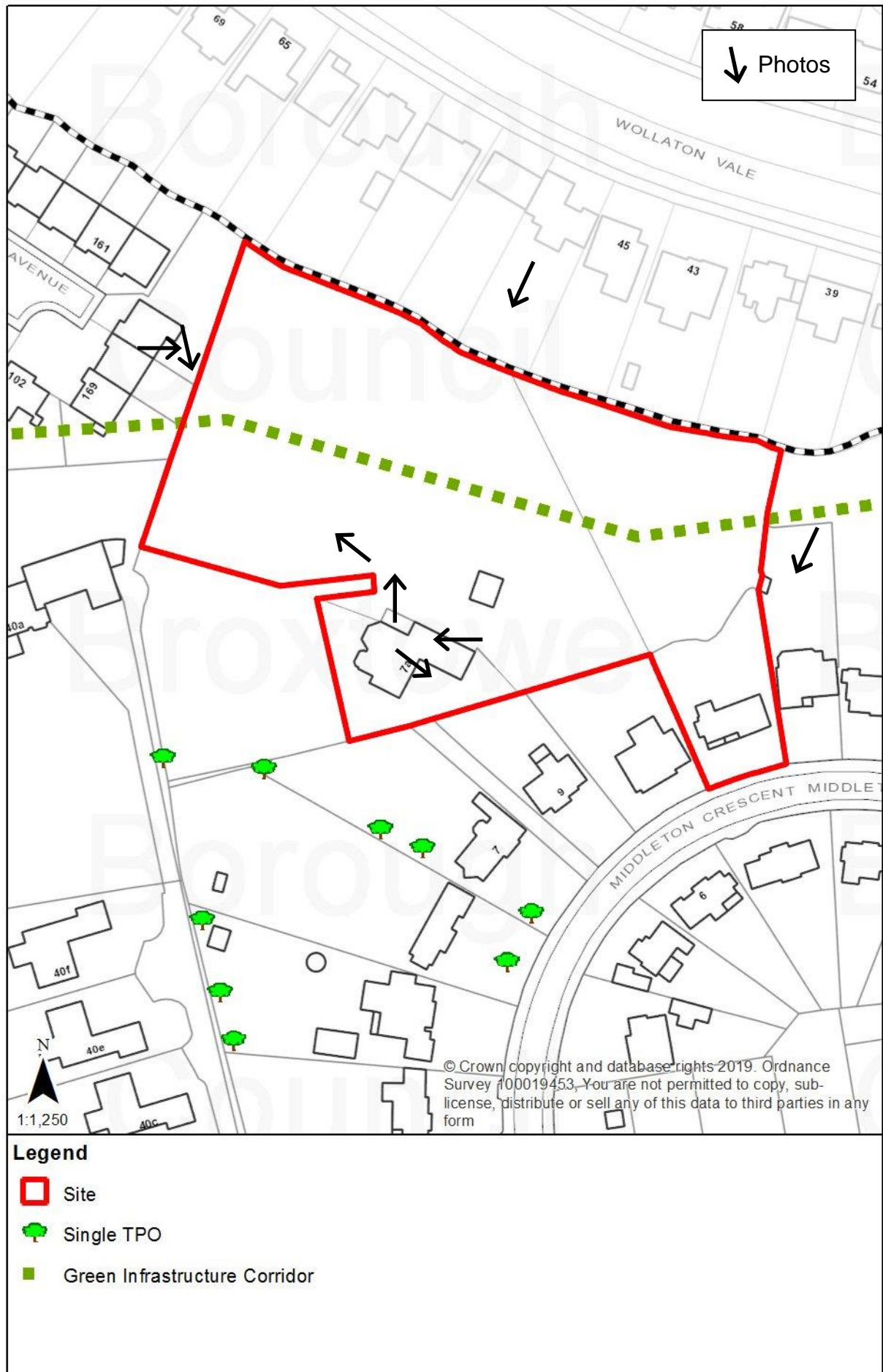
The applicant has not agreed to provide any affordable housing contribution and the development is therefore contrary to Policy H5 of the Broxtowe Local Plan (2004), Policy 8 of the Aligned Core Strategy (2014), Policy 15 of the draft Part 2 Local Plan and paragraphs 56 – 57 of the National Planning Policy Framework (2019).

Note to applicant

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

Background papers

Application case file



This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00297/FUL
LOCATION:	1 QUEENS ROAD EAST, BEESTON, NOTTINGHAMSHIRE, NG9 2GN
PROPOSAL:	CONSTRUCT STUDENT ACCOMMODATION BUILDING (PROVIDING 28 BEDROOMS) FOLLOWING DEMOLITION OF BUNGALOW AND SINGLE STOREY EXTENSION (AT 3 QUEENS ROAD EAST)

The application has been called in to Committee by Cllr P Lally.

1 Executive Summary

1.1 This application was first brought to Planning Committee on 4 September 2019. The Committee deferred the application to enable a site visit to take place. Prior to deferring the application some concerns were raised regarding the scale of the development, increase in vehicles which will raise parking issues and the impact of the student accommodation on neighbouring amenity in respect of noise. Councillors also asked for further detail on the proposed tram passes to be issued to residents and evidence that the development of purpose built student accommodation leads to fewer conversions of family homes to Houses in Multiple Occupation (HMOs). The original report for the meeting on 4 September is provided in appendix 1.

1.2 Since the previous Committee meeting, the applicant has made significant amendments to the scheme. The scale of the building has been reduced by removing the fourth storey of the third block (closest to 3 Queens Road East) as well as removing the stair block on this side. This has resulted in a reduction in the number of beds from 36 to 28, with the accommodation being made up of 3 x 6 bedroom apartments and 10 x studio apartments.

1.3 Prior to the previous Committee meeting, eight additional objections were received and reported as late items. Additional concerns raised were as follows:

- The Council should declare how much block grant it will receive from central government.
- Queried whether Sustrans have been consulted in relation to impact on adjacent National Cycle Route.
- Nottingham University has buildings at Jubilee Campus and Sutton Bonnington, neither accessible by tram.
- No substantial difference shown on amended plans.

A further 7 objections have been received, highlighting the following concerns:

- Increase in traffic generation.
- Parking concerns.
- Development is out of keeping with the character of the area.
- Students overpopulating the surrounding area.
- Impact of traffic on cycle route.

- Too many residents for local infrastructure.
- 1.4 The proposed physical amendments to the scheme are not considered to have any further impact on the amenity of any neighbouring properties. The building will not be any closer to the neighbouring properties than when it was previously reported to the Committee and the size of the development will be reduced. Therefore, it is still considered that the proposal will not have an unacceptable impact on the amenity of any neighbouring properties.
- 1.5 The design of the development has been amended to reduce the scale of the proposed building. The third block closest to No. 3 Queens Road East will now be three storeys, stepping down from the first and second block. It is considered that this amendment improves its appearance within the street scene with the 3 storey block creating a closer link to the existing 2 storey dwellings along Queens Road East. Taking into account the reduction in the scale of the building it is considered that as previously reported the design and appearance of the proposed development is acceptable in terms of its impact on the street scene and character of the area.
- 1.6 One parking space has been lost as a result of the amendments, with the total number of parking spaces provided being 9. However, the number of beds provided by the scheme has been reduced by 8 to 28. Parking requirements as set out by the Highways Authority state that for HMOs, on site car parking will be required at a ratio of one space per six to eight beds. The proposed number of parking spaces therefore remains well within the requirements as set out by the Highways Authority and is sufficient to serve the development.
- 1.7 With regards to the objections raised, these have all been addressed in detail within the report attached in the appendix and it is considered that the amendments made to the scheme would not alter this assessment.
- 1.8 The following paragraphs relate to information provided by the applicant to answer queries raised by Councillors at the meeting on 4 September 2019.
- 1.9 In Appendix D to the Design and Access Statement, the applicant has provided responses notably in relation to the provision of tram passes, realistic chances of students using the tram and control of the management company of students in relation to anti-social behaviour.
- 1.10 In respect of the tram passes it is stated by the applicant that each year new students will be eligible for a student tram pass courtesy of the landlord. This will last for the period that they occupy the room. It is highlighted that whilst encouraging use of the tram, this will also be included in the marketing material for the accommodation, therefore attracting students who would be most likely to use the tram. A graph included within this document shows that within the period of 2008 – 2012, 95% of the students who lived in Beeston attended the University of Nottingham. This provides a strong indication that a majority of the students who reside in the proposed development are likely to live within walking distance of the university they attend. This information was provided by the applicant and taken from the Unipol Assessment of Student Residence and Housing Market Conditions in Nottingham.

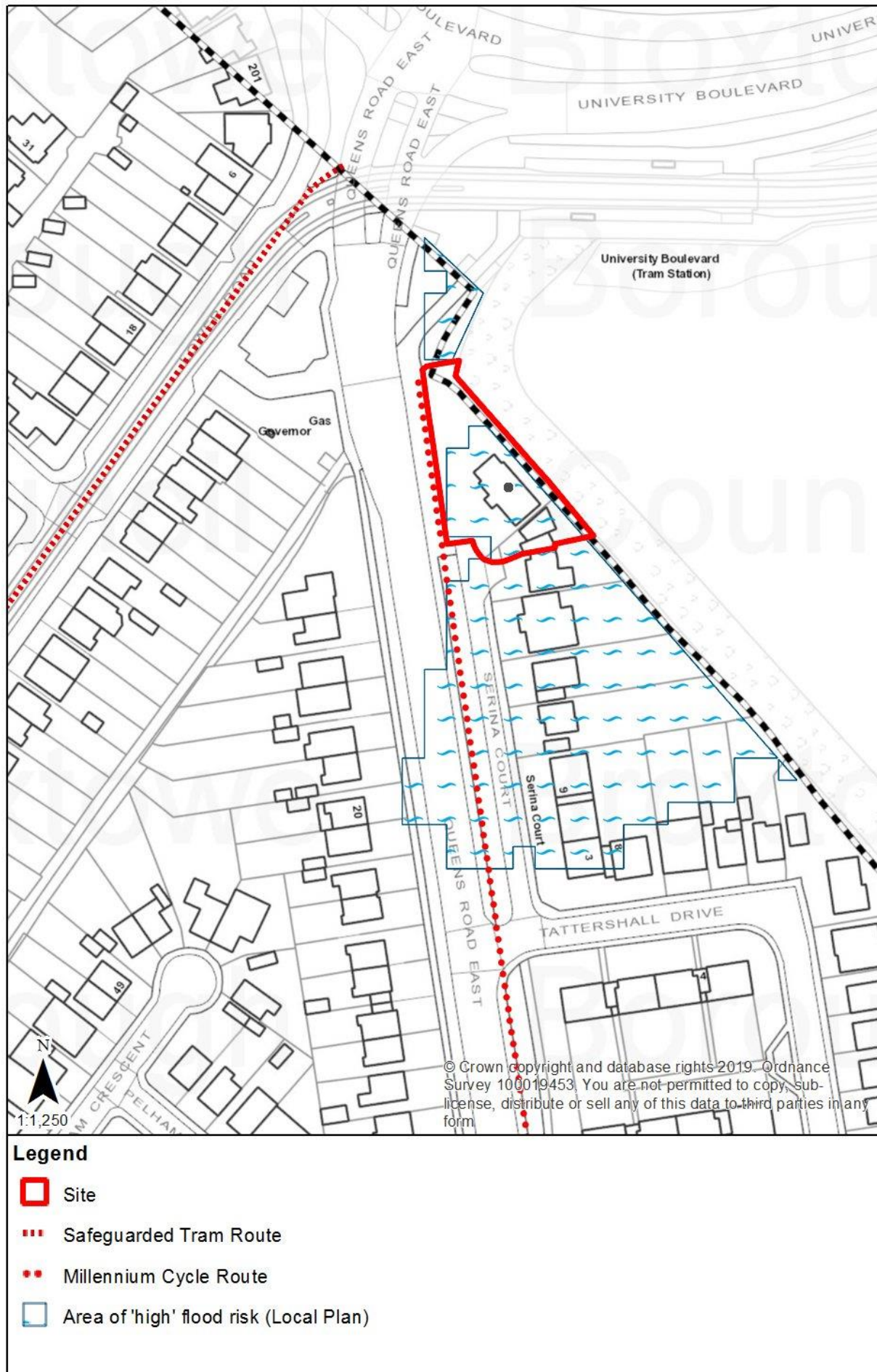
- 1.11 The applicant has also provided part of the tenancy Anti-Social Behaviour Plan clause. In brief, this is a clause that the managing agent must adhere to in respect of their responsibility to investigate complaints of anti-social behaviour and to act on the reported issues.
- 1.12 The applicant has also provided information from the Octopus Real Estate Student Accommodation Impact Report, 2019, which states that students living in purpose built student accommodation are most likely to be 'very satisfied' with their physical and mental health when compared to halls of residence, HMO's and home. According to the applicant, the report also states that students living in purpose built student accommodation are most likely to report top grades.
- 1.13 In Appendix E to the Design and Access Statement the applicant has provided data taken from research on student bed spaces provided by the Nottingham Authority Monitoring report for the years 2010 – 2019, as well as predictions for the years 2019 – 2022. This data is based on Nottingham City figures and aims to provide evidence of the impact of purpose built student accommodation on the conversion of family homes to HMOs.
- 1.14 The applicant states that during the years 2010 to 2014, student numbers levelled and even reduced, whilst the purpose built student accommodation supply continue to rise steadily. According to the applicant, this resulted in a clear decline in requirements to utilise non-student properties for student residences.
- 1.15 Overall it is considered that the amendments to the scheme would not have any further negative impact on amenity, the character of the area, or highway safety than the scheme previously reported to Planning Committee on 4 September 2019. It is therefore recommended that planning permission is granted in accordance with the resolution contained within this report.

<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 the drawings numbered DL/446/303 Rev A, DL/446/305 Rev H, DL/446/306 Rev G, DL/446/307 Rev G, DL/446/308 Rev C, DL/446/309 Rev F, DL/446/310 Rev B, DL/446/312 Rev C, DL/446/313 Rev B, DL/446/315 Rev A, DL/446/319, DL/446/316, DL/446/317, 318, DL/446/321; received by

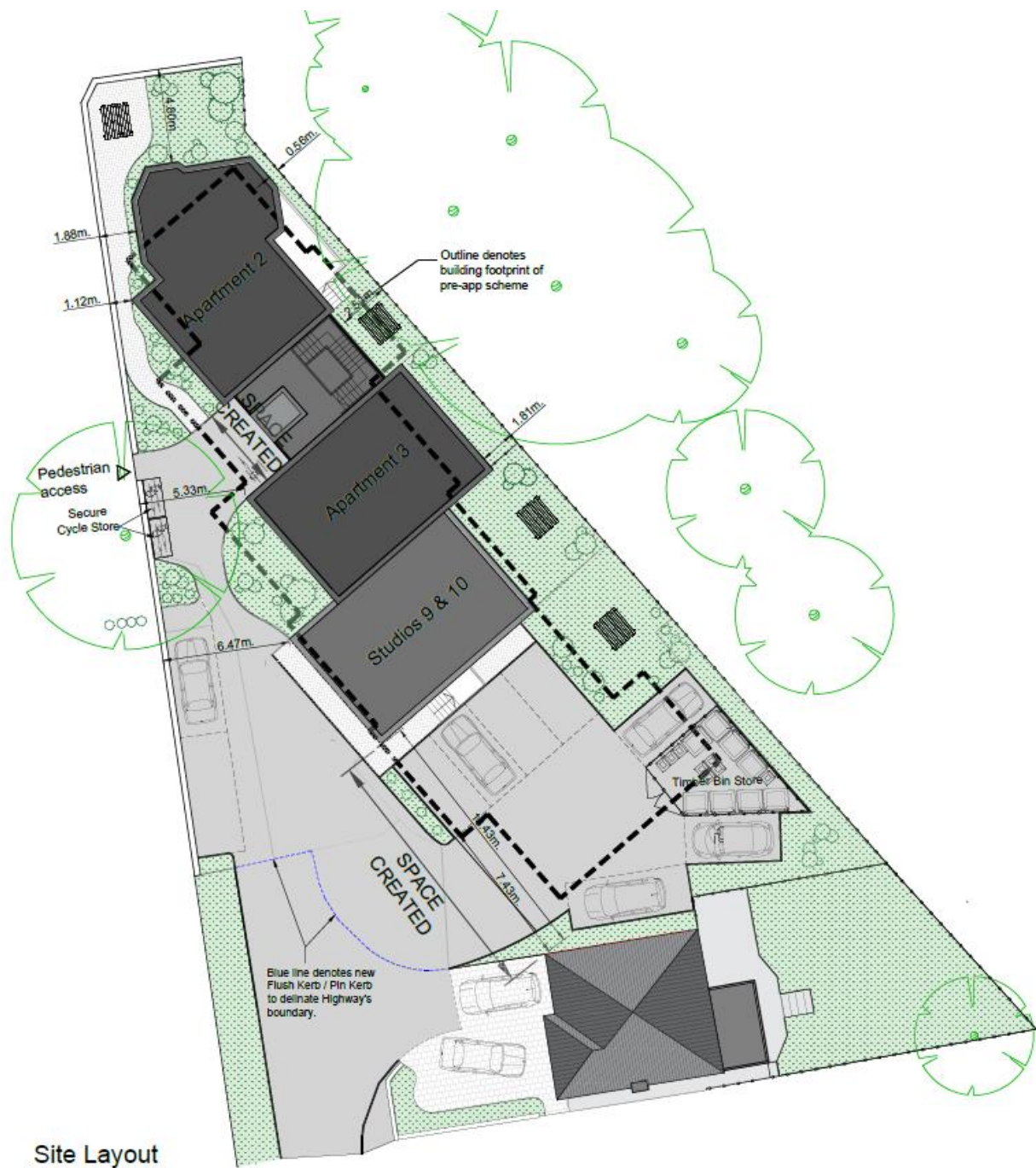
	<p>the Local Planning Authority on 8 July and 16 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until the type, style and manufacturer of the materials to be used in the external facing elevations have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance in accordance with Broxtowe Local Plan (2004) Policy H7 and Broxtowe Aligned Core Strategy Policy (2014) Policy 10.</i></p>
4.	<p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (RPS Consulting Services Ltd., dated May 2019) and in particular the following mitigation measures detailed within:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 27.31mAOD; • Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 27.61mAOD. <p>The mitigation measures shall be fully implemented prior to occupation.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants.</i></p>
5.	<p>No part of the development hereby permitted shall be brought into use until the access has been widened and the dropped vehicular footway crossing has been amended and is available for use and constructed in accordance with the Highway Authority specification.</p> <p><i>Reason: In the interests of highway safety.</i></p>
6.	<p>No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number DL/446/305 Rev H. The parking, turning and servicing 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, turning and loading and unloading of vehicles.</p> <p><i>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.</i></p>
7.	<p>No part of the development hereby permitted shall be brought</p>

	<p>into use until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p><i>Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</i></p>
8.	<p>No part of the development hereby permitted shall be brought into use until the cycle parking has been constructed and is available for use in accordance with drawing number DL/446/305 Rev H.</p> <p><i>Reason: To ensure that adequate cycle parking provision is available.</i></p>
9.	<p>No part of the development hereby permitted shall be brought into use until the area between the adopted highway and the applicants own land is delineated with flush kerb/pin kerb in accordance with drawing number DL/446/305 Rev H.</p> <p><i>Reason: To ensure that highway and applicants land is clearly defined.</i></p>
10.	<p>No part of the development hereby permitted shall be brought into use until the carriageway has been widened at the access entrance to Tattershall Drive in accordance with drawing number F19075/03 Rev B and the footway on Queens Road East/pedestrian access has had the corduroy paving constructed in accordance with drawing number F19075/04 Rev B.</p> <p><i>Reason: In the interests of general highway safety.</i></p>
11.	<p>The development hereby permitted shall be carried out in accordance with the details submitted in Sections 2, 4 and 5 of the Arboricultural Method Statement (document reference 0291/AB); received by the Local Planning Authority on 3 June 2019.</p> <p><i>Reason: To ensure the trees situated adjacent to the site are not adversely affected by the development in accordance with Policy E24 of the Broxtowe Local Plan (2004)</i></p>
12.	<p>The development shall be constructed in accordance with the noise mitigation measures as detailed in sections 7.5 and 7.6 of the Acute Acoustics Ltd noise assessment dated 20th March 2019.</p>

	<i>Reason: To protect the occupiers from excessive external noise in accordance with Policy H7 of the Broxtowe Local Plan (2004).</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.	Noisy works should be limited to between 08.00 and 18.00 hours Mondays to Fridays, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays, Bank Holidays and any other public holidays. There should also be no bonfires on site at any time.
3.	It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring
4.	<p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control Team within Nottinghamshire County Council for more information.</p> <p>The development makes it necessary to widen/construct/improve the vehicular crossing 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:</p> <p>http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</p>



Plans (not to scale)





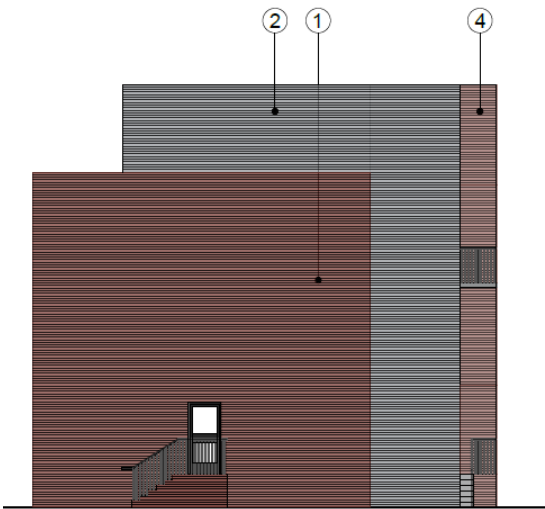
Proposed West Elevation



Proposed East Elevation



Proposed North Elevation



Proposed South Elevation

This page is intentionally left blank

Report of the Chief Executive

APPENDIX 1

APPLICATION NUMBER:	19/00297/FUL
LOCATION:	1 QUEENS ROAD EAST, BEESTON, NOTTINGHAMSHIRE, NG9 2GN
PROPOSAL:	CONSTRUCT STUDENT ACCOMMODATION BUILDING (PROVIDING 36 BEDROOMS) FOLLOWING DEMOLITION OF BUNGALOW AND SINGLE STOREY EXTENSION (AT 3 QUEENS ROAD EAST)

The application has been called in to Committee by Councillor P Lally.

1 Executive Summary

- 1.1 Following discussions with the applicant at pre-application stage and during the course of this application, the proposed scheme has been reduced from a six block building providing 45 bedrooms, to a three block building providing 36 bedrooms. The amendments to the scheme have enabled an increase in the provision of car parking from six spaces to 10 spaces, and a significant reduction in the scale and massing of the development.
- 1.2 Parking requirements for HMOs states that one space is required for every 6-8 bedrooms. The proposal to offer 10 parking spaces therefore exceeds this requirement. A Parking Management Strategy has been submitted with the application to detail how access and parking at the start and end of term will be managed to minimise impact on the surrounding area.
- 1.3 The design of the proposal has a contemporary appearance which is not considered to be harmful to the street scene or out of keeping with the character of the area. It is also considered that the proposal will not have an unacceptable impact on the amenity of neighbouring dwellings.
- 1.4 The proposal makes effective use of a previously developed site in a built up area. The proposed site is in a sustainable location, well placed for public transport networks such as the tram, as well as cycle paths leading to Nottingham city centre and Beeston town centre. The site is within walking distance of the University of Nottingham, making it ideally placed for student accommodation.
- 1.5 It is acknowledged that there are concerns regarding the impact of an increase in the student population on the surrounding area. However, as a purpose built scheme, it has been designed to minimise the impact in terms of noise and traffic generation. Purpose built schemes such as this will help to reduce the pressure on privately owned family homes being converted to student accommodation elsewhere in the area.
- 1.6 It is therefore recommended planning permission is granted in accordance with the resolution contained within the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct a student accommodation building providing 36 bedrooms. The proposal will replace the fire damaged bungalow that currently occupies the site and will also include the demolition of the single storey side extension at No. 3 Queens Road East.
- 1.2 The proposed scheme will consist of six cluster flats, each of which will contain six en suite bedrooms with shared kitchen and living facilities. The scheme includes the provision of 10 car parking spaces, secure cycle storage and a communal bin store.
- 1.3 The building is designed to accommodate the apartments within three separate flat roofed blocks, all of which will be four storeys high. There will be a central staircase and lift shaft between Block 1 and 2, with a separate staircase to access Block 3.

2 Site and surroundings

- 2.1 1 Queens Road East is currently a detached residential dwelling that is derelict due to damage caused by a fire. The site is located at the end of a cul-de-sac and accessed via a slip road off Tattershall Drive which runs parallel to Queens Road East.
- 2.2 To the south of the site is a row of detached, two storey residential dwellings with Serina Court, a three storey apartment block, being positioned on the corner of Tattershall Drive. The University of Nottingham sports ground is situated to the north and east of the site, with Queens Road East adjoining the west boundary. The west side of Queens Road East is largely characterised by two storey semi-detached dwellings. The west boundary of the site is currently made up of a low level wall with conifer trees, with mature trees and vegetation making up the north and east boundaries.
- 2.3 The application site is located to the north east of the main built up area of Beeston, with the University of Nottingham being located directly to the north of the site. The University Boulevard tram stop is to the north of the site, providing access to the centre of Beeston as well as the University campus and Nottingham city centre.

3 Relevant Planning History

- 3.1 In January 2019, planning permission 18/00571/FUL was granted to construct a new residential dwelling at No. 3 Queens Road East. The dwelling would adjoin the north side elevation of the existing dwelling at No. 3, essentially making it a pair of semi-detached dwellings. This planning application covers the area of land required to construct this additional dwelling. Therefore if planning permission for this scheme is granted, both the scheme for student accommodation and the dwelling granted under planning permission 18/00571/FUL could not be built.

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 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 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- 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 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.

- 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 5 – Delivering a sufficient supply of homes.
- Section 12 – Achieving well-designed places.
- Sections 14 – Meeting the challenge of climate change, flooding and coastal change

5 Consultations

5.1 **Lead Local Flood Authority (Nottinghamshire County Council):**

No comments provided as it falls outside the guidance set out by the Government for applications that do require a response from the LLFA.

5.2 Environment Agency:

Raises no objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment (RPS Consulting Services Ltd., dated May 2019) and in particular the following mitigation measures detailed within:

- Finished floor levels shall be set no lower than 27.25mAOD;
- Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 27.61mAOD.

5.3 Council's Tree Officer:

Raises no objection to the proposal, the trees to the rear belong to Nottingham University which is outside of the Broxtowe Borough Council boundary.

5.4 Nottingham City Council Tree Officer:

Advises that if planning permission is given then conditions should be applied requiring a site specific method statement in respect of the protection of the trees to the rear of the proposal during construction work. A plan should be produced showing the retained tree's Root Protection Areas in respect of the new building, hard surfaces etc. and mitigating data provided, where necessary. A tree protection plan should also be required describing where the tree protection measures will be sited in the context of the new structures and the trees. Site specific detail of what pruning works might be necessary to facilitate the development.

Reports, surveys and plans submitted in fulfilment of planning conditions should be carried out to the standards set out in the BS5837 and submitted to and approved by the LPA in writing.

5.5 Private Sector Housing Officer:

Provides comments seeking to ensure the apartments comply with building regulations.

5.6 Nottinghamshire County Council as Highway Authority:

Raises no objections to the proposal subject to a number of conditions requiring the access to be widened prior to the first use of the site, the finishing of the parking bays and turning areas in a bound material and to prevent unregulated discharge onto the public highway, the construction of the cycle stores prior to first use of the development, the use of flush/pin kerb to clearly show the boundary of Highway land and the provision of the visibility splays for the pedestrian access.

5.7 NET:

If the construction involves works within 6m of the nearest NET asset, or vehicular movements across the tram tracks, the site management will need to contact NET for advice.

5.8 Nottingham University Hospital Trust:

Financial contribution of £14,752 sought to provide additional health care services to meet patient demand.

5.9 Council's Environmental Health Officer:

Has no objections to planning approval being granted subject to conditions relating to noise mitigation measures.

5.10 Six properties either adjoining or opposite the site were consulted and a site notice was displayed at the site. 36 letters of objection have been received in respect of this application. The reasons stated for the objections can be summarised as follows:

- Design not in keeping with the area.
 - Over intensive development on the site.
 - Height of the development is out of keeping with the other properties on the road.
- Unbalanced mix of residents in the area – too many students.
- Noise pollution created by daily activities of students.
- Insufficient parking for the development.
- Increased traffic generation – negative impact on cycle and pedestrian routes.
- Loss of privacy for neighbouring residents.
- Loss of trees and hedgerows.

6 Assessment

6.1 The main issues for consideration are the principle of the development, the design and appearance of the proposal, the impact on neighbouring amenity and the impact on trees and hedgerows.

6.2 Principle

6.2.1 The application site is within existing residential use and offers an opportunity to provide additional housing on previously developed land in an area that is predominantly residential. It is considered that subject to an assessment of the proposal in terms of impact on neighbouring amenity, the design of the proposal and impact on highway safety, the principle of student accommodation can make effective use of the site whilst contributing to delivering a boost to housing supply.

6.2.2 The site is situated off Queens Road East, close to the junction with University Boulevard. The University of Nottingham is located immediately to the north of the site and is within easy walking distance. The site is approximately 0.5 miles from Beeston town centre where there are a range of retail outlets and services to support the development. The University Boulevard tram stop is located

immediately north of the application site, offering convenient public transport to Beeston town centre and Nottingham city centre. There is also a cycle track that runs immediately outside the site and along University Boulevard towards Nottingham city centre. As such, it is considered that the application site is in a sustainable location, with access to a range of facilities and with easy access to a choice of sustainable transport methods.

6.3 Amenity

- 6.3.1 The application site has no neighbouring properties immediately to the north or east of the site. The dwellings to the west of the site are set away from the boundary of the site by the intervening road, resulting in a separation distance of approximately 20m. This is considered sufficient to ensure that the proposal will not result in any unacceptable loss of amenity for the neighbouring properties to the west of the site.
- 6.3.2 The south side elevation of the proposed accommodation building will be approximately 13.4m from the south boundary of the site, adjoining No. 3 Queens Road East. The stairwell on the south side of the building projects out by 4.4m, and therefore is closer to the boundary. The height of the proposed building is 13.01m, with the south stairwell stepped down to 9.61m. The proposed building is at an oblique angle to No. 3, further increasing the separation between the properties to the south of the site. It is considered that the separation distance from the proposed building to No. 3 is sufficient to ensure it will not result in an unacceptable loss of light or sense of enclosure for the residents at No. 3.
- 6.3.3 No windows are proposed on the principal south side elevation of the application building. The stairwell that will adjoin the south side of the building will be predominantly glazed on the side facing towards No. 3, although as this is not a principal living area and as primary views would be to the car park or side elevation, it is not considered it will result in an unacceptable loss of privacy for the neighbouring property. The oblique angle of the proposed building to No. 3 will further reduce any potential overlooking from the openings on the rear elevation of apartment 5 and 6. Taking these factors into account, it is considered that the proposal will not result in an unacceptable loss of amenity for the neighbouring residents to the south.
- 6.3.4 Objections have been raised on the grounds that student accommodation will result in noise pollution and anti-social behaviour to the detriment of neighbouring residents. The development is designed to set the accommodation as far away from the neighbouring dwellings to the south of the site as possible, to reduce the potential impact on existing residential dwellings. The angle of the building will also help to reduce the levels of noise travelling from the rear of the building to the neighbouring properties to the south. The position of the application site on a busy junction between Queens Road East and University Boulevard, along with the tram line running to the north of the site ensures that the development is unlikely to result in a noticeable rise in noise and disturbance for the surrounding area. A property management company will oversee the management of the property and 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.

- 6.3.5 In regard to living standards for future occupiers, the apartments offer sufficiently spacious communal areas and adequately sized bedrooms, all of which have en suites. The bedrooms and living areas will have access to sufficient access to natural light and to outlooks that would provide a satisfactory living environment. The development incorporates access to outdoor amenity space immediately surrounding the building. Overall, it is considered that the proposal will provide a satisfactory standard of amenity for the future occupiers of the properties.

6.4 Design and Appearance

- 6.4.1 A number of discussions have taken place from the pre-application stage of this proposal to achieve a standard of design that meets the needs of the applicant whilst responding to the character of the site and surrounding area. Over the course of these discussions, the scale of development has been significantly reduced from an initial 45 bedroom scheme across six blocks, down to a 38 bedroom scheme across four blocks and finally to the current design which proposes 36 bedrooms across three blocks.
- 6.4.2 The building has a contemporary appearance with a relatively simplistic design to avoid unnecessarily fussy features. Contrasting red and grey bricks and a staggered front elevation break up the expanse of the width with horizontal corbelling detailing breaking up the mass and adding further to the texture of the brickwork. The central lift shaft with a rendered finish and glazed stairwells either side break up the units whilst providing visual permeability through and reinforcing the contemporary appearance.
- 6.4.3 The proposal has been designed to respond to the nature of the application site as well as the character of the surrounding area. Brickwork is proposed to reflect the residential use and link it to the character of the surrounding area. Whilst most of the neighbouring properties are two storey residential dwellings, there are examples of more intensive use of land, such as the three storey apartment block, Serina Court on Tattershall Drive, and the three storey apartment buildings off Hassocks Close, which front on to Queens Road East. The building has been set away from the neighbouring residents to the south to create space around the development and ensure it does not result in a dominant addition to the street scene. The separation means that from the main public realm at Queens Road East, the building will be viewed as a standalone development that is not harmful to the street scene of Tattershall Drive.
- 6.4.4 The vegetation along the north and east boundaries of the site will reduce the prominence of the development from University Boulevard. Whilst the building will be prominent from Queens Road East, it is considered that the building has been designed to a standard that will ensure it will make a positive contribution to the street scene and the character of the surrounding area.

6.5 Access and Highway Safety

- 6.5.1 Discussions with the applicant regarding the design of the structure have also aimed to ensure satisfactory access and on site parking arrangements are achieved. Parking requirements for HMOs state that on site car parking will need to be required at a ratio of one space per six to eight beds. The requirement for this scheme therefore is a total of six parking spaces. Following discussions with the applicant regarding their original proposal, the size of the development was significantly reduced to increase the provision of parking from six spaces to 10 spaces. This is considered sufficient to serve the development.
- 6.5.2 At the start and end of terms, there is likely to be an increase in vehicular activity as students are dropped off and picked up. To negate the impact of these busier periods on the site and the surrounding area, the applicant has provided a Parking Management Proposal. This sets out a clear strategy to use a booking system to book parking spaces for loading and unloading cars. This service will only permit the use of six spaces at any one time, leaving four parking spaces free at all times to be used as contingency.
- 6.5.3 The application site is located within easy walking distance of the University of Nottingham and Beeston town centre. There is a cycle path running along University Boulevard towards Nottingham city centre, as well as towards Beeston town centre. Secure cycle storage will be provided on site, further enabling this as a principal method of transport. Appendix B of the Design and Access Statement submitted with this application sets out the main transport methods that could potentially be used by the residents of the proposed development to key destinations such as Beeston town centre, the university campus, Queens Medical Centre and Nottingham city centre. Taking into account the cost of parking and fuel consumption, as well as the relatively similar journey times between taking the tram/walking and driving, the cost of driving would significantly exceed the cost of alternative methods of transport. It is also noted in Appendix B that the University of Nottingham has a policy that students who live in halls of residence or have a term time address within a 15 mile radius of University Park will not be eligible for a parking permit. When considering the location of the site and the accessibility of the tram and cycle paths, it is considered likely that these methods of transport would be favoured by residents of this development.
- 6.5.4 Pedestrian access to the site will be provided along the west boundary of the site onto Queens Road East. To ensure safe pedestrian access to and from the site, the existing wall will be reduced to 0.6m in height adjacent to the pedestrian access to enable the provision of 2 x 2m pedestrian visibility splays. This is considered acceptable to ensure safe pedestrian access to the site.
- 6.5.5 The Highway Authority has raised no objections to the proposal as amended, and has recommended a range of conditions to ensure that the provision of off street parking is adequate and that highway and pedestrian safety is not compromised as a result of the development.

6.6 Trees and Hedgerows

- 6.6.1 The Council's Tree Officer has raised no objection to the proposal. The trees along the east boundary of the site belong to The University of Nottingham, and are not covered by Tree Preservation Orders. Whilst the canopy of the trees may

be close to the rear elevation of the proposed building, it is considered that due to the nature of the proposed use as student properties which will mainly be resided in during term time and for limited periods, it is not likely these trees will result in undue pressure for cutting back. Furthermore, the principal living areas are either dual aspect or positioned to the front of the building, ensuring the trees will not restrict natural light to the main living areas.

6.6.2 The applicant has provided a tree report which sets out required pre-development preparation works to protect the trees and specifications for hard surfacing and foundations to prevent damage to the trees. It will be conditioned that the works are carried out in accordance with the recommendations of this report to ensure the protection of these trees.

6.6.3 Overall, it is considered that the proposal will not result in unacceptable harm to the trees within and bordering the application site.

6.7 Flood Risk

6.7.1 The application site is located within Flood Zone 3, whereby the annual probability of fluvial flooding is classified as greater than 1 in 100 in any given year in the absence of flood defences. In line with the NPPF, Section 14, any application for new development within Flood Zones 2 and 3 should be subject to a sequential test to determine if there are any other reasonable available sites of equivalent size in Flood Zone 1 where the probability of flooding is lower. The Flood Risk Assessment includes a table which identifies all the sites allocated for development in the SHLAA. It is accepted that none of the sites identified within a lower flood zone than the application site are suitable for the proposed development. The vast majority of the sites are not suitable as they would be too small, a significant distance from the university or result in the underdevelopment of the site and therefore would be detrimental to meeting housing targets.

6.7.2 The Environment Agency requested that the finished floor levels of the original scheme be raised by 60mm to bring the development in line with the requirements for a development in a 1 in 100 year flood event zone. As part of the amended proposal, the applicant has complied with this request. The Environment Agency has therefore recommended a condition be attached to any planning permission granted that the development be carried out in accordance with the Flood Risk Assessment provided.

6.7.3 Subject to compliance with this proposed condition, it is considered that the proposal will be acceptable in terms of flood risk.

6.8 S106 Contributions

6.8.1 The Nottingham University Hospital Trust has requested a financial contribution of £14,752 to provide additional healthcare services to meet additional patient demand as a result of this development. Due to the size of the development, financial contributions by way of a Section 106 agreement are not required and would not be policy compliant. The development is not a major application and therefore the applicant is not required to make this payment.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would provide six purpose built student flats accounting for 36 bedrooms. An increase in purpose built student accommodation will work to reduce the pressure on existing family dwellings being converted to HMOs for student accommodation. The proposal makes use of a previously developed site in a sustainable location close to a range of public transport networks.
- 7.2 It is acknowledged that the proposal will significantly intensify the use of the site, having formerly been a single residential dwelling, with the surrounding area being largely characterised by detached and semi-detached residential dwellings.
- 7.3 On balance, it is considered that the significant benefits of the scheme coupled with an acceptable design and limited impact on neighbouring amenity outweigh the potential concerns raised.

8 Conclusion

- 8.1 To conclude, it is considered that the proposal has been designed to a satisfactory standard that responds well to the street scene and the character of the surrounding area. The design aims to minimise impact on neighbouring amenity and the natural environment, whilst ensuring that satisfactory off-street parking is achieved with minimal disruption to the highway network as a result of the development. It is therefore considered that the scheme is acceptable and planning permission should be granted.

Recommendation

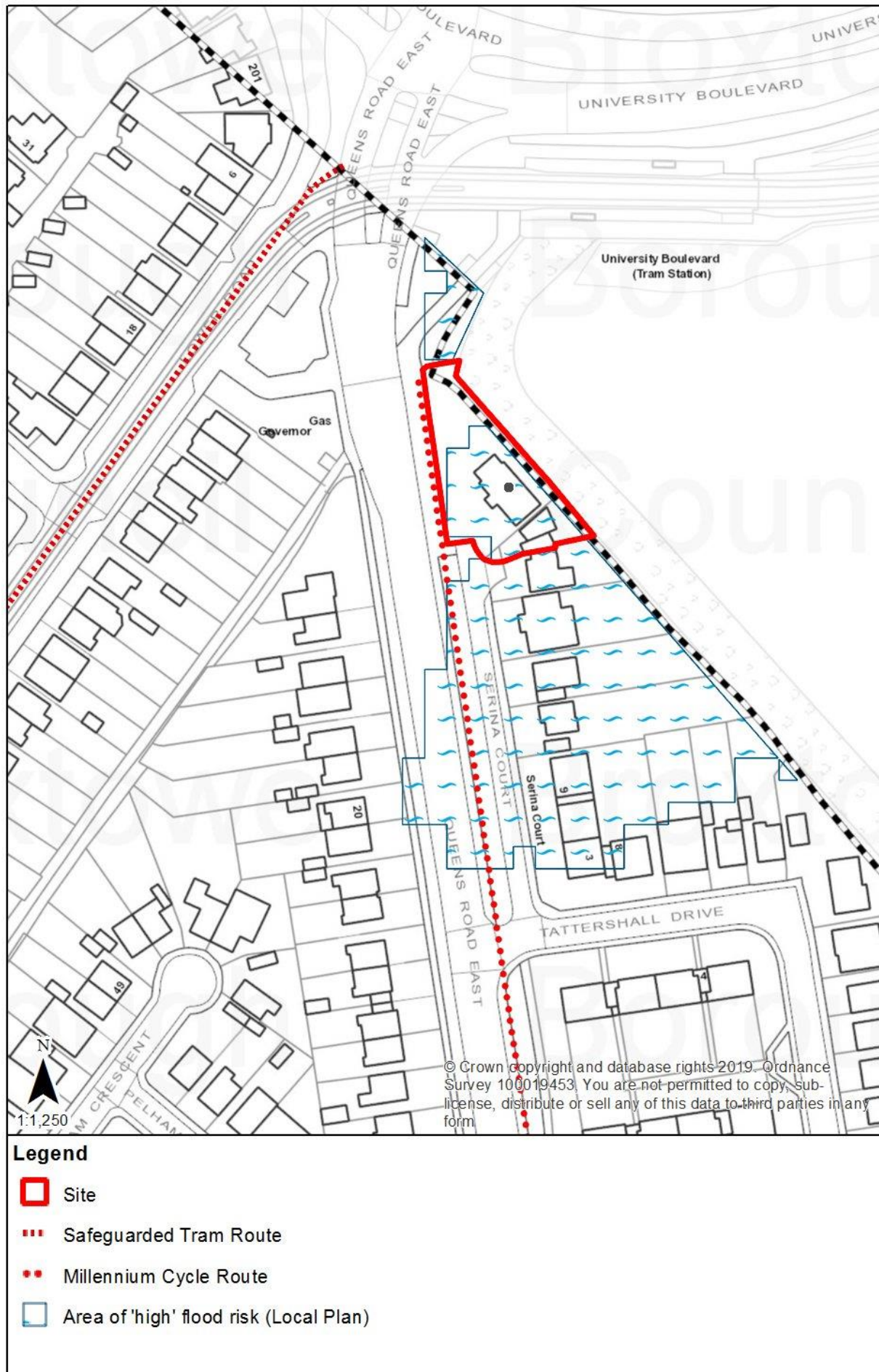
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.

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 drawings numbered DL/446/303 Rev A, DL/446/305 Rev G, DL/446/306 Rev F, DL/446/307 Rev F, DL/446/308 Rev C, DL/446/309 Rev E, DL/446/310 Rev B, DL/446/313 Rev B, DL/446/315; received by the Local Planning Authority on 8 July, 12 and 13 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No above ground works shall be carried out until the type, style and manufacturer of the materials to be used in the external</p>

	<p>facing elevations have been submitted to and approved in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance in accordance with Broxtowe Local Plan (2004) Policy H7 and Broxtowe Aligned Core Strategy Policy (2014) Policy 10.</i></p>
4.	<p>The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (RPS Consulting Services Ltd., dated May 2019) and in particular the following mitigation measures detailed within:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 27.31mAOD; • Flood resilient construction measures shall be incorporated throughout the development to a minimum height of 27.61mAOD. <p>The mitigation measures shall be fully implemented prior to occupation.</p> <p><i>Reason: To reduce the risk of flooding to the proposed development and future occupants.</i></p>
5.	<p>No part of the development hereby permitted shall be brought into use until the access has been widened and the dropped vehicular footway crossing has been amended and is available for use and constructed in accordance with the Highway Authority specification.</p> <p><i>Reason: In the interests of highway safety.</i></p>
6.	<p>No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number DL/446/305 Rev G. The parking, turning and servicing 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, turning and loading and unloading of vehicles.</p> <p><i>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.</i></p>
7.	<p>No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p>

	<i>Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</i>
8.	<p>No part of the development hereby permitted shall be brought into use until the cycle parking has been constructed and is available for use in accordance with drawing number DL/446/305 Rev G.</p> <p><i>Reason: To ensure that adequate cycle parking provision is available.</i></p>
9.	<p>No part of the development hereby permitted shall be brought into use until the area between the adopted highway and the applicants own land is delineated with flush kerb/pin kerb in accordance with drawing number DL/446/305 Rev G.</p> <p><i>Reason: To ensure that highway and applicants land is clearly defined.</i></p>
10.	<p>No part of the development hereby permitted shall be brought into use until the carriageway has been widened at the access entrance to Tattershall Drive in accordance with drawing number F19075/03 Rev B and the footway on Queens Road East/pedestrian access has had the corduroy paving constructed in accordance with drawing number F19075/04 Rev B.</p> <p><i>Reason: In the interests of general highway safety.</i></p>
11.	<p>The development hereby permitted shall be carried out in accordance with the details submitted in Sections 2, 4 and 5 of the Arboricultural Method Statement (document reference 0291/AB); received by the Local Planning Authority on 3 June 2019.</p> <p><i>Reason: To ensure the trees situated adjacent to the site are not adversely affected by the development in accordance with Policy E24 of the Broxtowe Local Plan (2004)</i></p>
12.	<p>The development shall be constructed in accordance with the noise mitigation measures as detailed in sections 7.5 and 7.6 of the Acute Acoustics Ltd noise assessment dated 20th March 2019.</p> <p><i>Reason: To protect the occupiers from excessive external noise in accordance with Policy H7 of the Broxtowe Local Plan (2004).</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.	Noisy works should be limited to between 08.00 and 18.00 hours Mondays to Fridays, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays, Bank Holidays and any other public holidays. There should also be no bonfires on site at any time.
3.	It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring
4.	<p>In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact Highways Development Control Team within Nottinghamshire County Council for more information.</p> <p>The development makes it necessary to widen/construct/improve the vehicular crossing 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</p>



Photographs



Existing bungalow and dwelling
at 3 Queens Road East.



View of application site from
Queens Road East.



View of application site from
Queens Road East.



Access to application site.



Existing dwelling on site.



Existing dwelling on site.



Serina Court.

Plans (not to scale)



Site Plan



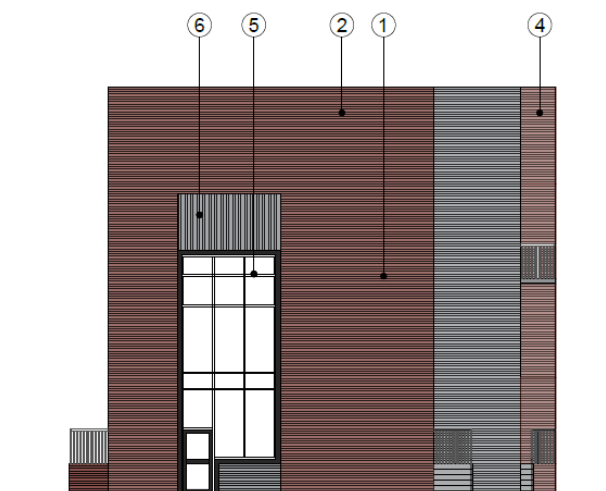
Proposed West Elevation



Proposed East Elevation



Proposed North Elevation



Proposed South Elevation

This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00267/OUT
LOCATION:	198 CATOR LANE, CHILWELL, NOTTINGHAMSHIRE, NG9 4BE
PROPOSAL:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR CONSTRUCTION OF A BUILDING CONTAINING 10 FLATS WITH PARKING (FOLLOWING DEMOLITION OF EXISTING COMMERCIAL PREMISES)

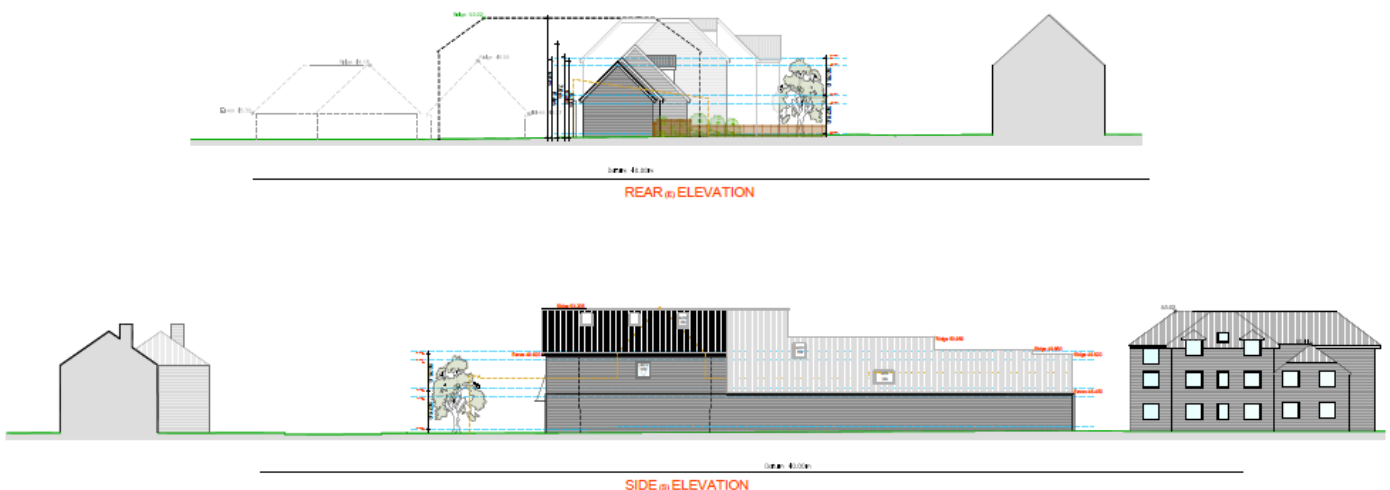
1 Executive Summary

- 1.1 This major application was first brought before Planning Committee on 4 September 2019 (appendix 2) with a recommendation for approval. Members deferred making a decision on the application to allow for a site visit and suggested various alterations to the proposal which included scaling down the massing and size to reduce the dominance of the building on the corner and to provide a plan to show the existing building in relation to the proposed building.
- 1.2 A meeting on site was conducted with the planning officer, architect, applicants, ward member and neighbour. The purpose of the meeting was to provide an understanding of the application and to discuss any requests for further changes to the application. Concerns were raised in relation to the retention of the southern boundary wall with no. 196 Cator Lane. No changes to the application were requested at the meeting and if any further amendments are requested by neighbours, then these will be reported under the late items process.
- 1.3 The application is brought back to Planning Committee with no additional changes to the plans as none were requested at the site meeting and the applicant and agent consider the proposal to be compliant with adopted policy. In relation to the comments raised by members at Planning Committee on 4 September, these will be discussed in appendix 1.
- 1.4 It remains the recommendation that the proposal be approved, subject to the conditions set out in appendix 1.

APPENDIX 1

1 Details of the Application

- 1.1 The rear (E) and side (S) elevations on drawing reference (04)04 - 03 Rev G show the proposed building in relation to the existing building which is highlighted by the yellow dashed line. The black dashed line on the side (S) elevation shows the outline of no. 196 Cator Lane, the neighbouring property and the solid black line shows the outline of the lowered wall along the southern boundary. On the rear (E) elevation, the faint dashed lines show the outline of the two neighbouring properties, nos. 196 and 194 and the larger, bolder dashed outline shows the Park View Court flats building to the east. The 3D visuals demonstrate the different sloping roofs and massing of the building.



- 1.2 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m so the maximum height did not exceed that of Park View Court flats and did not appear out of character with this neighbouring building. Furthermore, this reduced the bulk of the roof to create a building of acceptable design. Whilst it is acknowledged the bulk of the building is an increase in comparison to the existing building on site, the overall height does not exceed that of the existing building. The building is set back 11.5m from Cator Lane and 7.8m at its closest point from Bramcote Avenue. It is considered a building of this size, design and separation distance from adjoining roads addresses the street corner positively and it will not appear overbearing in the street scene. Furthermore, it is considered the building reflects a more cohesive design than the existing buildings on site.
- 1.3 The existing southern boundary wall with no. 196 extends for approximately 48m, between 4.4m and 4.8m in height and is formed by the existing buildings on site. This wall will be reduced to approximately 43m in length and 3.2m in height and will be reinforced. The approximate 5m length will be removed towards the front of no. 196 which forms part of the side elevation of the retail unit. Condition 6c of the recommendation includes details to be submitted of a scheme of works to modify the wall on the southern boundary through a reserved matters application and this neighbour would be consulted on such an application.

2 Conclusion

- 2.1 To conclude, whilst it is acknowledged that no amendments have been made to the application since the previous Planning Committee meeting, it is considered that during the course of the application a significant number of changes have been made to ensure the scheme is acceptable in relation to neighbour impact and design. The benefits of the proposal would mean 10 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 and is given significant weight. Access and landscaping are reserved matters and details of such would be required to be provided in any reserved matters application. The recommendation for approval remains the same.

Recommendation

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

1.	<p>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.</p> <p><i>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.</i></p>
2.	<p>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.</p> <p><i>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.</i></p>
3.	<p>The outline permission relates to drawings:</p> <ul style="list-style-type: none"> • (04)03 – 00 Rev D, (04)03 – 01 Rev D and (04)03 – 03 Rev D received by the Local Planning Authority on 15 July 2019; • (04)01 – 00 Rev A and (04)04 – 01 Rev F received by the Local Planning Authority on 16 July 2019; • (04)03 – 04 Rev D and (04)03 – 02 Rev D received by the Local Planning Authority on 17 July 2019; • (04)00 – 01 Rev A received by the Local Planning Authority on 23 July 2019; and • (04)04 – 03 Rev G and (04)04 – 02 Rev F received by the Local Planning Authority on 19 September 2019.

	<i>Reason: For the avoidance of doubt.</i>
4.	<p>Before any development is commenced, detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) the means of access and parking provision within the site and b) the landscaping treatment of the site. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily 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.</i></p>
5.	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <ul style="list-style-type: none"> a) access width; b) surfacing treatments; c) visibility splays; and d) drainage of parking/turning areas. <p>All details shall comply with Nottinghamshire County Councils 6'Cs Design Guide and the access and parking areas shall be provided strictly in accordance with the approved details prior to the first occupation of the building.</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) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>The detailed drawings and particulars required under condition 4(b) shall include the following details:</p> <ul style="list-style-type: none"> a. trees 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. details of boundary treatments (including a scheme of works to modify the wall on southern boundary); d. proposed hard surfacing treatment planting, seeding/turfing of other soft landscape areas; and e. a timetable for implementation of the scheme. <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial</p>

	<p>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 Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No development, including site clearance, shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:</p> <ul style="list-style-type: none"> • Details of a proven outfall from the site in accordance with the drainage hierarchy. The following options should be considered in order of preference: infiltration, discharge to watercourse and discharge to surface water sewer or discharge to combined sewer; • Justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365; • Evidence the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development; • Demonstrate the site drainage system should cater for all rainfall events up to and including the 1 in 100-year event, including a 40% allowance for climate change; • Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm; • Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference should be given to above ground SuDS which provide multi-functional benefits; and • Details of who will manage and maintain all drainage features for the lifetime of the development. <p><i>Reason: The development cannot proceed satisfactorily without the</i></p>

	<i>outstanding matters being agreed and no such details were submitted with the application. Further to improve and protect water quality and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i>
8.	<p>No development, including site clearance, shall commence until a scheme of works to identify and remove asbestos and asbestos containing material is submitted to and approved in writing by the Local Planning Authority. The removal of any asbestos material shall be undertaken strictly in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of public health and safety and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>Notwithstanding the submitted details, no above ground works shall commence until details of the location of the bins has 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: To ensure the safe manoeuvrability of bins by refuse operatives and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<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: Full details were not 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>
11.	<p>The openings annotated as 'AOV' 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.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
12.	No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays.

	<p>Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by seeking positive amendments and working to determine it within the agreed determination timescale.
2.	The submitted plans are for indicative purposes only in relation to landscaping and access and this decision does not approve the landscaping or access as shown.
3.	No construction waste shall be burnt on site at any time.
4.	The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.

Photographs

West (front) elevation



West (front) and south (side) elevations and no. 196's driveway



East (rear) elevation and northern boundary wall



Southern boundary of site viewed from no. 196 Cator Lane's rear garden



North (front) and west (side) elevation of Park View Court flats



View of outbuildings to the east (rear) of site

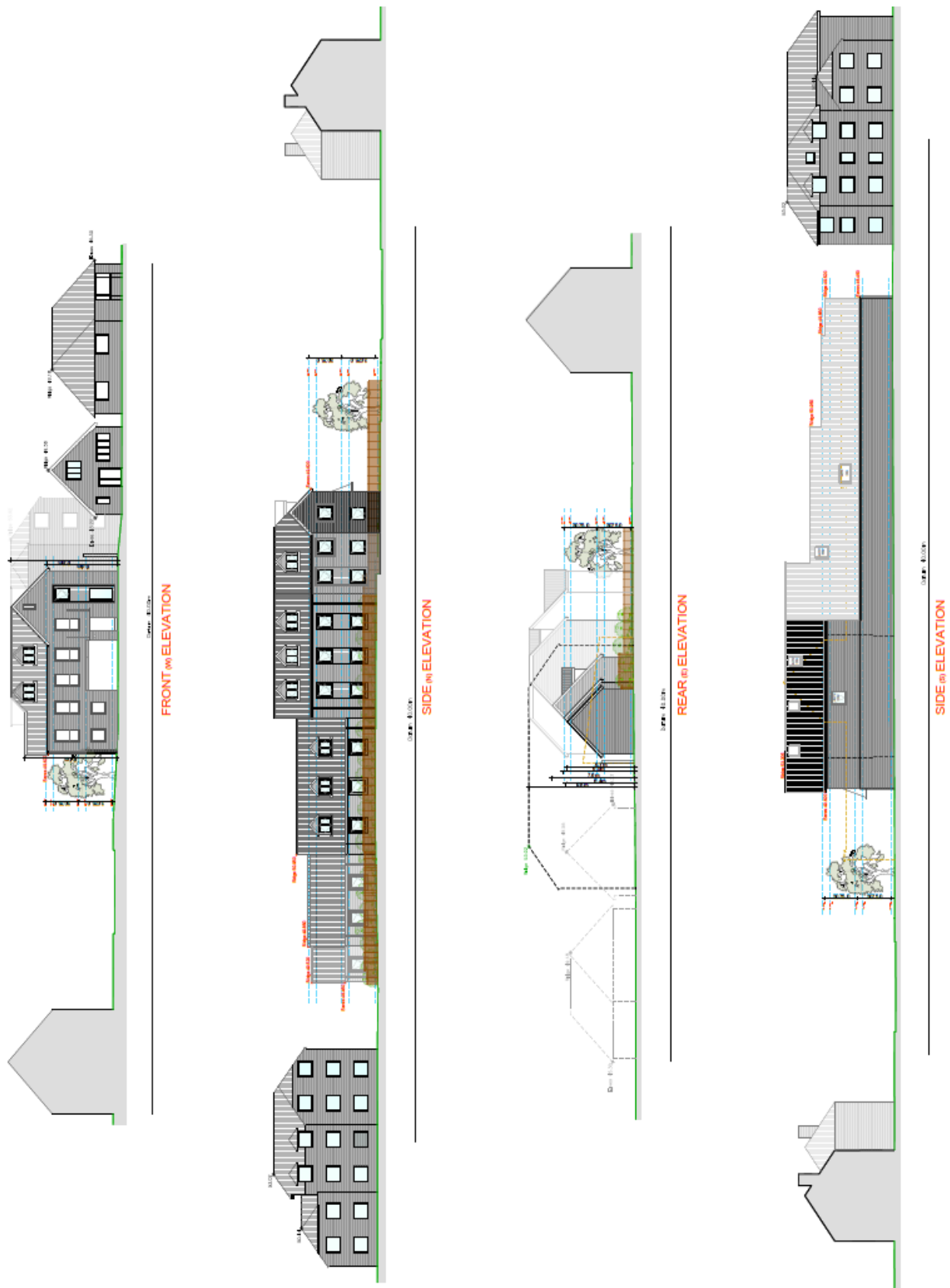




Legend



Plans (not to scale)



Report of the Chief Executive

APPENDIX 2

APPLICATION NUMBER:	19/00267/OUT
LOCATION:	198 CATOR LANE, CHILWELL, NOTTINGHAMSHIRE, NG9 4BE
PROPOSAL:	OUTLINE APPLICATION WITH SOME MATTERS RESERVED FOR CONSTRUCTION OF A BUILDING CONTAINING 10 FLATS WITH PARKING (FOLLOWING DEMOLITION OF EXISTING COMMERCIAL PREMISES)

Councillor R I Jackson has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This is a major planning application seeking outline permission to construct ten apartments. Details of appearance, layout and scale have been submitted as part of this application, with landscaping and access reserved for future consideration (reserved matters). The building will consist of a maximum of three storeys, comprising ten, one/two bedroom self-contained flats which are not HMO's (Houses in Multiple Occupancy). The existing building and rear extensions will be demolished. However, the southern boundary wall will be retained, reinforced and lowered in height. The building will consist of single/two/three storey elements with flat and pitched roofs and dormers. The three storey element will have a cantilevered roof to the west (front). Eight car parking spaces, 12 bicycle stands and bin storage are proposed to the west of the building underneath the cantilevered roof.
- 1.2 The existing retail buildings on site consist of a two storey gable roofed building with an adjoining building with parapet roof positioned to the west facing Cator Lane. To the east (rear) there are a mixture of single storey extensions with mono-pitched roofs and flat roof outbuildings which vary in height.
- 1.3 The main issues relate to whether the principle of a three storey building consisting of ten apartments would be acceptable, if the loss of a retail unit is outweighed by the proposal of residential development in this location, if the development is acceptable in relation to appearance, layout and scale and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits of the proposal would mean ten 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 but this is 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 building containing 10 one/two bedroom flats which will consist of one to three storeys. The three storey element of the building has a flat and pitched roof, a height to ridge of 9.8m and height to eaves of 6.4m and will step down to two storey then single storey to the east (rear) of the site. The two and single storey elements will have pitched roofs. The pitched roofs to the south (side) elevation of the building will have a minimum eaves height of 3.2m and maximum ridge height of 9.8m. A total of nine dormers are proposed at first and second floor in the north (side) and west (front) roof slopes. Eight car parking spaces accessed from Cator Lane are to the front of the building and a turning head, 12 cycle stands and bin storage are proposed underneath the cantilevered roof.
- 1.2 The proposed ten apartments will consist of five, two bedroom apartments and five, one bedroom apartments. In addition to the bedrooms, each apartment will have a bathroom or en-suite(s) and a kitchen/living/dining area.
- 1.3 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m. An additional dormer was incorporated into both the north and west roof slopes, all dormers were changed from flat to pitched roofs, the gable feature in the north (side) projection was reduced in size, the cantilevered roof was enclosed in the north elevation and reduced in width in the west elevation, the design of the west (front) elevation was changed to a different style of roof and the fenestration was altered and the two flat roof elements were removed and replaced with a sloping roof in the south (side) elevation. The proposal to relocate the bus stop was omitted.

2 Site and surroundings

- 2.1 The site contains a two storey building with gable roof with an adjoining flat roofed building with a parapet roof to the west facing Cator Lane serving a retail unit (selling safety work wear). To the east (rear), there are a mixture of single storey extensions with mono-pitched roofs and flat roof outbuildings which vary in height. The land to the north which is used as informal parking and bin storage is not included within this application site. There is parking for approximately five cars to the west (front) of the site which is accessed from Cator Lane and the frontage is open (apart from some bollards). The retail unit, main building and single storey rear extensions form the boundary with no. 196 Cator Lane and range from approximately 4.4m to 4.8m in height. A brick wall with a fence above extends across part of the northern boundary and a single storey extension with mono-pitched roof forms the remainder of this boundary. A single storey extension forms the east (rear) boundary of the site.
- 2.2 The site lies within a predominantly residential area with some commercial units. No. 196 is a bungalow positioned to the south. The site is positioned approximately 0.4m higher than no. 196 Cator Lane. Park View Court flats are positioned to the east of the site in a three storey building. These flats are

separated from the site by their driveway which provides access to a car park to the south. Nos. 175, 177 and 179 Cator Lane are semi-detached houses positioned to the west. No. 116 – 118 Bramcote Avenue is a school uniform shop positioned to the north.

- 2.3 The site is within a reasonable proximity of Beeston town centre. A bus stop positioned directly to the west of the site on Cator Lane is served by a regular bus service. The site is a short walking distance from a tram stop.

3 Relevant Planning History

- 3.1 An application for a change of use from warehousing to a retail shop (81/00590/FUL) was granted permission in September 1981.
- 3.2 An application to convert part of the warehouse into a joinery workshop (85/00116/FUL) was granted permission in June 1985.
- 3.3 An application to construct a two storey block of four flats (91/00007/FUL) was granted permission in March 1991. This permission was not implemented.
- 3.4 An application to construct a boundary wall (92/00110/FUL) was granted permission in April 1992.

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 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 18: Infrastructure
- 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 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E27: Protection of Ground Water
- Policy H5: Affordable Housing
- Policy H6: Density of Housing Development
- Policy H7: Land Not Allocated for Housing Purposes
- Policy RC6: Open Space: Requirements for New Developments
- Policy T1: Developers' Contributions to Integrated Transport Measures
- 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, 26 and 32 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 17, 26 and 32 can now be afforded moderate weight, with Policy 15 being afforded limited weight.

- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 26: Travel Plans
- Policy 32: Developer Contributions

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 a condition requiring a scheme of works to remove asbestos to be submitted before development takes place and an advisory in respect of working hours and bonfires.
- 5.2 **Council's Waste and Recycling Officer:** raises no objection.
- 5.3 **Council's Business and Projects Manager (Environment):** has not requested an open space contribution. The tree on the corner with Cator Lane should be retained.
- 5.4 **Council's Housing Strategy and Development Officer:** raises no objection and has not requested an affordable housing contribution.
- 5.5 **Nottinghamshire County Council as Highways Authority:** raise no objection to the principle subject to further information being submitted in relation to parking/turning facilities, appropriate access widths, visibility splays, surfacing treatment and drainage. Unnecessary to relocate bus stop as cars entering and exiting site can wait for buses to move.
- 5.6 **Nottinghamshire County Council as Lead Local Flood Authority (LLFA):** object due to a drainage strategy not being submitted.

- 5.7 **Nottinghamshire County Council Planning Policy team:** has not made a request for an education contribution. Preference to keep bus stop in the same location and only relocate if absolutely necessary due to the highway layout of the area, the catchment area for this bus stop and its vicinity to its paired stop.
- 5.8 **NHS Nottingham City Clinical Commissioning Group (CCG):** has not made a request for a health contribution.
- 5.9 **Nottingham NHS Trust:** request a financial contribution of £3882 to provide additional health care services to meet an increase of patient demand as a result of this development.
- 5.10 **Severn Trent Water Ltd:** no objections but recommend a condition requiring drainage plans to be submitted and agreed.
- 5.11 23 neighbouring properties were consulted and a site notice and amended site notice were displayed. Ten objections, one letter of support and three observations were received and can be summarised as follows:
- Removal of southern boundary will cause loss of privacy and impact adjoining buildings
 - Loss of privacy from windows overlooking garden
 - Loss of daylight/sunlight
 - Overbearing impact/ sense of enclosure
 - Overdevelopment
 - Increase in noise and disturbance from additional residents and from construction works
 - Plans do not state the proposed construction times
 - Increase in pollution and dust
 - Out of keeping with surrounding area
 - Dominates the corner
 - 3m higher than the block of flats adjacent to it
 - Will dwarf neighbouring properties
 - Eight parking spaces is inadequate for this number of flats
 - Increase in on-street parking and congestion
 - Park View Courts parking will be used by the new occupants and their visitors
 - No allowance has been made for disabled parking spaces
 - Cator Lane and Bramcote Avenue junction is already a safety hazard and the proximity of site entrance to this could increase accidents
 - Relocation of bus stop will cause an inconvenience to residents
 - Planting and trees should be included to break up the massing of the building and provide a 'net gain' in line with national policy – insufficient regard been given to such issues (including provision of green/amenity space for the residents) with other developments in the borough
 - Consideration should be given to the northern boundary and maintenance of the areas shown as being soft landscaped to the north as this will require access across neighbouring land
 - Amended plans show an improvement but more landscaping should be included to the front of the building
 - Unclear if recharging of electric cars will be incorporated into the development

- Student housing would not be appropriate for the area
- Unclear how proposal complies with affordable housing policy
- Negative impact on health and well-being
- Refuse disposal facilities are inadequate and inappropriately sited
- Owners of land to the north not notified of application
- Sustainability assessment provision queried
- Application motivated by financial gain
- Future occupiers of the second floor will be disadvantaged as the lift now only goes to the first floor.

6 Assessment

6.1 The main issues for consideration are whether the principle of a three storey building consisting of ten apartments would be acceptable, if the loss of a retail unit is outweighed by the proposal of residential development in this location, if the development is acceptable in relation to appearance, layout and scale and whether there will be an unacceptable impact on neighbour amenity. Landscaping and access will be addressed in this report but are reserved matters and will be subject to a reserved matters application.

6.2 **Principle**

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

6.2.2 Whilst it is acknowledged there will be a loss of a retail unit (safety work wear shop), it is considered that this is a 'main town centre use' and the provision of safety work-wear does not amount to a shop meeting a local need as a small convenience store would. The loss of this store is therefore outweighed by the proposal of residential units which makes an efficient use of the land.

6.2.3 An application to construct a two storey block of four flats (91/00007/FUL) was granted permission in March 1991. Whilst this permission was never implemented and planning policies have changed since 1991, the principle of residential development on this site has previously been assessed as being acceptable.

6.2.4 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 10 dwellings within an existing settlement in a sustainable location, within a reasonable proximity to Beeston town centre and access to public transport links. The principle of the development is therefore considered to be acceptable.

6.4 Amenity, Design and Layout

- 6.4.1 During the course of the application, the plans were amended to reduce the overall height of the three storey element of the building by approximately 2.5m. An additional dormer was incorporated into both the north and west roof slopes, all dormers were changed from flat to pitched roofs, the gable feature in the west (front) projection was reduced in size, the cantilevered roof was enclosed in the north elevation and reduced in width in the west elevation, the design of the west (front) elevation was changed to a different style of roof and fenestration altered and the two flat roof elements were removed and replaced with a sloping roof in the south (side) elevation.
- 6.4.2 It is acknowledged that no. 196 Cator Lane, which is a bungalow positioned to the south of the site, will be the property most affected by this proposal. However, it is considered the amendments incorporated into the proposal have reduced the impact on this neighbour (and other neighbours) to an acceptable level. The most significant amendment is the reduction in height of the three storey element by approximately 2.5m which is 0.2m lower in height than the existing building. The existing relationship between no. 196 and the application site consists of a 4.4m to 4.8m high wall which extends for the majority of the boundary between these two properties and therefore a relatively tall boundary treatment is currently in place. Whilst it is acknowledged the three storey building will be longer than the existing building, the three storey element will project approximately 1.4m beyond the rear elevation of the bungalow which is considered to be an acceptable projection. The section of building extending beyond this has sloping roofs that slope from three to two/one storey, all with an eaves height of 3.2m which is lower than the existing wall. The existing southern boundary is formed by extensions and the retail unit on the application site and as a result of their removal, the southern outer wall will be retained, reinforced and lowered in height to 3.2m. The new building will be set back from the southern boundary by approximately 1m meaning the separation distance between the north elevation of no. 196 and the building will be approximately 4.7m and is considered to be sufficient to counteract the height of the building and sloping roofs. The three storey building will project 2.8m beyond the front elevation which is considered to be acceptable due to the separation distance, it not directly facing primary amenity space and the driveway of no. 196 providing a buffer between these two buildings.
- 6.4.3 With regards to privacy issues, six roof lights are proposed at first and second floor in the south (side) roof slopes. Three of these roof lights are automatic opening vents (AOV) that will be obscurely glazed and only opened in the event of a fire. The two remaining roof lights serve a bathroom and bedroom and due to their high level positioning at second floor and facing no. 196's driveway, it is considered they will not have a clear view of this neighbouring property and will not cause an unacceptable detrimental impact. No. 196 is to the south of site with an east facing rear garden meaning the proposed development will not lead to a significant additional loss of evening sun.
- 6.4.4 To conclude, it is acknowledged the proposed building will cause a loss of some sunlight and daylight and the site is at a higher level than no. 196. However, it is considered sufficient amendments have been incorporated into the design to overcome these issues to an acceptable level. It is considered the separation

distance of 4.7m, sloping roofs with a lower eaves height than the existing southern boundary wall, windows not directly overlooking primary amenity space and the orientation of no. 196 being south of the site, means the proposed flats will not have an unacceptable detrimental impact on no. 196.

- 6.4.5 Park View Court is a three storey building containing 13 flats positioned to the east of the building beyond its driveway. Although Park View Court flats have five windows at ground, first and second floor level in the west (side) elevation, these will not be overlooked as the east (rear) elevations of the building will be blank. The building will be single storey to the rear of the site and although this section will increase in height by approximately 1.8m, this will not be dissimilar to the current relationship these two buildings have which is partially facing a blank elevation of a single storey building. Furthermore, the driveway belonging to Park View Court flats provides a buffer between these two sites.
- 6.4.6 It is considered the intervening strip of land to the north and the road provide a sufficient separation distance with properties along Bramcote Avenue. The building will be set back 11.5m from Cator Lane and due to the intervening road, it is considered the proposed flats will not have an unacceptable detrimental impact on the amenity of nos. 175, 177 and 179 Cator Lane. It is considered that all other neighbours consulted are a sufficient distance from the site that there will not be an unacceptable detrimental impact on their amenity. 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.
- 6.4.7 During the course of the application, a number of amendments were incorporated into the scheme and this was largely to reduce the massing and reflect a more cohesive design. The roof was reduced in height by approximately 2.5m as it was considered this appeared bulky and was out of keeping with the height of Park View Court flats to the east. The amended roof height is considered acceptable as this reflects the height of Park View Court flats and has significantly reduced the massing. The dormers have been amended from flat to pitched roofs which ties in with the front and side gable features and reflects the style of pitched roof dormers on Park View Court flats. The gable feature in the north (side) elevation has been reduced in width and simplified in appearance which is considered to be acceptable. The west (front) elevation initially appeared awkward in appearance due to the large cantilevered roof, part hipped roof and unsymmetrical fenestration. The cantilevered roof was enclosed to the north and the opening reduced in width in the west elevation, with brick detailing included across the top. The part hipped roof was replaced with a gable and two pitched roof dormers and the windows were amended to reflect a more symmetrical appearance. It is considered this elevation is now of an acceptable design. The south elevation incorporated flat roof elements which were considered to represent an awkward, poor design. These have been replaced with sloping roofs which reduces the massing of the roof beside the boundary and is now considered to be acceptable. To conclude, it is considered the proposed flats represent an acceptable design. The height is reflective of the Park View Court flats and the massing of the building reduces in size from three to one storey which reduces the visual impact of the building and adds visual interest. The fenestration is relatively symmetrical and the dormers break up the massing of the roof. Overall, it is considered the amendments are sufficient that the flats represent an acceptable design.

- 6.4.8 The layout of the building is considered to be acceptable and represents an improvement from the existing building. The layout of the existing building is a mixture of single/two storey buildings with flat and pitched roofs. It is considered the single storey building serving the retail unit does not represent good design as this projects forward significantly of neighbouring properties along Cator Lane. The proposed layout of the flats would be more in keeping with the bungalows to the south as the proposed building will only project 2.8m beyond the bungalow as opposed to the retail unit which projects 9m. Furthermore, the bungalows along Cator Lane are slightly staggered in their layout meaning this small projection beyond no. 196 will not appear out of character with the built form. It is considered the layout of the building is acceptable and in keeping with the appearance of the street scene.
- 6.4.9 Given the prominent location of the site, a condition will be included to ensure that details and samples of materials are provided in advance of building works commencing.
- 6.4.10 The flats are considered to be an acceptable size with each providing sufficient internal space to provide a living/kitchen/dining area and bedrooms. Furthermore, each apartment has appropriately positioned windows to provide an outlook from each bedroom. Although no outdoor amenity space has been provided, Cator Lane recreation ground is within walking distance of the site which is considered to be acceptable. Whilst there would be no lift access to the second floor this is acceptable and is not an uncommon feature of apartment buildings of three storeys.
- 6.4.11 To conclude, the proposal of a building with a maximum of three storeys to accommodate 10 apartments is considered to be acceptable on this corner plot and residential development has been previously been established as being acceptable in this location through the approval of a historical planning application. Furthermore, it is considered sufficient amendments have been incorporated into the proposal to reduce the scale of the building so an acceptable relationship with neighbouring properties can be achieved. It is considered the building is in keeping with Park View Court flats with similar style dormers, window size and overall height. It is considered the removal of the single storey retail unit to the front of the site is a positive element of the scheme and provides an opportunity to improve the street scene on Cator Lane and Bramcote Avenue.

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 (eight spaces) is acceptable. The Highways Authority have not objected to the application but have requested further information in relation to parking/turning facilities, appropriate access widths, visibility splays, surfacing treatment and drainage which would be addressed within a reserved matters application. They have stated that the proposed relocation of the bus stop would not be required as a

result of the parking to the front of the flats and that cars would be required to wait for buses whilst they are dropping off and picking up passengers. As this bus stop is not a 'timing point' where buses wait, this would not pose a detrimental risk to highway safety. The plans were amended so that there is no proposal to relocate the bus stop. Due to a lack of objection from the Highways Authority and the sustainable location, it is considered the proposed plans have demonstrated that sufficient parking could be accommodated on site.

6.5.2 It is also relevant that this application will result in the permanent replacement of an A1 retail use that could generate significantly more traffic movements during the day and into the evening when compared to the proposed residential use. There are no planning conditions restricting the opening hours or the nature of the A1 use on this site.

6.5.3 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.

6.5.4 The site lies within a sustainable location with access to regular bus services along Cator Lane (with a bus stop being positioned directly in front of the site) and within walking distance of a tram stop. Whilst it is acknowledged there could be some increase in on-street parking as a result of this development, it is considered this would not pose a highway safety risk as the surrounding roads are considered to be relatively low traffic roads. Eight 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 detrimental to 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 Financial contributions

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

6.6.2 As the site is less than 1ha in size and is for 10 dwellings, no financial contributions have been requested in respect of affordable housing, integrated transport measures, open space and education.

6.6.3 The NHS Trust have requested a financial contribution of £3882 to provide additional health care services to meet an increase of patient demand as a result of this development. The agent has declined to pay this contribution. As there is no requirement within Broxtowe's adopted planning policy for a contribution of this nature to be requested, it would not be justifiable to refuse this application based on this reason.

6.7 Drainage

6.7.1 The Lead Local Flood Authority (LLFA) have objected to the application in the absence of a drainage strategy. A pre-commencement condition will be included within the recommendation detailing the information that has been requested by the LLFA in order for this objection to be addressed before any development begins on site.

6.8 Other issues

6.8.1 A number of concerns have been raised by residents which will be addressed within this section.

6.8.2 The plans show a small amount of soft landscaping and this matter is reserved and would be subject to a reserved matters application. A condition is included requiring more details in relation to landscaping.

6.8.3 The initial plans showed a refuse collection point on the western boundary of the site with Cator Lane but this has been removed with the amended plans. The bins are positioned under the cantilevered roof but a condition will be included to provide further detail of their positioning to ensure they are within an acceptable distance of the road for refuse operatives to safely move them.

6.8.4 There is no requirement for the application to state the types of occupants that may live in these flats.

6.8.5 There is no planning policy requirement for disabled car parking for dwellings and this issue would be dealt with under Building Regulations.

6.8.6 The concerns in regards to cars potentially parking on land belonging to Park View Court flats as a result of this development is matter to be addressed between landowners and neighbours.

6.8.7 A condition will be included within the recommendation that limits the construction times given the proximity of the site to dwellings.

6.8.8 Whether the application is motivated by a financial gain or not is not a planning consideration.

6.8.9 A sufficient consultation with neighbours has been undertaken with two site notices being displayed and letters sent to adjoining and nearby residents of the site.

6.8.10 The sustainability of an application is assessed on a case by case basis and there is not a requirement for an individual assessment for this application.

7 Planning Balance

7.1 The benefits of the proposal are that it would provide ten 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 the site's location within a sustainable, urban area.

8 Conclusion

8.1 To conclude, it is considered the proposed building is 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 flats are considered to be an acceptable design as the height relates to the neighbouring flats to the east and decreases from three storeys to one storey.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>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.</p> <p><i>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.</i></p>
2.	<p>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.</p> <p><i>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.</i></p>
3.	<p>The outline permission relates to drawings:</p> <ul style="list-style-type: none"> • (04)03 – 00 Rev D, (04)03 – 01 Rev D and (04)03 – 03 Rev D received by the Local Planning Authority on 15 July 2019; • (04)01 – 00 Rev A, (04)04 – 01 Rev F, (04)04 – 02 Rev E and (04)04 – 03 Rev F received by the Local Planning Authority on 16 July 2019; and

	<ul style="list-style-type: none"> • (04)03 – 04 Rev D and (04)03 – 02 Rev D received by the Local Planning Authority on 17 July 2019; and • (04)00 – 01 Rev A received by the Local Planning Authority on 23 July 2019. <p><i>Reason: For the avoidance of doubt.</i></p>
4.	<p>Before any development is commenced, detailed drawings and particulars showing the following (the 'Reserved Matters') shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> a) the means of access and parking provision within the site and b) the landscaping treatment of the site. <p>The development shall be carried out strictly in accordance with the approved details.</p> <p><i>Reason: The application was submitted in outline only and the development cannot proceed satisfactorily 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.</i></p>
5.	<p>The detailed drawings and particulars required under condition 4(a) shall include the following details:</p> <ul style="list-style-type: none"> a) access width; b) surfacing treatments; c) visibility splays; and d) drainage of parking/turning areas. <p>All details shall comply with Nottinghamshire County Councils 6'Cs Design Guide and the access and parking areas shall be provided strictly in accordance with the approved details prior to the first occupation of the building.</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) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>The detailed drawings and particulars required under condition 4(b) shall include the following details:</p> <ul style="list-style-type: none"> a. trees 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. details of boundary treatments; d. proposed hard surfacing treatment (including a scheme of

	<p>works to modify the wall on southern boundary)</p> <p>e. planting, seeding/turfing of other soft landscape areas; and</p> <p>f. a timetable for implementation of the scheme.</p> <p>The approved scheme shall be carried out strictly in accordance with the approved details. Soft landscaping shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</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 Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No development, including site clearance, shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall include:</p> <ul style="list-style-type: none"> • Details of a proven outfall from the site in accordance with the drainage hierarchy. The following options should be considered in order of preference: infiltration, discharge to watercourse and discharge to surface water sewer or discharge to combined sewer; • Justification for the use or not of infiltration, including the results of soakaway testing, in accordance with BRE 365; • Evidence the maximum discharge is set to the QBar Greenfield run-off rate for the positively drained area of development; • Demonstrate the site drainage system should cater for all rainfall events up to and including the 1 in 100-year event, including a 40% allowance for climate change; • Provide details for exceedance flows; surface water should be contained within the site boundary without flooding any properties in a 1 in 100year+CC storm; • Show that SuDS systems will be incorporated into the surface water management scheme for the site, preference

	<p>should be given to above ground SuDS which provide multi-functional benefits; and</p> <ul style="list-style-type: none"> • Details of who will manage and maintain all drainage features for the lifetime of the development. <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed and no such details were submitted with the application. Further to improve and protect water quality and to ensure the future maintenance of the sustainable drainage structures in accordance with the aims of Policy E27 of the Broxtowe Local Plan (2004) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No development, including site clearance, shall commence until a scheme of works to identify and remove asbestos and asbestos containing material is submitted to and approved in writing by the Local Planning Authority. The removal of any asbestos material shall be undertaken strictly in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of public health and safety and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
9.	<p>Notwithstanding the submitted details, no above ground works shall commence until details of the location of the bins has 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: To ensure the safe manoeuvrability of bins by refuse operatives and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
10.	<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: Full details were not 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>
11.	<p>The openings annotated as 'AOV' 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.</p> <p><i>Reason: In the interests of privacy and amenity for nearby</i></p>

	<i>residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).</i>
12.	<p>No construction or site preparation work in association with this permission shall be undertaken outside of the hours of 07.30-18.00 Monday to Saturday and at no time on Sundays or Bank Holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by seeking positive amendments and working to determine it within the agreed determination timescale.
2.	The submitted plans are for indicative purposes only in relation to landscaping and access and this decision does not approve the landscaping or access as shown.
3.	No construction waste shall be burnt on site at any time.
4.	The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.

Photographs

West (front) elevation



West (front) and south (side) elevations and no. 196's driveway



East (rear) elevation and northern boundary wall



Southern boundary of site viewed from no. 196 Cator Lane's rear garden



North (front) and west (side) elevation of Park View Court flats



View of outbuildings to the east (rear) of site

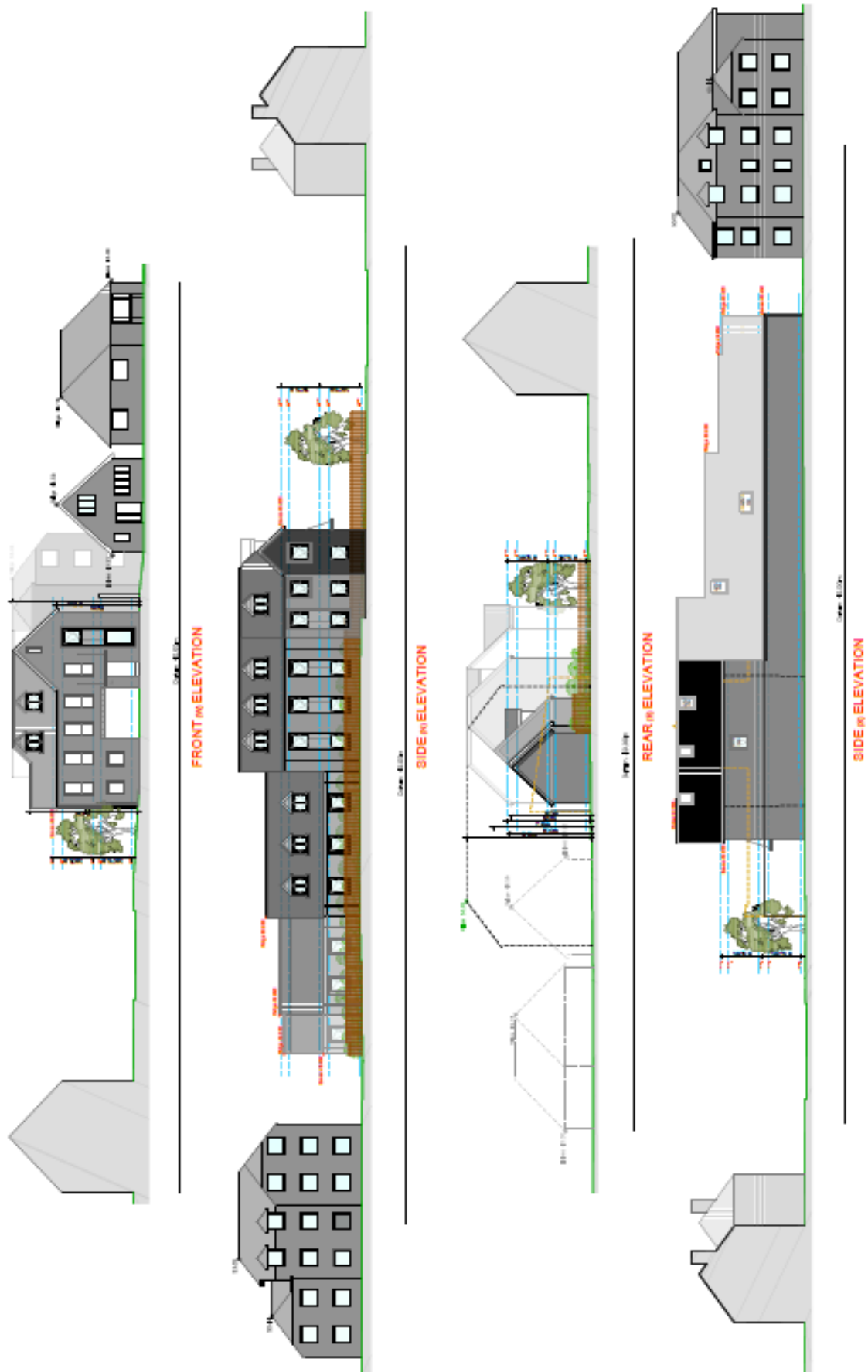




Legend



Plans (not to scale)



This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00314/FUL
LOCATION:	FORMER BEESTON SCOUT HEADQUARTERS WAVERLEY AVENUE BEESTON NG9 1HZ
PROPOSAL:	CONSTRUCT THREE STOREY APARTMENT BLOCK CONTAINING FOUR 2 BED UNITS AND TWO 1 BED UNITS

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 24 July 2019 with a recommendation for approval (original report attached as appendix 2). Members deferred making a decision on the application at that time to allow further consideration to be given to reducing the intensity of the occupation of the building, to address the concern regarding room sizes and to address concerns in regard to parking.
- 1.2 A supporting statement has been submitted to address the concerns raised by Planning Committee in July, and additional drawings have been submitted to provide clarity on the internal floor layout and sizes of each of the apartments. No additional changes to the proposal have been submitted.
- 1.3 It remains the recommendation that the proposal be approved, subject to the conditions set out in appendix 1.

APPENDIX 1

1 Details of the Application

1.1 The planning application has not been amended but the planning agent has submitted a statement outlining the reasons why they consider the proposal to be compliant with adopted policy and has submitted plans to provide clarity on the internal floor layout and sizes of each of the apartments. These show the following sizes for each apartment:

- Apartment 1 (ground floor, two bedrooms) – 72.6 square metres gross internal floorspace
- Apartment 2 (ground floor, two bedrooms) – 62.8 square metres gross internal floorspace
- Apartment 3 (first floor, two bedrooms) – 68.6 square metres gross internal floorspace. This apartment also has access to a small private balcony
- Apartment 4 (first floor, two bedrooms) – 62.8 square metres gross internal floorspace
- Apartment 5 (second (top) floor, one bedroom) – 42.7 square metres gross internal floorspace. This apartment also has access to a private balcony
- Apartment 6 (second (top) floor, one bedroom) – 36.4 square metres gross internal floorspace. Again, this apartment has access to a private balcony.

1.2 The supporting statement makes the following points:

- The scheme was subject to pre-application discussions and re-designed accordingly, including the omission of one parking space.
- Two parking spaces were considered as adequate by both the planning officer and the Highway Authority.
- The Highway Authority did not raise an objection to the proposed development on highway safety grounds.
- Should the concerns regarding the existing problem of on-street parking be warranted, it cannot be seen to be the responsibility of the applicant who wishes to develop a minor sized scheme.
- If the problem exists, the County Council would be responsible for implementing a solution, for example a residents parking permit scheme, and as such, it would be outside the remit of the application and cannot be managed or improved by a proposed scheme.
- Each apartment conforms with the Nationally Described space standards for one and two bedroom apartments, and with the requirements set out in the Broxtowe Borough Councils' adopted House in Multiple Occupancy Property Standards (although the apartments should not be considered as HMO's).
- The internal space for the apartments is of greater floor area than that at the recently considered apartment scheme further along Queens Road.

2 Updated Planning History

- 2.1 A planning application for a two storey building comprising four apartments was validated on 10 September 2019 (reference 19/00563/FUL) and is currently under consideration.

3 Assessment

- 3.1 As noted in the original committee report, it is considered that the proposal is policy compliant. The agent states that the provision of two parking spaces is adequate and it is considered that this is acceptable in regard to the assessment of the planning application, as the site is located in a sustainable location close to amenities and to public transport services.
- 3.2 The amount of internal space has been clarified with the submission of additional large scale plans. It is considered that as the plans demonstrate that a good standard of internal space can be achieved and that the layout meets national standards and those set out in the adopted BBC HMO Property Standards, the application is acceptable in this regard. The occupants would have access to natural light in all habitable rooms, and some apartments would have access to private external space, further enhancing the amenities of the occupiers of the apartments.

4 Conclusion

- 4.1 It is concluded that the statement as submitted reinforces the consideration that the proposal is compliant with local and national policy and as such the recommendation for approval remains the same.

Recommendation

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

1.	<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 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.</p>

	<i>Reason: For the avoidance of doubt.</i>
3.	<p>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.</p> <p><i>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).</i></p>
4.	<p>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:</p> <p>(a) numbers, types, sizes and positions of proposed shrubs (b) proposed hard surfacing treatment (c) planting, seeding/turfing of other soft landscape areas</p> <p>The approved scheme shall be carried out strictly in accordance with the agreed details.</p> <p><i>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).</i></p>
5.	<p>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.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
6.	<p>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.</p> <p><i>Reason: In the interests of highway safety in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>

7.	<p>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.</p> <p><i>Reason: In the interests of promoting sustainable modes of transport, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
8.	<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 H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
9.	<p>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.</p> <p><i>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).</i></p>
10.	<p>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.</p> <p><i>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).</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 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

Plans (not to scale)



Proposed ground floor



Proposed front elevations



Apartment 1, the largest at 72.6 square metres internal space, which is on the ground floor



Apartment 6, on the second floor, which is the smallest at 36.4 square metres internal space, although this has additional usable external space on the balcony (9.75 square metres)

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

[illegible]

Page 158



Proposed front elevation



Proposed rear elevation

This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00332/FUL
LOCATION:	FLEWITT HOUSE MIDDLE STREET, BEESTON
PROPOSAL:	CONSTRUCT TWO STOREY AND SINGLE STOREY REAR EXTENSIONS, TO FORM ONE x FIVE BED UNIT TO THE REAR.

1 Executive Summary

- 1.1 This application was first brought before Planning Committee on 4 September 2019 with a recommendation for approval (original report attached as appendix 2). Members deferred making a decision on the application at that time to allow for a site visit to be carried out, and for further consideration to be made to reducing the scale of the proposed development.
- 1.2 The applicant has submitted a statement confirming that no additional changes to the proposal have been made, as the scheme has been reduced in size by approximately 60 per cent during the course of the application.
- 1.3 It remains the recommendation that the proposal be approved, subject to the conditions set out in appendix 1.

APPENDIX 1

1 Details of the Application

- 1.1 The planning application has not been amended but the planning agent has submitted a statement explaining that they have reasonably amended the proposal, being reduced by 60% of what had initially been proposed and on that basis would not be looking to reduce the scheme any further.

2 Neighbour responses

- 2.1 Two further comments received were reported as late items to the September committee, in response to the amended plans and description. One of the comments asks for confirmation that the side extension has been removed from the proposal, and the second is an objection which raises no new concerns and remains of the opinion that the proposal would still be dominant, result in loss of light, and that the drawings still contain errors in regard to the retaining wall / enclosure on the boundary with properties on Princess Avenue.

3 Assessment

- 3.1 As noted in the original committee report, it is considered that the proposal is policy compliant. The initial scheme sought permission for four apartments, with a total of 12 bedrooms. The scheme has been reduced, through discussion with the agent, to one apartment of five bedrooms.
- 3.2 Given the previous amendments to the scheme, which saw the side extension omitted and the rear extension reduced, it is still considered that the proposed extensions to Flewitt House would be of an acceptable design, would have no significant impact on the amenities of neighbouring occupiers, and would contribute to the provision of a mix of housing in the area, and are therefore policy compliant.

4 Conclusion

- 4.1 It is concluded that the statement as submitted reinforces the consideration that the proposal is compliant with local and national policy and as such the recommendation for approval remains the same.

Recommendation

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

- | | |
|----|--|
| 1. | <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 received by the Local Planning Authority on 29 May 2019, drawing numbered 2599(08)S01 rev B received by the Local Planning Authority on 7 August 2019 and drawings numbered 2599(08)003 rev E, 2599(08)G01 rev E, 2599(08)101 rev E, 2599(08)E02 rev C, 2599(08)E01 rev D, and 2599(08)201 rev E received by the Local Planning Authority on 19 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The extensions shall be constructed using bricks, tiles, window and door frames of a type, texture and colour so as to match those of the existing building.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall be commenced until a landscaping scheme has been submitted to and approved 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) 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: 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 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>Prior to the commencement of the development, details of a construction management scheme setting out measures to ensure that the operation of the NET route is safeguarded, shall first have been submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in accordance with the agreed details.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<p>The approved landscaping shall be carried out not later than the first planting season following the substantial completion of the</p>

	<p>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 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No part of the extensions hereby permitted shall be occupied until the parking area and bin store as approved have been provided. The parking area shall be retained for the life of the development.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>The windows on the south east rear elevation annotated as being obscurely glazed on drawing nos. 2599(08)G01 rev E and 2599(08)101 rev E 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.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the 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.	<p>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</p>
3.	<p>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.</p>



Legend

- Site
- Flood Zone 3
- Flood Zone 2
- Town centre

Plans (not to scale)



Proposed ground floor plan



Proposed first floor plan



Proposed elevations

Report of the Chief Executive

APPENDIX 2

APPLICATION NUMBER:	19/00332/FUL
LOCATION:	FLEWITT HOUSE MIDDLE STREET BEESTON
PROPOSAL:	CONSTRUCT TWO STOREY AND SINGLE STOREY REAR EXTENSIONS, TO FORM ONE X FIVE BED UNIT.

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

1 Executive Summary

- 1.1 The application seeks planning permission to construct two storey and single storey rear extensions, to form one x five bed unit to the rear.
- 1.2 The site is currently occupied by a two and three storey building which contains seven 'cluster' apartments consisting of five x six bed apartments and two x four bed apartments. The building fronts Middle Street.
- 1.3 The main issues relate to the intensity of development; whether the design and appearance would have a detrimental impact on the building and the street scene; and whether there will be an unacceptable impact on neighbour amenity.
- 1.4 The benefits are that the proposal would provide accommodation suitable for student or single persons in an established location and would, as a consequence, contribute to releasing traditional accommodation suitable for family occupation, and would be in accordance with policies contained within the development plan. This is given significant weight.
- 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 as originally submitted was for a two storey extension to the side, adjacent to the south west elevation of the front wing, and a two storey and single storey extension to the rear, running south west to north east, along the rear boundary. This would have comprised a three bedroom unit within the side extension, and a seven bed unit plus two x one bed studios to the rear extension. The extensions would be built using red brick and tile, to match the existing building, and would have gable ends and window openings to reflect the design of the existing building. Amended plans received show the side extension omitted, rear extension reduced to single storey to the south west section, retaining two storey to the centre, and omitting the two studio units to the north east. This part of the proposal would accommodate a five bedroom unit. The resulting building would contain a total of eight units.
- 1.2 The layout of the original submission would have resulted in a loss of four parking spaces, reducing to two spaces. The amended layout now shows the retention of four parking spaces.

2 Site and surroundings

- 2.1 Flewitt House is a two and three storey residential apartment building which faces Middle Street. The layout is in a loose T shape, and has a parking area with six spaces to the rear of the building, accessed via a shared access with the Middle Street Resource Centre, which is to the north east. There is an amenity space for the residents to the south west of the building. The building is at a higher ground level than all of the neighbouring properties, due to its location within Flood Zone 2. The Middle Street tram stop is directly opposite the site. There is a covered cycle store to the front.
- 2.2 Middle Street Resource Centre is a community centre located to the north east of the site. This is a single storey building set at a lower ground level than Middle Street, and the application site.
- 2.3 To the south west of the site, there is a two storey building which is occupied as four flats (two to each floor). The side elevation of this property, known as Churston Court, faces the site. There is a block of four garages, associated with Churston Court, to the rear and accessed via a drive to the south west of that building. There is a strip of land separating Churston Court and the application site, the north west section of this strip is under the ownership of the applicant and the remainder is part of the garden of 23 Princess Avenue.
- 2.4 To the south east of the site is Princess Avenue, a cul-de-sac of two storey semi-detached properties. Nos 23 and 24 directly adjoin the site.
- 2.5 23 Princess Avenue is to the south east and side on to the site. This is a two storey semi-detached property which has a kitchen window in the north west side elevation. There is a minimum distance of 3.5m between the side elevation of 23 and the application site boundary. This property owns part of the strip of land

leading from Middle Street at the side of Churston Court, and is understood to have a right of way across the remainder. No. 23 is at a lower ground level than the application site. A two metre high close boarded fence on top of a retaining wall forms the common boundary.

- 2.6 24 Princess Avenue is opposite No. 23. Again, this is a two storey semi-detached property, side on to the application site, and at a lower ground level than the site. There is a minimum distance of 8.5m between the side elevation of 24 and the common boundary to the site. A 2m high close boarded timber fence sitting on top of a retaining brick wall forms the common boundary. Outline planning permission was granted in October 2017 for the erection of a dwelling to the side garden of 24. This has not been implemented (reference 17/00708/OUT).

- 2.7 Opposite the site, beyond the tram stop, there is a mix of residential properties consisting of sheltered accommodation (flats) and terraced two storey houses.

3 Relevant Planning History

- 3.1 Planning permission was granted for the erection of Flewitt House (seven apartments) in 2011, following the demolition of a public house (Three Horseshoes) which formerly occupied the site (reference 11/00688/FUL). There has been no relevant planning history since this date.

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 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy H7: Land Not Allocated for Housing Purposes
- Policy E26: Pollution
- 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 1. 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 1 being afforded limited weight.

- Policy 1: Flood Risk
- 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 **NET:** Require details of site access, deliveries and other vehicles in connection with the construction of the development.
- 5.2 **Council's Parks and Environment Officer:** No objections
- 5.3 **Council's Environmental Health Officer:** No objections subject to note to applicant in regard to hours of construction works and no bonfires on site.
- 5.4 **Council's Private Sector Housing Officer:** No objection subject to the rooms having appropriate access to means of escape from bedrooms.
- 5.5 **Council's Waste and Recycling Officer:** The development would need to provide adequate numbers and sizes of bins for the building as a whole, in a suitably located bin store which is accessible for collection.
- 5.6 **Council's Tree Officer:** No objections but there is a tree in the adjacent site (within the garden of 24 Princess Avenue) and as such there is a possibility of root damage in relation to the foundations of any new build.
- 5.7 **Nottinghamshire County Council as Highways Authority:** No objection on the grounds of road safety, however it is noted that whilst the site is in a sustainable location close to the tram stop and to the town centre, the loss of parking spaces may result in residents and visitors increasing the demand for on-street parking in the surrounding area, to the inconvenience of the existing residents.
- 5.8 **Environment Agency:** The site falls within Flood Zone 2 and standing advice may be applied.
- 5.9 Twelve properties either adjoining or opposite the site were consulted. Eight responses were received, objecting to the proposed development on the following grounds:
- Impact on access to community building during construction
 - Impact on car parking generally, due to loss of parking spaces
 - Loss of light

- Neighbouring property prone to damp; loss of sunlight and daylight will add to this
- Sense of enclosure
- Increase in noise and disturbance due to increase in numbers of residents
- Loss of privacy
- Noise and disturbance during construction
- A single storey element instead of two storey would be preferred
- Existing building already dominates the surrounding area, the proposal would exacerbate the situation and be an over development of the site
- Several discrepancies in the submitted application including; omission of proposed dwelling on land adjacent to 24 Princess Avenue on both the floor plans and site plan; sectional drawing shows a fence on top of a sloping earth bank where it is actually on top of a retaining wall (to both 23 and 24 Princess Avenue); proposed elevation / section south east should be labelled north west
- The retaining wall to Princess Avenue is in poor repair and without being rebuilt the construction may result in the collapse of the wall.

6 Assessment

6.1 The main issues for consideration are the intensity of the development, the design and appearance, and impact on neighbouring amenity.

6.2 **Principle**

6.2.1 Policy 8 'Housing Size, Mix and Choice' of the Aligned Core Strategy 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 H7 of the Local Plan states that planning permission for residential development within existing built up areas will be permitted subject to the future and neighbouring occupiers having a satisfactory degree of privacy and amenity; the development not having an unacceptable impact on the character or appearance of the area; and to satisfactory arrangements for access and parking.

6.2.3 Policy 8 of the Aligned Core Strategy 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. Middle Street is characterised by varying styles of properties including commercial and community uses, family homes and HMO's, and is on the edge of the town centre. 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, particularly as Flewitt House is purpose built residential accommodation. It is also noted that the property is within walking distance to Beeston town centre and located on a tram route, with a stop directly outside the site.

6.3 Amenity

- 6.3.1 The proposed scheme as originally submitted would have had an unacceptable impact on the amenities of the occupiers of Churston Court and the occupiers of 23 and 24 Princess Avenue. The amended scheme now sees the extension to the side (closest to Churston Court) omitted, a reduction in the height of the rear extension to the southernmost corner, adjacent to 23, from two storeys to a single storey, and the omission of the two studio units from the north east section, adjacent to the boundary with 24 Princess Avenue. It is considered that the amendments have reduced any impact in terms of loss of light, loss of privacy, and loss of outlook to an acceptable level. A condition requiring obscure glazing to the south east elevation of the rear extension will be imposed, further safeguarding the privacy of the occupiers of 23 and 24 Princess Avenue.
- 6.3.2 The internal layout allows for an acceptable standard of living with each bedroom and living area having access to an outlook and to natural light. The windows in the north west facing elevation of the rear unit have been angled and positioned so as to reduce any direct overlooking of windows in the rear elevation of the existing building.

6.4 Design and Appearance

- 6.4.1 The proposal as originally submitted was considered to have had an unacceptable impact on the character and appearance of the building and the street scene, as the side extension, due to its height and width, would unbalance the front elevation, and the rear extension, due to its scale, would have been dominant when viewed from Princess Avenue, and from the north of the site, on Middle Street. Overall, the original proposal would have appeared prominent and disproportionate for the size of the site and the existing building.
- 6.4.2 The reduction in scale and massing to the rear extension, and the omission of the side extension, demonstrates that the proposal is now proportionate to the scale of the main building and also allows for an improved layout to the car parking and bin store area. A condition to secure a landscaping scheme will be imposed.

6.5 Parking

- 6.5.1 The improvements to the car parking layout are welcomed and allow for four parking spaces, and a bin store. Given the sustainable location of the site, with the tram stop directly adjacent and the town centre with access to all facilities within close proximity, it is considered that the development would be acceptable. 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.

6.6 Flood Risk

- 6.6.1 The site is within Flood Zone 2. A Flood Risk Assessment has been submitted which concludes that, as the ground levels are already 600mm above the

predicted flood level then the proposal, subject to floor levels being in excess of the flood level, would not result in an increase to flood risk.

6.7 Other Matters

- 6.7.1 Concerns have been raised in regard to noise and disturbance during construction. A note to applicant would be attached to the decision notice setting out the acceptable hours of construction and demolition.
- 6.7.2 Concerns have been raised in regard to noise and disturbance due to the increase in number of residents. The increase would be five occupants and given the site's location, on a busy street close to the town centre, it is considered that the increase in noise and disturbance would not be significant.
- 6.7.3 Access to the community centre building is shared with the site. The developer would need to ensure that access is maintained to all who have a right of way over the adjacent access and this would be a private matter as this is not adopted highway.
- 6.7.4 Discrepancies in the plan drawings, relating to the retaining wall and annotation of the elevations have been noted and it is considered that these have not had an impact on the understanding of or assessment of the proposal. The annotations to the elevations have now been corrected in the amended plans.
- 6.7.5 The omission of the layout for the dwelling allowed under outline planning permission reference 17/00708/OUT, on land adjacent to 24 Princess Avenue, is acceptable since the dwelling has not yet been built, nor has the scale, layout or appearance of the dwelling been agreed. As such, the outline planning permission granted would carry only limited weight as a material planning consideration when assessing the proposal at Flewitt House.
- 6.7.6 The stability of the retaining wall would need to be investigated by the developer and any remedial measures required would need to meet any relevant building regulations. This would not be a material planning consideration.
- 6.7.7 In order to safeguard the continued operation of the tram line during construction, a condition requiring details to be agreed of how the development would be carried out will be imposed.

7 Planning Balance

- 7.1 The benefits of the proposal are the provision of additional bed spaces within an established rental property, close to amenities and thereby reducing reliance on motor vehicles, and the proposal would be in accordance with policies contained within the development plan. This is given significant weight. The only negative impact is the reduction of parking spaces from the current six to four.
- 7.2 On balance, given the sustainable location of the application site, and as the proposal would be in accordance with policies contained within the development plan, the benefits of the proposal would outweigh the negative loss of parking spaces.

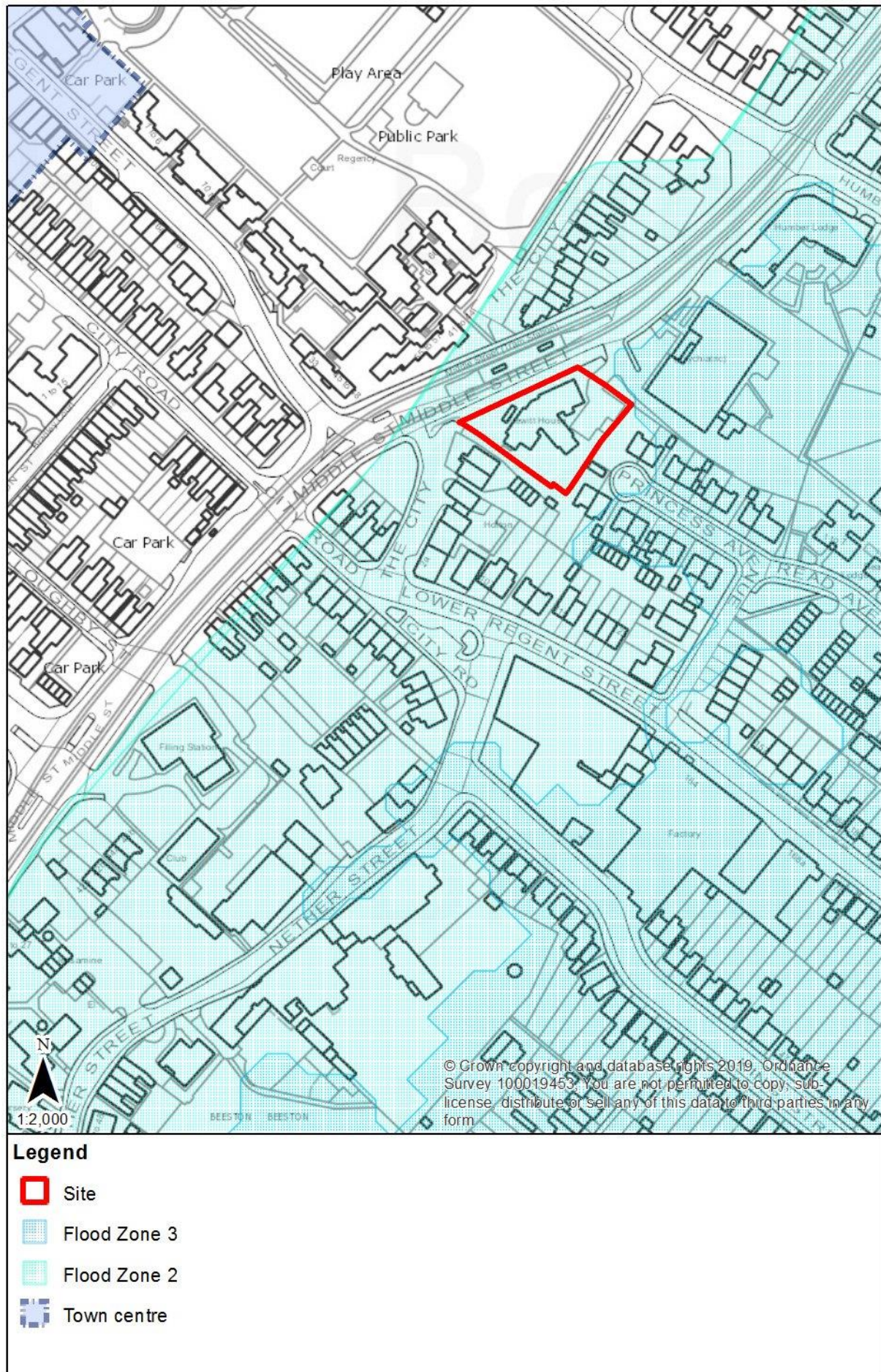
8 Conclusion

- 8.1 The proposed extensions to Flewitt House would be of an acceptable design, would have no significant impact on the amenities of neighbouring occupiers, and would contribute to the provision of a mix of housing in the area.

<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 received by the Local Planning Authority on 29 May 2019, drawing numbered 2599(08)S01 rev B received by the Local Planning Authority on 7 August 2019 and drawings numbered 2599(08)003 rev E, 2599(08)G01 rev E, 2599(08)101 rev E, 2599(08)E02 rev C, 2599(08)E01 rev D, and 2599(08)201 rev E received by the Local Planning Authority on 19 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The extensions shall be constructed using bricks, tiles, window and door frames of a type, texture and colour so as to match those of the existing building.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>No above ground works shall be commenced until a landscaping scheme has been submitted to and approved 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) 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: 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 10 of the Aligned Core Strategy (2014).</i></p>
5.	<p>Prior to the commencement of the development, details of a construction management scheme setting out measures to ensure that the operation of the NET route is safeguarded, shall first have been submitted to and approved in writing by the Local Planning Authority. Construction shall be undertaken in accordance with the agreed details.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
6.	<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 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No part of the extensions hereby permitted shall be occupied until the parking area and bin store as approved have been provided. The parking area shall be retained for the life of the development.</p> <p><i>Reason: In the interests of highway safety, in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>The windows on the south east rear elevation annotated as being obscurely glazed on drawing nos. 2599(08)G01 rev E and 2599(08)101 rev E 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.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy H7 of the Broxtowe Local Plan (2004) and Policy 10 of the Aligned Core</i></p>

	Strategy (2014).
	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. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority
3.	Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays. There should also be no bonfires on site at any time.



Photographs



Flewitt House, to the left, with Churston Court to the right



Gap between Flewitt House and Churston Court



Shared access serving Beeston Resource Centre and Flewitt House



Rear car park of Flewitt House



View along Princess Avenue with rear elevation of Flewitt House at the end



Side elevation of 23 Princess Avenue



Retaining wall to car park of Flewitt House, taken from the grounds of the resource centre

Plans (not to scale)



Proposed ground floor plan



Proposed first floor plan



Proposed elevations

Report of the Chief Executive

APPLICATION NUMBER:	19/00263/FUL
LOCATION:	BROXTOWE BOROUGH COUNCIL, TOWN HALL, FOSTER AVENUE, BEESTON, NG9 1AB
PROPOSAL:	CHANGE OF USE FROM TOWN HALL (CLASS B1) TO CHURCH (CLASS D1) AND CONSTRUCT SINGLE/TWO STOREY REAR/SIDE EXTENSIONS, INCLUDING ALTERATIONS, FOLLOWING DEMOLITION OF DETACHED GARAGES

The application is brought to the Committee as the Council is the owner of the site.

1 Executive Summary

- 1.1 It is proposed to change the use of the building from a town hall to a church and to construct single and two storey side and rear extensions and external alterations including alterations to the front ground floor windows.
- 1.2 The building is currently used by the Council as offices and for Council meetings and was constructed in the 1930s. It is located immediately adjacent to (but not within) the St John's Grove Conservation Area.
- 1.3 The main issues relate to whether the principle of the change of use to a church and extensions/alterations would be acceptable, if there would be harm to the character and appearance of the adjacent conservation area and whether there will be an unacceptable impact on highway safety and neighbour amenity.
- 1.4 It is considered that the benefits of the proposal are that it would enable continued use of a building which is surplus to the Council's requirements, and would facilitate the expansion of an existing church. There would be some inconvenience to highway users due to the minimal amount of parking proposed on site and the proposal would cause less than substantial harm to the adjacent Conservation Area. It is considered that on balance 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 application proposes to change the use of the town hall to a church and to construct single and two storey side and rear extensions following the demolition of the existing detached rear garage block.
- 1.2 Towards the rear of the building, to the south east (side), a single storey flat roofed extension which projects to the side by 4.2m is proposed. Beside the rear site boundary, a single storey rear extension with a 4.9m high pitched roof (hipped to the south eastern side), with a higher sloping section towards the centre (which includes a flat roofed dormer window), extending for a width of 26.5m is proposed. A two storey flat roofed rear extension would be located 5.2m from the rear site boundary and would join to the existing flat roofed, two storey rear extension. It would be 7.9m high to match the existing extension, with a depth of just under 6m to give a total projection at this height of over 19m. The extensions would be red brick with lead effect cladding on the dormer and clay plain tiles on the pitched roofs. A grey aluminium clad enclosed fire escape stairwell is proposed on the north west (side) elevation of the existing building, partially covering two of three existing blocked up ground floor openings and necessitating the removal of two first floor windows (one of which would become a fire escape door).
- 1.3 The church would include a crèche, hospitality area, kitchen, meeting and teaching rooms and a 250 seat auditorium (which would be accommodated in the rear extension). Three tandem parking spaces are shown to each side of the building (total of six spaces), in addition to cycle and buggy shelters which would be located behind double gates to either side of the building. A grassed area would be created to the front of the proposed crèche and a seating area beside the hospitality area – both these areas would be to the front of the building, either side of the retained main entrance enclosed by black painted metal railings above a brick wall (total height 1.5m) with the existing stone wall on the frontage retained. A ramp would be provided to ensure level access through the seating area to the main entrance.
- 1.4 All the ground floor windows in the front elevation are proposed to be elongated to enable the creation of a set of glazed doors to either side of the main entrance (the existing solid timber doors are to be replaced with glazed doors to match the style of the adjacent windows), with the other windows becoming full height windows to match the dimensions of the proposed glazed doors. The existing bell tower will be retained and refurbished. All the first floor windows in both side elevations of the existing extension and the rear second floor windows in the original building will be replaced with ones of the same style in mid grey aluminium to match the windows proposed in the extensions. A new first floor window with metal security doors beneath is proposed towards the rear of the existing building in the south east (side) elevation.
- 1.5 The application initially proposed the demolition of the two storey flat roofed extension and the construction of a two storey extension, extending so as to abut the rear and south eastern (side) boundaries. During the course of the

application, the plans were amended, resulting in the submission of a revised Heritage, Design, and Access Statement. Additional information, in the form of a Transport Statement, was also submitted.

2 Site and surroundings

- 2.1 The existing hipped roof building has four storeys including a basement. It has a two storey flat roofed rear extension (which projects marginally beyond both side elevations) with four undercroft parking spaces and a detached hipped roof rear range of outbuildings. The building is of plain neo-Georgian style with some Art Deco detailing. It is red brick with painted stone window sills and bands to the front and both sides and has a slate roof. There is a central doorway in the front elevation with a wide balcony above (including Art Deco patterning), carried on giant ornamental brackets. Above the glazed opening served by the balcony is a shallow open pediment. To the centre of the roof is a metal clad bell tower. The front and side elevations of the original building contain sash windows. Internally, there is an Art Deco influenced staircase and a timber panelled council chamber at first floor. There are flower beds either side of the main entrance and a stone wall extends across part of the front boundary with a mature tree behind to either side of the frontage. To both side boundaries there are walls with vegetation on both sides of the walls, including some trees.
- 2.2 The building is locally listed as it forms part of the civic core of Beeston together with the adjacent school, church (and church hall) and library opposite. To the rear of the building is a Council car park which is within the St. John's Grove Conservation Area and there are two gated accesses to this car park on the rear site boundary. Either side of this car park are former Council owned buildings, one of which has been converted to a dwelling and the other is in the process of being converted to a house. Foster Avenue is a no through road with a turning circle to the front of the site. There is a footpath to the north west of the site beside the school grounds which connects Glebe Street and Foster Avenue. The site is within the 2004 Local Plan designated Beeston town centre (but will be outside the town centre designation once the Part 2 Local Plan is adopted).

3 Relevant Planning History

- 3.1 The most relevant planning application relating to the site was for the two storey flat roofed rear extension which was granted permission in 1978 (reference 78/00075/FUL).
- 3.2 In 2018, Historic England considered an application to list the building. They rejected this application determining that the building was of "modest compositional quality", with the exterior lacking "contemporary architectural references" and noting that the interior lacked "high quality detailing and levels of internal decoration and embellishment expressive of civic pride" (with the exception of the principal staircase and original council chamber).

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 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment
- Policy 12: Local Services and Healthy Lifestyles
- 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 4.3). Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy K4: Town Centres
- Policy E24: Trees, hedgerows and Tree Protection Orders
- Policy T11: Guidance for Parking Provision
- Policy T12: Facilities for People with Limited Mobility
- Policy RC2: Community and Education Facilities

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 been examined, with the Inspector's report imminently expected. 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, 23 and 25. 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, 23 and 25 can now be afforded moderate weight.

- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets
- Policy 25: Culture, Tourism and Sport

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 **Council's Conservation Officer: Comments on original plans:** Objects: confirms building is a non-designated heritage asset which forms part of the civic core of Beeston. It retains much of the original façade and plays a prominent role in the street scene. No objection to the limited alterations to the façade, front and side elevations, subject to details or to the demolition of the garages and rear extension. However, raises significant concerns about the size, scale, siting and design of the proposed extension. Given the projection to the rear and sides, the

proposed extension is not subservient to the existing building and would be an overwhelmingly dominant structure visible from both the conservation area and Foster Avenue. It would not respond to anything in the conservation area in scale or form. The scheme appears to have been designed from the inside with insufficient consideration of the external result, to the detriment of the conservation area and the building itself. Although the harm caused would be less than substantial, it would not be outweighed by the public benefits.

5.1.1 Conservation Officer's comments on amended plans: broadly welcomes the revised plans which have significantly reduced the scale of the proposed extensions. From the front elevation, extensions to both sides of the building would be visible from Foster Avenue as they project beyond the existing side elevations. However, the covered stair access would be a minimal, functional addition and the extension to the southern elevation would now be single storey and set well back from the façade. Recommends the fenestration in the front elevation be amended so as to be symmetrical and that the proposed roof lights are lowered so as not to project. Notes that the amended proposal is to add to the unsympathetic flat roofed rear extension which would be far from ideal and may also be difficult to effectively match the brickwork. To the rear, a new brick wall would be built on the boundary with a roof pitching away and a section of flat roof dormer inserted into this slope centrally. Again, this is not ideal as this elevation is visible from the conservation area. Overall, the revised proposals are considered to represent an improvement on the original plans in terms of scale and design; however, they would still result in less than substantial harm to the character and appearance of the conservation area. The public benefits need to be considered in the overall planning balance with a view taken as to whether these benefits would outweigh the less than substantial harm.

5.1.2 Conservation Officer's comments on amended Heritage, Design and Access Statement: disagrees that the view of the site from the wider area and its impact on the conservation area is limited by the expanse of the Devonshire Avenue car park as the fact that the car park exists allows clear views of the rear of the building and of the poor 1970's flat roof extension; the car park does not therefore limit views of the building but facilitates views. Questions the statement that the proposal seeks to repeat the current view from the rear and the visual effect is to be retained, given that the two storey part of the extension would be closer to the car park and would change the visual impact of the building as it would be closer to the boundary and therefore more imposing/visual. In relation to the assertion that the proposed dormer is modern, minimal and reminiscent of modern loft conversions, states that a dormer of the proposed scale is not generally supported in the conservation area, although the modern design approach may possibly be supported. Disagrees that the existing building is not considered significant in the conservation area appraisal, the car park being the matter of concern rather than the significant size and design of the 1970's extension – the 1970's extension is clearly visible from the designation and is a negative factor, facilitated by the car park.

5.2 Council's Environmental Health Officer: no objection subject to conditioning hours of operation to between 08:00 and 22:00 Monday-Saturday and 09:00 and 21:00 on Sundays and Bank Holidays and other public holidays; installation of ventilation and filtration equipment; construction hours; and the submission of

schemes to minimise dust during construction and identification and removal of asbestos.

- 5.3 **Council's Tree Officer:** no objection to the extension as no trees within the area and small yew trees to the side are of little merit and should not be impacted upon.
- 5.4 **Nottinghamshire County Council as Highway Authority: first set of comments:** requested additional information to enable assessment of proposal – survey of available parking spaces within 400m of site; confirmation that use of Devonshire Avenue car park by proposed church visitors would be in perpetuity and not just for three years; confirmation of where deliveries would occur; queried provision for disabled visitors and bin collection point.
- 5.4.1 **Highway authority second set of comments:** Object: use of Devonshire Avenue car park on Sundays has only been permitted for three years so if the agreement is not extended, this could result in parking overspill from over 300 church goers onto the public highway which does not appear to have sufficient available capacity. No weekday parking provision is proposed and other similar churches operate weekday courses and workshops which generate parking demand. The applicant has provided no information to justify that sufficient on or off street public parking is available in the local area to accommodate the parking demand. As such, users of the proposed development will have nowhere to park which is likely to lead to inappropriate overspill parking on the public highway, to the detriment of vulnerable road user safety.
- 5.4.2 **Highway authority third set of comments (following receipt of Transport Statement (TS)):** No objection subject to conditioning provision of cycle parking as the TS has assessed the impact on the highway network and has concluded that there are no unacceptable impacts on highway safety. They consider that any additional parked cars displaced on the highway is not a safety issue but an inconvenience issue for the existing residents on the surrounding streets.
- 5.5 **Beeston and District Civic Society:** Object: applicant has failed to recognise Town Hall as a heritage asset resulting in a lack of assessment of the significance of the building and its setting and the impact of the extension on the building and the adjacent conservation area in the Heritage Statement. Concerned about replacement of ground floor front windows and original wooden doors and lack of mention of retention and treatment of 1936 interior design features. The application pays no regard to the competing parking requirements on and around Foster Avenue and Devonshire Avenue or that the Council had previously stated the Devonshire Avenue car park would be available for cinema users. There will be heavy car usage associated with the proposed use and a resultant negative impact on neighbouring residential amenity. The proposed railings, gates and walls to the front of the building will segregate it rather than foster a community feel. In relation to the proposed extension, this is considered to bear no relation to the Town Hall in terms of its shape and proposed use of grey aluminium and fire doors. No attempt has been made to enhance the conservation area given the proposed industrial style extension with high blank walls. The low buildings to the rear of the Town Hall will be replaced with a 7m high wall and the scale, massing and materials are out of keeping with the conservation area buildings.

They consider the standard of design is not of sufficient architectural quality, especially when compared to the comparatively modern adjacent church which in effect is also a large box but thoughtfully designed. The current pedestrian route from the Devonshire Avenue car park should be retained for all to use. They object to the proposed neon sign above the front doors as it takes no account of the decorative balcony detailing - a timber sign would be more appropriate.

5.6 Councillor Patrick objects to the application raising concerns about the size of the proposed extension, loss of the pathway, additional traffic, adverse impact on quiet residential area, not a local community growth project as is a 'plant' from the Redeemer church in Nottingham, and the proposed church is a member of the Evangelical alliance which does not work with mainstream churches so is exclusive and not an inclusive community project.

5.7 Seven properties either adjoining or opposite the site were consulted and a site notice was displayed. Four objections and three items making observations were received. The comments made can be summarised as follows:

- Additional traffic, particularly on Sundays when parking is not restricted on Devonshire Avenue and there is pressure for parking from Catholic church users
- Loss of façade features, including date stone
- Lack of site notice on Devonshire Avenue and lack of prominence of site notice on Foster Avenue
- Queried whether right of way from Devonshire Avenue car park to Foster Avenue will be maintained for public use and whether gate between car park and twitchell (from Glebe Street) will be removed
- The Council has gone back on the decision to not allow use of the Devonshire Avenue car park by the purchaser of the Town Hall – questions whether this constitutes failure to observe proper procedures and disadvantages other prospective purchasers
- In principle, no objection to use of site as a church
- Building sold on condition public access would be maintained and community use would be retained – proposed use will exclude significant sections of community
- Vast size of extension unreasonable and total capacity is excessive
- Auditorium includes sound desk implying PA system will be used – condition should be imposed to ensure the building is acoustically insulated and that sound is not audible beyond site boundary. Use as a music venue should be subject to approval.
- 2m high gates to either side seems excessive
- Lack of parking
- Queried how deliveries will be made
- Queried whether original interior features will be retained – appears not and thought this was condition of sale
- Extension will dominate view from Devonshire Avenue
- Height and size of extension excessive
- Signage to rear should be prohibited by condition
- Trees should be planted to the rear
- Queried what car parking charges will be levied

- Impact of noise from lively church service adversely impacting upon quiet residential area – windows should remain closed and children should not use Devonshire Avenue car park as playground
- Proposal is much changed for that approved for sale in 2018
- Lack of community use workshops.

6 Assessment

6.1 The main issues for consideration are whether the principle of the change of use to a church and extensions/alterations would be acceptable, if there would be harm to the character and appearance of the adjacent conservation area and whether there will be an unacceptable impact on highway safety and neighbour amenity.

6.2 **Principle**

6.2.1 The proposed use as a church is considered to be appropriate given the adjacent building is in use as a church and there are other community uses such as the library and school in the immediate area. The proposed extension and alterations facilitate the use of the building as a church and the impact of these will be considered below. In principle, the change of use and the extensions and alterations are considered to be acceptable.

6.3 **Heritage and design**

6.3.1 'Policy 11: Historic Environment' of the ACS sets out that proposals will be supported where the historic environment and heritage assets, including their settings, are conserved and/or enhanced in line with their interest and significance. The building itself is considered to be a non-designated heritage asset and is adjacent to a designated heritage asset, the St. John's Grove Conservation Area.

6.3.2 The NPPF states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is proposed to broadly retain the form and layout of the original building. The bell tower will be retained and refurbished and the side elevation windows (apart from one beside the proposed fire escape) and first floor front windows will be retained. To the ground floor, the front windows will be elongated to create full height windows with a set of glazed doors to either side of the main entrance doors providing access to the seating area associated with the café/hospitality area and the grassed area adjacent to the proposed crèche. Both these areas to the front of the building will be enclosed by low walls with railings above (total height 1.5m), with the stone wall retained on the front boundary. The mature trees located either side of the frontage are to be retained. Gates are proposed either side of the building, set back over 16m from Foster Avenue. It is considered these elements of the proposal will cause minimal harm to the non-designated heritage asset and the elongation of the front windows/creation of doors will provide access to the outdoor frontage space and make the building appear more open and welcoming with this active frontage use.

6.3.3 The single storey extension to the south east side will be visible from Foster Avenue, albeit set back over 36m and so will the fire escape stairwell extension to the north west side which is set back over 26m. Given these setback distances, it is considered the extensions and frontage alterations will cause minimal harm to the Foster Avenue street scene as the original frontage building will still retain a strong presence. The two extensions which project to the side will not be readily visible from the conservation area so are considered to cause no harm. The amended proposal sees the retention and extension of the existing flat roofed two storey rear extension. This existing extension is clearly visible across the Council car park which is identified in the St John's Grove Conservation Area character appraisal as a negative space and a gap site when considered alongside the leafy, mature and enclosed gardens of the houses on Devonshire Avenue which form part of the character of the area. Whilst this existing extension is an unsympathetic addition to the Town Hall and it's enlargement is not an ideal design solution as it's increased projection will mean it is closer to and more visible from the conservation area, the amended proposal is of a reduced scale in comparison to the original proposal and is not considered to be so harmful as to warrant refusal of the application, particularly as it extends no further to the sides of the building (at first floor) than the existing extension and the mass will partly be broken up by the roof of the single storey element and the central dormer. However, it is considered that the proposal would constitute less than substantial harm to the St John's Grove Conservation Area by virtue of the enlargement of the existing unsympathetic extension, the flat roofed rear dormer and the expanse of largely unrelieved brick wall abutting the rear boundary. This harm needs to be weighed against the public benefits of the scheme. The public benefits of the proposal would include the re-use and retention of a non-designated heritage asset which is surplus to the Council's requirements and the proposed café/hospitality area and workshops which would be available for public use. It is considered the public benefits of the scheme outweigh the harm caused to the character and appearance of the St John's Grove Conservation Area.

6.3.4 Although the extensions are large, it is considered they enable the retention of the historic original building whilst creating space that will function for the intended end user. Details of the alterations to the front windows will be conditioned to ensure these works are appropriately detailed and for the same reason, conditions will also be used in relation to boundary treatments and gates.

6.3.5 In terms of the internal features, as the building is not listed, there is no requirement for these to be retained. However, it is stated in the revised Heritage, Design and Access Statement that the timber panelling in the Old Council Chamber, the main staircase and the stained glass window on the landing will be retained. There is no date stone.

6.4 Highway Safety

6.4.1 Policy T11 'Guidance for Parking Provision' and appendix 4 to the Local Plan require satisfactory provision of vehicle parking and servicing, in accordance with the latest standards. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.4.2 Three tandem parking spaces are proposed towards the front of the building beside each side boundary, providing a total of six spaces which the Transport Statement (TS) states will only be used and managed by 'key staff members'. As detailed above, the proposed auditorium has the capacity to seat 250. Appendix 4 of the Local Plan advises that one space per five seats should be provided so this would equate to a parking requirement of 50 spaces, with a Transport and Parking Appraisal (TAPA) to be used to assess staff parking requirements. A TAPA has been submitted which states that there would be eight members of staff (four of whom would be part time) and that some members of staff would cycle to work. The TS confirms that all current church members have been advised that there will be no parking available on site for 'general use' and that they have undertaken a travel survey of the congregation. This survey found that of the 84 adult members of the congregation, 27 people drive to the church (which is based at West End community centre in Beeston) and 43 are likely to drive at some point. Extrapolating these figures, the TS states that the 'worst-case parking demand' would be 110 cars (based on a projected congregation number of 133 adults).
- 6.4.3 It is recognised that the provision of six spaces is a shortfall of at least 44 spaces. However, the site is located in the town centre and in proximity to a number of public car parks (with a total number of spaces in excess of 360), the tram and bus interchange and a densely populated residential area, from which it is anticipated some of the congregation will live and thus be within walking distance of the site. Provision for cycle parking has also been made on site (16 spaces). The survey of the current congregation found that 58 of the current adult congregation would be likely to walk to the site and a further six would cycle (equating to approximately 70 per cent travelling by sustainable modes). Whilst the limitations of the survey of the congregation are recognised, it is considered, based on the information provided, that a significant proportion of the congregation will be likely to walk to the site on a Sunday. For those that choose to drive, the existing car parks should have the capacity to accommodate these vehicles. In addition, there is an agreement in place for the church (which is not exclusive to the church and no party has ever been offered exclusive use of this car park) to use the Devonshire Avenue car park when not in use by Council staff (i.e. not between the hours of 08:00-18:00 on working days) for a three year period (at no charge). This car park is not currently open on Sundays and generally closed in the evening unless there is a committee meeting.
- 6.4.4 It is recognised that the Devonshire Avenue car park will not be available in the long term and the church will not just be used on Sundays so there will be demand on the existing car parks in Beeston during the week and on Saturdays. No information has been provided in relation to the current usage levels associated with these car parks. However, the TS advises that (excluding Sundays) the maximum predicted number of cars associated with the proposed use would be 20 cars (on a Friday evening) and it is considered this number of vehicles could be accommodated within existing car parks and/or on-street in the vicinity of the church without detriment to highway safety. In addition, the County Council as Highway Authority has raised no objection to the findings of the TS.

- 6.4.5 The site is located in a highly accessible location with options for travel by sustainable modes. Although the Town Hall site will no longer be within the town centre boundary once the Part 2 Local Plan is adopted, this change is to enable a more coherent and consistent town centre boundary and the physical relationship of the building with the town centre and the proximity of the site to the tram and bus interchange and the good accessibility of the site will remain the same.
- 6.4.6 Servicing of the building will take place from Foster Avenue and it is considered that this can occur without causing harm to highway safety given the turning circle and the relatively low volume of traffic at this end of the road.
- 6.4.7 The provision of the six parking spaces will be conditioned to occur before the building is first occupied, as will their retention for the lifetime of the development. The provision of the cycle racks and their retention will also be conditioned.
- 6.4.8 Use of the building as a church falls into Use Class D1 'non-residential institutions' which also encompasses uses such as day nurseries, health centres and training centres. Given the parking demand associated with the church use is likely to be relatively short visits which can be accommodated within available public parking and as other uses within Class D1 could result in longer visits and longer parking requirements which are unlikely to be catered for, it is considered to be reasonable to restrict the use of the building to a church only.
- 6.4.9 In conclusion, it is considered that there are no significant highway safety issues which would warrant refusal of the application based on the guidance contained in the NPPF, subject to the conditions referenced above.
- 6.5 Amenity
- 6.5.1 The nearest residential neighbours to the site are located on Devonshire Avenue (3m to boundary of number 14 from site) and Cavendish Place (18m to boundary of numbers 2 and 4 from site). 14 Devonshire Avenue and 10 Devonshire Avenue (currently being converted to a dwelling) are located either side of the Council car park so are considered to be subject to disturbance from use of this car park which is open to the public to use until 4pm on Saturdays (closed on Sundays). The main church entrance will be to the front of the building. However, access from the Devonshire Avenue car park will be possible via gates so there is likely to be some activity in the car park on Sundays and evenings which does not occur currently. However, there is an adjacent church and the nearest dwellings on Devonshire Avenue abut the town centre boundary so it is not considered to be a quiet area. Taking into account the general lack of activity in the car park and town hall on a Sunday, it is considered reasonable to condition the hours of use of the church (to accord with the hours specified on the application form) and construction hours to minimise disturbance to residents.
- 6.5.2 2 and 4 Cavendish Place are separated from the site by a church hall and car park so it is considered these residents will not be significantly affected by the proposed development.

- 6.5.3 Residents on Foster Avenue are located in proximity to a public house and existing church and due to their town centre location, it is considered the activity associated with the proposed church will have no significant adverse impact on their amenity.
- 6.5.4 Concern has been expressed about the use of a PA system. The building is set away from the nearest dwellings by a minimum of 14m and the extension will be of brick construction. However, the building contains windows which could be opened and it will be used at times when the existing building is not so to protect residential amenity, it is considered to be reasonable to impose conditions requiring the submission of a noise survey and detailing acceptable noise levels.
- 6.5.5 Subject to the conditions outlined above, it is considered the proposed development will have no adverse impact on neighbour amenity.

6.6 Other issues

- 6.6.1 Although not a planning matter, the church has entered into a sale agreement with the Council to buy the building. The details of this are not a relevant planning consideration and nor are any plans which were submitted as part of the bid process. However, the building being available for a community use and reporting of such a use does form part of this agreement.
- 6.6.2 It is considered that there is no public right of way to either side of the building because there are gates to the rear of the building, both of which are locked on a regular basis meaning that interrupted use of the path has occurred. The gate to the path leading from Glebe Street will remain but there will be access for staff.
- 6.6.3 The publicity of the application complied with the requirements of legislation as nearby neighbours were sent letters and a site notice was posted to the front of the building on Foster Avenue.
- 6.6.4 It is considered a music venue would fall into Class D2 and were the building to be used as such, planning permission would be required.
- 6.6.5 Signage would be subject to a separate advertisement consent application.

7 Planning Balance

- 7.1 The benefits of the proposal are the creation of short term construction jobs whilst the extensions and alterations are undertaken, the retention and re-use of a non-designated heritage asset which is surplus to the Council's requirements and the proposed element of community use of the workshops and café/hospitality area.
- 7.2 The negative impacts are the less than substantial harm to the adjacent St John's Grove Conservation Area and the substandard parking proposed and the potential inconvenience to highway users from any resultant on-street parking.
- 7.3 On balance, the benefits of the proposal are considered to outweigh the harm.

8 Conclusion

- 8.1 It is considered the principle of the change of use to a church and extensions/alterations are acceptable. There would be less than substantial harm to the character and appearance of the adjacent conservation area but on balance, this is considered to be outweighed by the public benefits. Despite the limited on-site parking proposed, there will be no unacceptable impact on highway safety and minimal harm to neighbour amenity. Subject to the conditions as detailed below, the proposed development is considered to accord with national and local planning policy.

<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 drawings numbered RHA1832-0100 received by the Local Planning Authority on 18 April 2019; RHA1832-0110d, RHA1832-0111a, RHA1832-0112c, RHA1832-0114d, RHA1832-0115c, RHA1832-0120e, RHA1832-0122f, RHA1832-0123e, RHA1832-0124e and RHA1832-0126c received by the Local Planning Authority on 16 September 2019 and RHA1832-0113e, RHA1832-0116d, RHA1832-0117d, RHA1832-0121h and RHA1832-0127 received by the Local Planning Authority on 20 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>No development above slab level shall commence until samples of the proposed external facing materials have been submitted to and agreed in writing by the Local Planning Authority and the development shall be constructed only in accordance with the agreed details.</p> <p><i>Reason: To ensure a matching brick is used and in the interests of the appearance of the development and the adjacent Conservation Area as high quality materials need to be used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
4.	<p>No alterations to the front ground floor windows shall take place until detailed drawings of the proposed doors/elongated windows have been submitted to and agreed in writing by the Local Planning</p>

	<p>Authority. The alterations shall be undertaken in accordance with the agreed details.</p> <p>Reason: <i>To ensure appropriate detailing and materials are used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
5.	<p>No boundary treatment or gate shall be erected/installed until detailed drawings and proposed materials of the proposed treatment/gate have been submitted to and agreed in writing by the Local Planning Authority. The boundary treatments and gates shall be constructed/installed in accordance with the agreed details.</p> <p>Reason: <i>To ensure appropriate detailing and materials are used and in accordance with the aims of Policy 11 of the Aligned Core Strategy and Policy 23 of the Draft Part 2 Local Plan.</i></p>
6.	<p>No ventilation and/or filtration equipment shall be installed unless details have first been submitted to and approved in writing by the Local Planning Authority. Any equipment shall be in full working order prior to the use commencing. The equipment shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues.</p> <p>Reason: <i>To suppress and disperse odour created from food preparation operations in order to protect nearby residents from excessive odour and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
7.	<p>No demolition shall take place unless and until details of a scheme to minimise the effects of dust created by works on site has been submitted to and approved in writing by the Local Planning Authority. The demolition/construction shall take place in accordance with the agreed scheme.</p> <p>Reason: <i>To protect nearby occupants from excessive dust and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
8.	<p>No fixed plant, machinery or equipment, including any PA system, shall be installed within the site until a noise report, including details of the acoustic specification of such fixed plant, machinery or equipment has been submitted to and agreed in writing by the Local Planning Authority. The plant/machinery/equipment shall be installed in accordance with the agreed details and thereafter maintained in the agreed form for the lifetime of the development.</p> <p>Reason: <i>To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe</i></p>

	<i>Aligned Core Strategy (2014).</i>
9.	<p>The development shall not be first occupied unless and until a plan to show the parking spaces indicated on drawing number RHA1832-0112c has been submitted to and agreed in writing by the Local Planning Authority and the agreed parking spaces have been marked out and thereafter shall be retained for the lifetime of the development and used for no other purpose than parking.</p> <p><i>Reason: In the interests of highway safety to ensure some parking is provided and retained on site and in accordance with the aims of Policy 17 of the Draft Part 2 Local Plan.</i></p>
10.	<p>The development shall not be first occupied unless and until the cycle shelters/racks shown on drawing number RHA1832-0112c have been provided in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be retained for the lifetime of the development.</p> <p><i>Reason: To encourage alternative modes of transport to the car and to ensure cycle parking is provided and retained on site and in accordance with the aims of Policy 17 of the Draft Part 2 Local Plan.</i></p>
11.	<p>No demolition, construction or site preparation work in association with this permission shall be undertaken outside the hours of 07:30-18.00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or Bank Holidays.</p> <p><i>Reason: To protect nearby occupants from excessive construction noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
12.	<p>The premises shall not be used except between 08.00-22.00 hours Monday to Saturday and 09.00-21.00 on Sundays, Bank Holidays and other public holidays.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
13.	<p>The rating level resulting from the cumulative use of any plant, machinery or equipment shall not exceed the existing background level when measured according to British Standard BS4142:2014, at a point one metre external to the nearest noise sensitive receptor.</p> <p><i>Reason: To protect nearby occupants from excessive operational noise and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>

14.	<p>Notwithstanding the provisions of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), this permission shall relate solely to the use of these premises as a church and not for any other use falling within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).</p> <p><i>Reason: Alternative uses that might otherwise be permitted within Class D1 would be likely to generate more demand for parking and accordingly would be contrary to Policy T11 of the Local Plan (2004).</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.	Suitable sanitary provision in line with the current British Standard 6465 will need to be made.



Photographs



Front elevation



North west elevation



Rear and detached garages



South east elevation



View from Devonshire Avenue



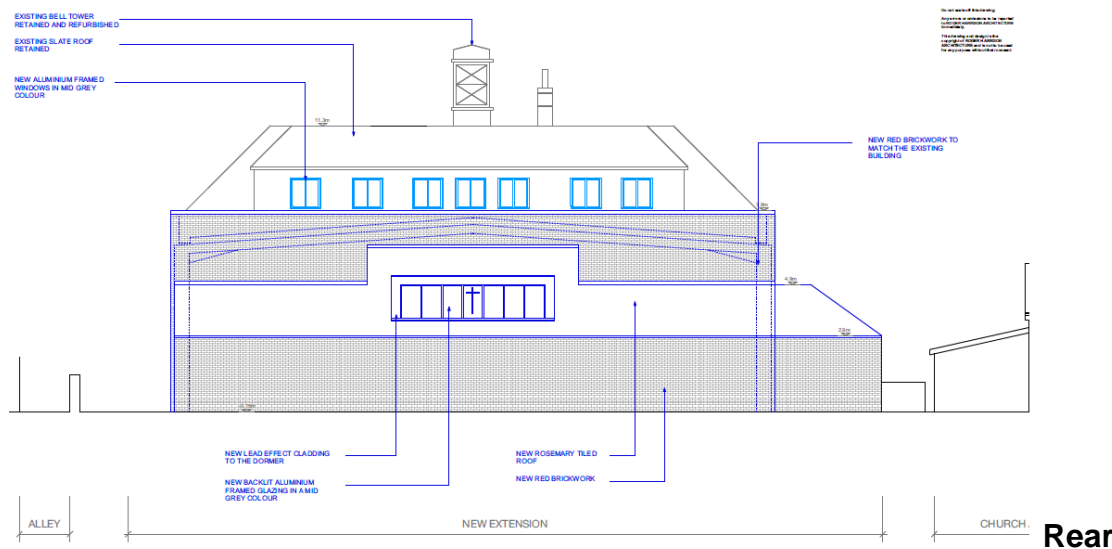
Library



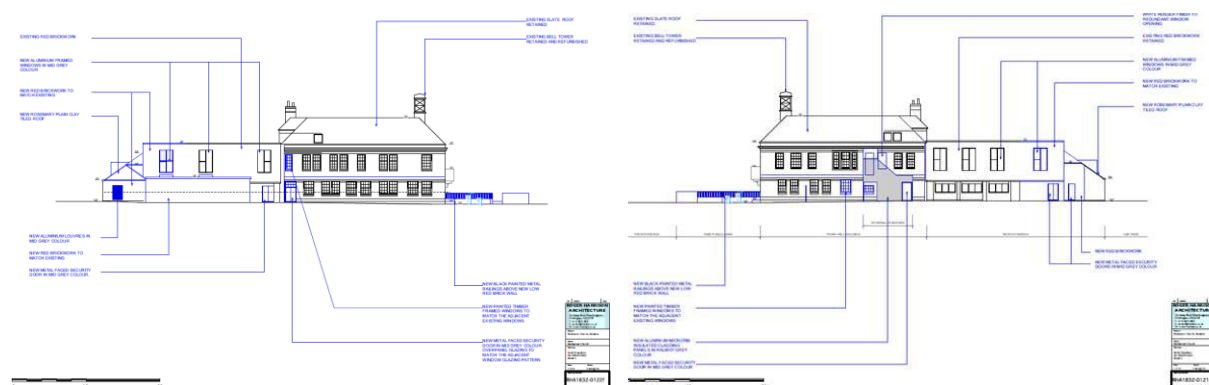
Church to south east and Town Hall

[illegible]

Front

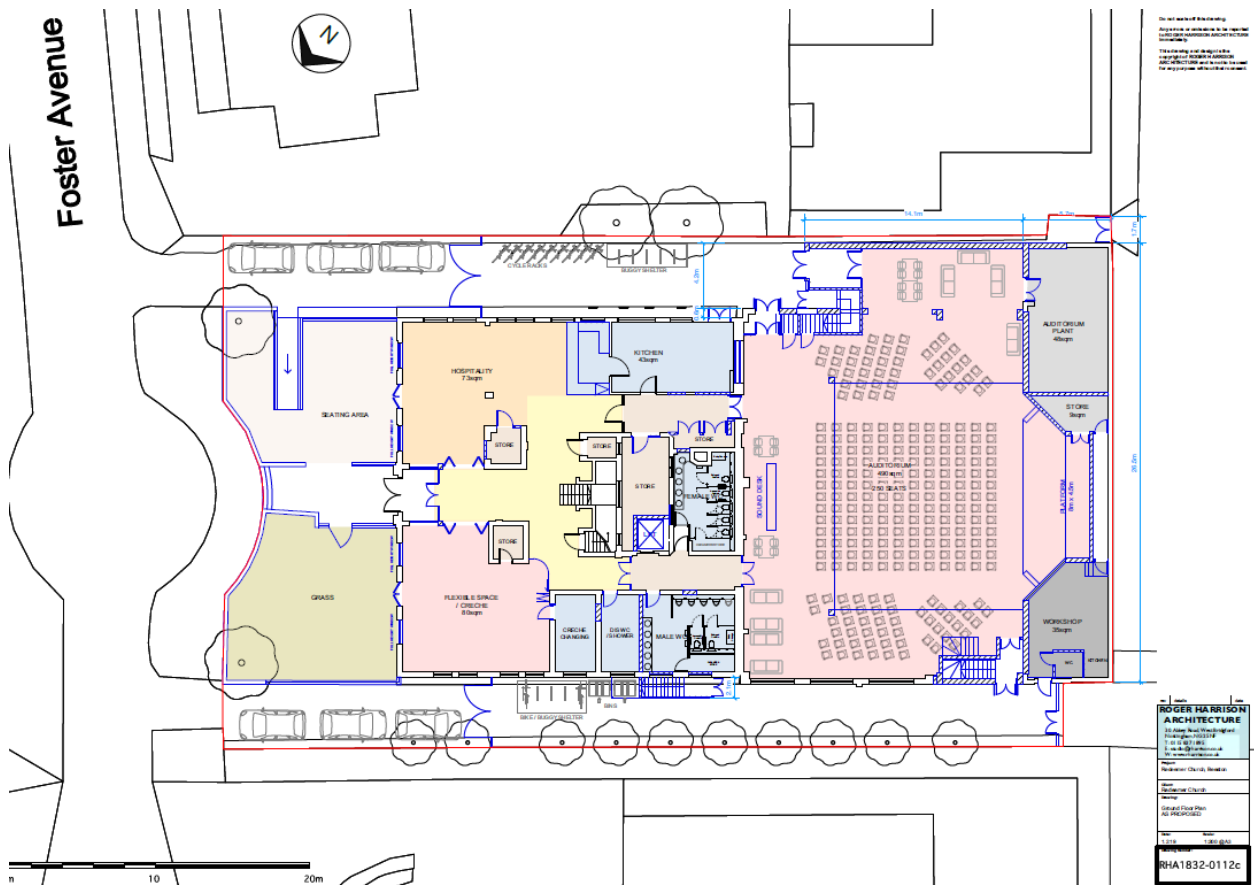


Rear

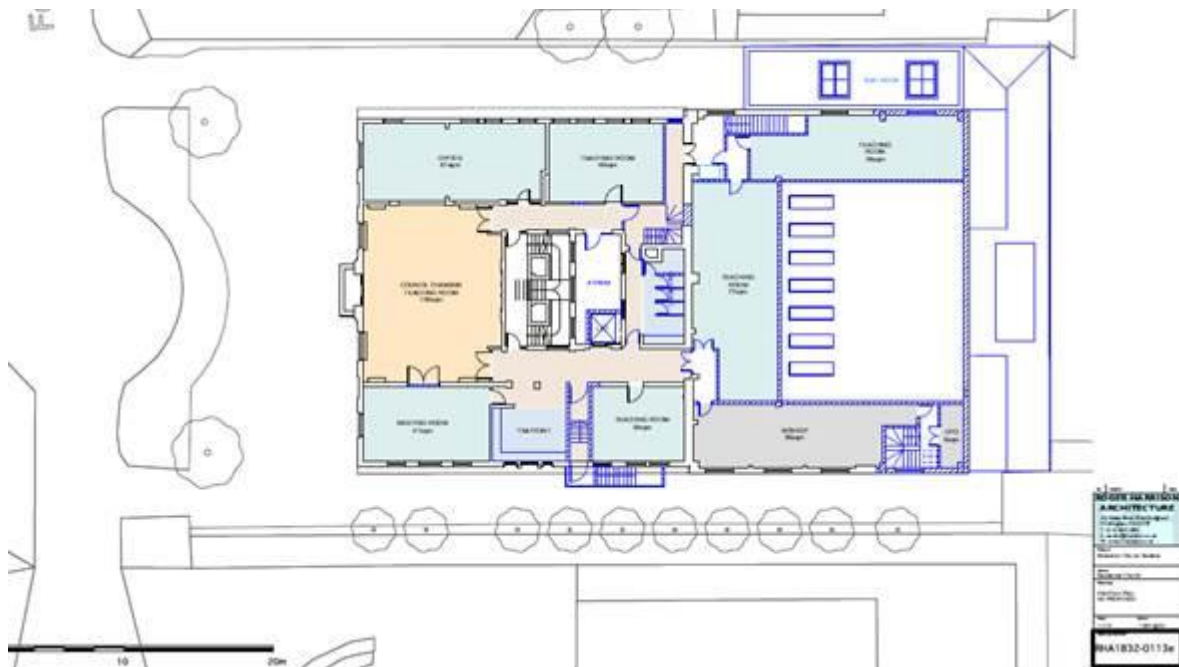


South east side

North west side



Ground floor plan



First floor plan

Report of the Chief Executive

APPLICATION NUMBER:	19/00508/FUL
LOCATION:	BABBINGTON HALL, WESTBY LANE, BABBINGTON VILLAGE, NOTTINGHAM, NG16 2SS
PROPOSAL:	RETAIN POLY TUNNEL

This application has been brought before the Committee as the original permission was granted by Planning Committee in 2018.

1 Executive Summary

- 1.1 This application seeks permission to retain the poly tunnel that is used by Babbington Rescue for the training of rescue dogs as well as private training for dogs. In 2018, planning permission was granted to retain the poly tunnel for one year (18/00236/FUL). The one-year period has now elapsed.
- 1.2 The application site is located within the Green Belt and the poly tunnel is not appropriate development as defined by paragraphs 145 and 146 of the NPPF. However, the use of the poly tunnel in association with the established rescue centre to modify the behaviour of rescue dogs as well as helping owners train dogs to reduce the need for re-homing is considered to be very special circumstances that outweigh the harm to the Green Belt.
- 1.3 The poly tunnel is not considered to have any adverse impact on neighbouring amenity due to its position away from any neighbouring residential properties. The poly tunnel will be used in accordance with the established use of the site and therefore does not create any additional concerns in terms of noise generation.
- 1.4 The design of the poly tunnel is not considered to be harmful to the character of the area. It is in close proximity to large agricultural buildings and has been covered in a dark green cover to reduce its prominence.
- 1.5 Overall, the necessity of the poly tunnel to allow the effective training of rescue dogs to enable them to be re-homed is considered to represent very special circumstances for development in the Green Belt and the poly tunnel is not considered to be harmful to the character of the surrounding area. It is therefore recommended that planning permission be granted in accordance with the resolution contained in the appendix.

APPENDIX**1 Details of the Application**

- 1.1 This application seeks permission to retain the poly tunnel at Babbington Hall. Babbington Hall is home to Babbington Rescue, a charity that seeks to find homes for lost, abandoned and unwanted dogs. The poly tunnel is used by the rescue centre to work with rescued dogs to overcome behavioural issues that have resulted from their past and to train dog owners both of rescued dogs and other dogs to ensure they are best cared for. The poly tunnel is principally used in the winter months to provide shelter for the trainers and stable conditions under foot to carry out the training. It also enables training to take place in the early evening when there is not always enough natural light for training to be done outside.
- 1.2 The poly tunnel has dimensions of 27.47m by 9.18m, with a maximum height of 3.73m and has a dark green cover. It is positioned in close proximity to the south west boundary of the site.

2 Site and surroundings

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

3 Relevant Planning History

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

- 3.5 04/00174/FUL – In 2004, planning permission was granted to erect timber stabling at the site. The stables were positioned in the more built up area of the application site, to the north east of Babbington Hall.
- 3.6 08/00286/FUL – In 2008, planning permission was granted to construct a new kennel block and to extend the curtilage of the kennelling operation including the change of use of land from agriculture. This application was determined by Planning Committee with the case for very special circumstances being put forward due to the demand for the nature of the applicants work in housing rescue dogs, notably from a number of neighbouring authorities. In this case it was noted that the positioning of the extension to the kennels would not project significantly further into the open countryside when seen in context with the existing buildings on the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.
- 3.7 09/00095/FUL – In 2009, planning permission was granted by Planning Committee for the construction of a new building incorporating a reception, office, education centre and staff facilities. Whilst it was established that the development was inappropriate in the Green Belt, it was concluded that the requirement for the facilities in supporting an established kennelling facility represented very special circumstances which outweighed the harm to the Green Belt.
- 3.8 10/00752/FUL – In 2011, planning permission was granted by Planning Committee for a kennel block and run to replace a building of the same purpose. The proposal was once again established to be inappropriate development in the Green Belt, but it was concluded that very special circumstances existed by virtue of the fact that modern kennelling was required to provide appropriate facilities at the site. A condition was attached to this permission stating that the development shall only be used for the kennelling of rescue dogs, and for no other purpose.
- 3.9 18/00236/FUL – In 2018, planning permission was granted for the poly tunnel. Planning permission was granted for one year as the building was not considered suitable for permanent retention and to allow the applicant time to find a suitable permanent option.

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 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. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E8: Development in the Green Belt
- Policy E14: Mature Landscape Areas

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 been examined, with the Inspector's report imminently expected. 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 and 30 but has suggested changes to other policies, including Policy 8. 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 and 30 can now be afforded moderate weight, with Policy 8 being afforded limited weight.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 30: Landscape

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

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting the Green Belt

5 Consultations

5.1 **Council's Environmental Health Officer:**

No objection raised.

5.2 **Rights of Way Officer:**

No objection raised.

5.3 Six properties either adjoining or opposite the site were consulted and a site notice was displayed beside the site on 3 September 2019. Six responses from members of the public have been received, two of which raise objections, one of which raises no objection and three which support the application. The reasons for objection can be summarised as follows:

- The poly tunnel is not being used solely for rescue dogs.
- Increased traffic on the lane.
- The poly tunnel is not used in the summer months.
- It is not in accordance with Green Belt policy.

The reasons for support can be summarised as follows:

- The rescue centre provides an invaluable service to the community in rehabilitating and rehoming unwanted pets and the poly tunnel is required for this.
- The poly tunnel is in keeping with its surroundings.

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt and if not, whether very special circumstances exist that would outweigh the harm of the development, the design and appearance of the poly tunnel and any impact on neighbouring amenity.

6.2 **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 potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Paragraphs 145 and 146 set out a list of exemptions to inappropriate development, although the proposal would not fit into any of these categories. Therefore, the proposal would need to satisfy paragraph 144 to be considered acceptable.

6.2.2 Babbington Rescue is a not for profit Community Interest Company. Over 85% of the rescue centre is self-funded from the boarding kennels and shop on site with money produced from dog training also going back in to the running of the rescue centre. The applicant has operated at Babbington Hall for 14 years and at their peak in 2012/13 were dealing with in excess of 1300 dogs per year, of which 95% came in through the local councils of Broxtowe, Erewash, Amber Valley, Gedling and Nottingham City. They now deal with 700 to 800 dogs per year on a controlled basis.

6.2.3 The poly tunnel is used as a space to exercise the rescued dogs at the centre to help avoid them from going “kennel crazy” which often results in the dogs being put to sleep. The applicant claims that the use of the poly tunnel in the early part of last year helped to reduce the rate of dogs being put to sleep from one every six weeks to one in the year to August last year. The applicant has provided a schedule of all the dogs to have benefitted from the poly tunnel since September 2018, which equates to 74 dogs.

6.2.4 The applicant has highlighted that the use of the poly tunnel as a unique training facility in the area enables them to save dogs from being put down.

6.2.5 With regards to the positioning of the poly tunnel, it is claimed by the applicant that it needs to be positioned away from the noise of the kennels to enable them to work with the dogs in the space. Flat ground is also required and therefore this is the only area within the site that can be used. There are no existing spaces of a more permanent form within the existing site that can be used for this work.

- 6.2.6 Since being granted temporary permission in 2018 the applicant has covered the poly tunnel with a dark green cover, which was not available to them at that time. This has significantly reduced the prominence of the structure, helping it to blend in with its surroundings. The poly tunnel is positioned in close proximity to the south west and east boundaries of the site which in combination with its relatively low height, reduces its impact on the surrounding area. Opposite the site to the south of Westby Lane are a number of large agricultural buildings. Taking into account the proximity of the poly tunnel to these buildings and its size in relation to them, it is considered that it does not result in significant additional harm to the openness of the Green Belt.
- 6.2.7 Overall, it is considered that the poly tunnel is an important facility for the established rescue centre which it will be operated in association with. The position of the poly tunnel within the site is justified by the applicant's need for flat ground in a location a suitable distance from the existing kennels. The poly tunnel has been covered in a dark green cover, greatly reducing its prominence and enabling it to better blend in with its surroundings. It is also located in close proximity to large agricultural buildings and therefore is not considered to greatly reduce the openness of the Green Belt. Taking the above into account, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt.

6.3 Amenity

- 6.3.1 The development is positioned in the south corner of the site and is not in close proximity to any residential dwellings. Therefore, it is not considered that the proposal will result in an unacceptable impact on any neighbouring properties with regards to a sense of enclosure or loss of privacy.
- 6.3.2 Since permission was granted in September 2018, no complaints have been raised with the Environmental Health department in respect of unacceptable levels of noise coming from the poly tunnel. The poly tunnel is not used for long-term occupancy by the resident dogs, only for a few hours at a time. The long-term keeping of the dogs remains at the kennels at the site, which is an established use. The condition to restrict the hours of use will be repeated to ensure training does not take place late at night.
- 6.3.3 Overall, it is considered that the proposal will not have an unacceptable impact on neighbouring amenity.

6.4 Design and Appearance

- 6.4.1 The poly tunnel is of a standard design for this type of development, which is ordinarily found in association with agricultural uses to help extend the growing season for crops. As it is often associated with agricultural use, it is not uncharacteristic to find a building such as this in the open countryside where it would be considered as appropriate development in principle as a building for agriculture. However, in these scenarios, it is likely that the poly tunnel would be in closer proximity to other agricultural buildings.

- 6.4.2 Taking into account the agricultural surroundings, including the working farm to the south of the application site with a number of large agricultural barns in close proximity to the road, it is not considered that the design of the development is itself out of character with the surrounding area and if the poly tunnel was to be used for agricultural purposes, it would be considered appropriate development and therefore acceptable. Furthermore, the dark green covering enables the poly tunnel to blend in to its surroundings, ensuring it is not overly prominent in the surrounding area.

6.5 Access

- 6.5.1 Visitors to Babbington Hall access the site from the top of Westby Lane, and this will remain the case for anyone using the poly tunnel. Babbington Hall is open to the public and has an onsite shop which attracts a number of visitors. It is considered that the addition of the poly tunnel does not result in a significant amount of additional traffic accessing the site on a daily basis.
- 6.5.2 The Highways Authority has confirmed that they have not received any complaints or enquiries in respect of the amount of traffic using Westby Lane in the last year.

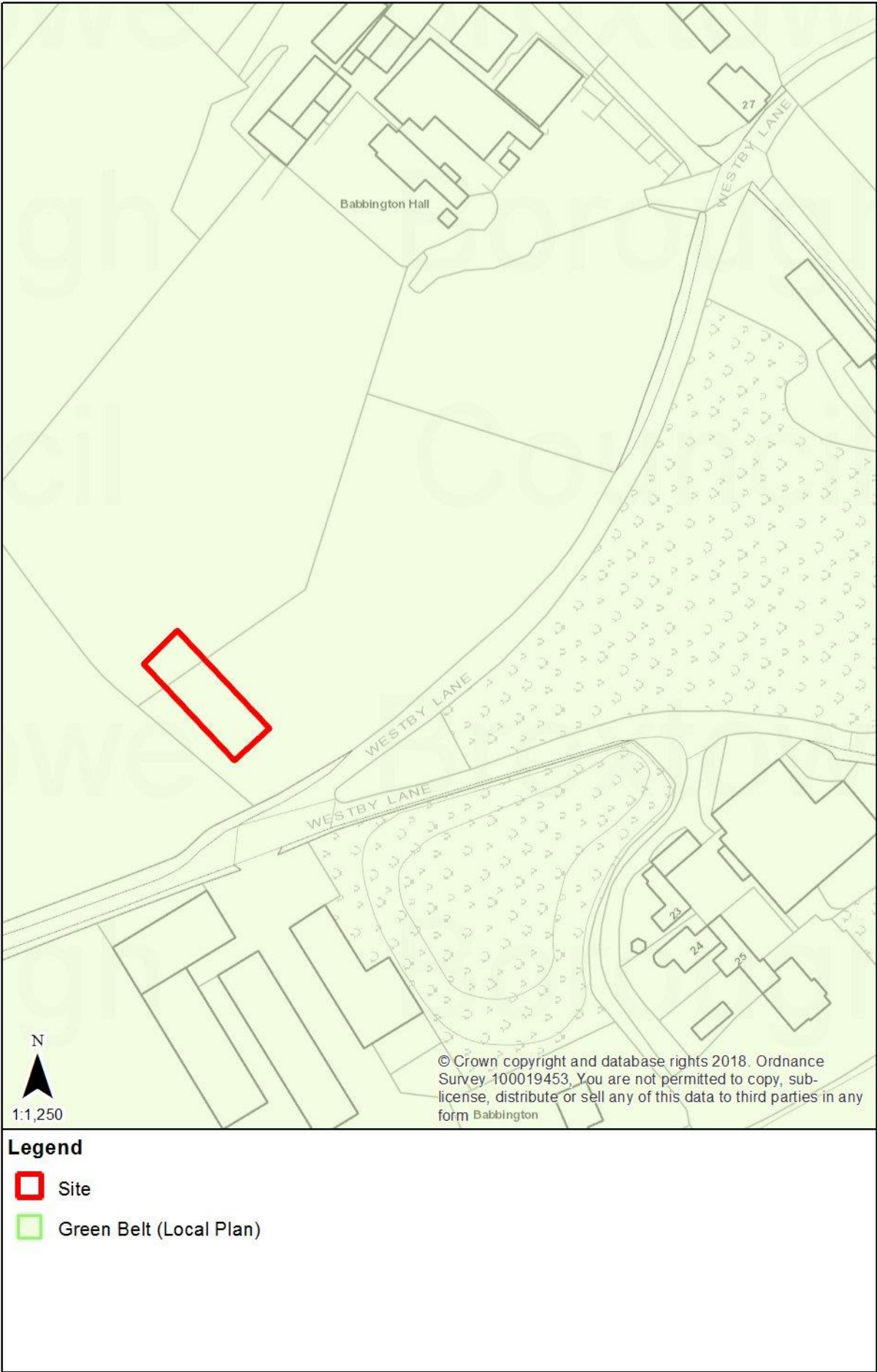
7 Planning Balance

- 7.1 The benefits of the proposal are that the poly tunnel provides an important training facility that enables Babbington Rescue to work all year round on behaviour modification and training their rescue dogs as well as helping dog owners look after their dogs, thus reducing the chances of dogs needing rehoming in the future. Babbington Rescue is a not for profit Community Interest Company and they work with nearby local authorities to take in stray and rescue dogs from the surrounding area.
- 7.2 The negative impact is that the poly tunnel is inappropriate development in the Green Belt. However, the poly tunnel is relatively low in height, positioned in close proximity to the site boundaries and has a dark green cover, reducing its prominence in the surrounding area. On balance, it is therefore considered that the benefits of the poly tunnel amount to very special circumstances that clearly outweigh the harm by reason of inappropriateness.

8 Conclusion

- 8.1 Overall, it is considered that very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt by reason of inappropriateness. It is therefore considered that the scheme is acceptable and planning permission should be granted.

<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 retained in accordance with the Site Location Plan (1:1250) and Elevations and Floor Plan (1:200); received by the Local Planning Authority on 9 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
2.	<p>The poly tunnel hereby permitted shall not be used except between the hours of 09.00 – 18.00 Wednesday to Sunday and 09.00 – 20.00 on Mondays and Tuesdays.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</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.



Photographs



Front of poly tunnel

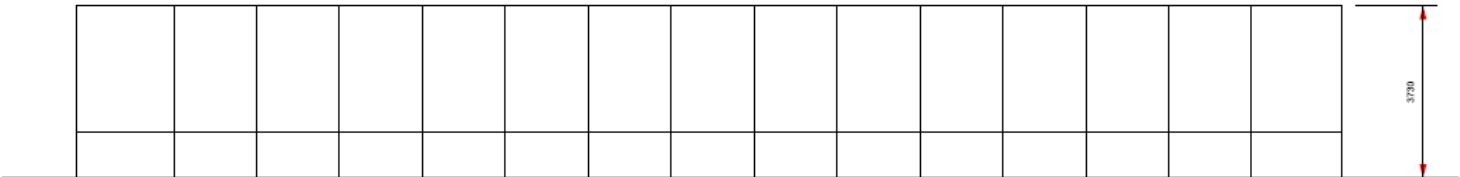


North east side of poly tunnel

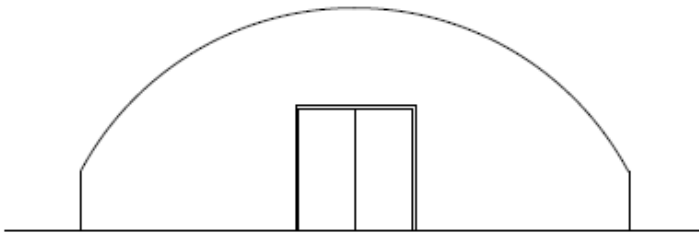


Photo of poly tunnel taken from the north east of the site.

Plans (not to scale)



Side elevation



End elevation

This page is intentionally left blank

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 14 DWELLINGS WITH ALL MATTERS RESERVED.

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

1 Executive Summary

- 1.1 This major application was first brought before Planning Committee on 24 July 2019 (original report attached as an appendix). The Committee deferred the application following receipt of new plans which were considered to contain errors and no further consultation having been carried out.
- 1.2 Since the previous Committee meeting the applicant has made amendments to the scheme by reducing the overall maximum number of dwellings from 18 to 14. Whilst only indicative, the previous layout plan indicated the provision of 18 dwellings in the form of four detached dwellings and 14 semi-detached dwellings set in a row backing onto the rear school playing field. The amended indicative layout plan indicates the provision of 14 dwellings staggered within the site in blocks of two and three, with rear garden spaces delineated and two car parking spaces to the front per plot. Taking into account the reduction in the overall maximum number of dwellings and the amended indicative layout plan, it is considered that as previously reported, the proposed development 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 would be acceptable, there are no highway safety issues and the highways parking provision is also considered to be adequate.
- 1.3 Following on from the original comments received from The Highway Authority on the application for which no objections were raised, a further consultation has been undertaken in respect of the revised indicative layout plan. It is advised that whilst concerns have been raised by residents regarding the incidence of on-street parking on Noel Street and the potential for the development to create additional residential traffic compromising safety by the virtue of its narrow nature of Noel Street, The National Planning Policy Framework (NPPF 2019) only permits planning applications to be refused on highway grounds when there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. When considering the extant use of the site, The Highway Authority does not envisage the proposed development will materially change traffic flows along Noel Street. It is further advised that there have been no recorded collisions along its length for over 5 years. In view of this, The Highway Authority is therefore unable to conclude there is an existing safety issue that will be exacerbated by the development.

- 1.4 Prior to the previous Committee meeting, 15 additional letters of objection from local residents were received. Following receipt of the amended plan, a further re-consultation was carried out with neighbouring properties, along with the posting of four site notices, with 8 additional letters of objection having been received stating:
- Existing parking problems along the road would be worsened by the development and would result in increased risk of traffic collisions;
 - The site is not an appropriate location for residential development due to the surrounding uses;
 - There would be increased dust and noise from the development;
 - Drainage issues.
- 1.5 Given the reduction in the overall maximum number of dwellings from 18 to 14, a revised open space contribution of £20,413.40 has been requested for the provision of capital and maintenance contributions at the nearby Stag Recreation Ground. In respect of the previously requested education contributions, Nottinghamshire County Council had 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. In light of the reduction in proposed dwellings, contributions have been requested £47,418 towards 3 primary school places and £43,310 towards secondary school places.
- 1.6 The Committee is asked to resolve that outline planning permission be granted subject to conditions and the completion of a Section 106 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.	<p>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</p> <p><i>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.</i></p>
2.	<p>The development hereby permitted shall be commenced before the</p>

	<p>expiration of two years from the date of approval of the last of the reserved matters to be approved.</p> <p><i>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.</i></p>
3.	<p>The outline permission relates to the 1: 1250 Site Location Plan received by the Local Planning Authority on 16 April 2018.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
4	<p>No development shall commence until detailed drawings and particulars showing the following shall be submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> (a) Access; (b) Appearance; (c) Landscaping; (d) Layout; (e) Scale <p><i>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.</i></p>
5	<p>No development shall commence until details of the parking and turning facilities, access widths, gradients, surfacing, street lighting, bollards and visibility splays have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p><i>Reason: In the interests of highway safety.</i></p>
6.	<p>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:</p> <ul style="list-style-type: none"> 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);

	<p>d) For brownfield areas that previously drained to sewers, the previous discharge rate should be reduced by 30% to allow for future climate change;</p> <p>e) The site drainage system should cater for all rainfall events up to a 100 year +30% climate change allowance level of severity;</p> <p>f) The underground drainage system should be designed to not surcharge in a 1 year storm, not to flood in a 30 year storm;</p> <p>g) For all exceedance to be contained within the site boundary without flooding new properties in a 100year+30% storm;</p> <p>h) Any attenuation storage to be adequate for the surface water produced by the site, up to 100year+30% event;</p> <p>i) use of SUDS;</p> <p>j) Details of who will maintain or adopt all drainage features.</p> <p><i>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).</i></p>
7	<p>No development shall commence until a Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles during construction works and access arrangements for prospective residents, has been submitted to and approved in writing with the Local Planning Authority. All traffic associated with the development shall comply with the Traffic Management Plan unless otherwise approved in writing with the Local Planning Authority.</p> <p><i>Reason: In the interests of neighbour amenity and highway safety.</i></p>
8.	<p>a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>b) No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p>

	<p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p>Reason: In the interest of public health and safety.</p>
	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.	<p>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:</p> <p>www.gov.uk/coalauthority</p>
3.	<p>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</p> <p>recycling@broxtowe.gov.uk</p>
4.	<p>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.</p> <p>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.</p> <p>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</p>

	<p>should be addressed to hdc.south@nottsc.gov.uk</p> <p>It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway.</p>
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 site, the developers should contact Plant Protection before any works are 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

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 up North East Noel Street.



View looking down South West Noel



Rear boundary with adjacent Kimberley School



Indicative Layout Plan (not to scale)



Report of the Chief Executive

APPENDIX

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.

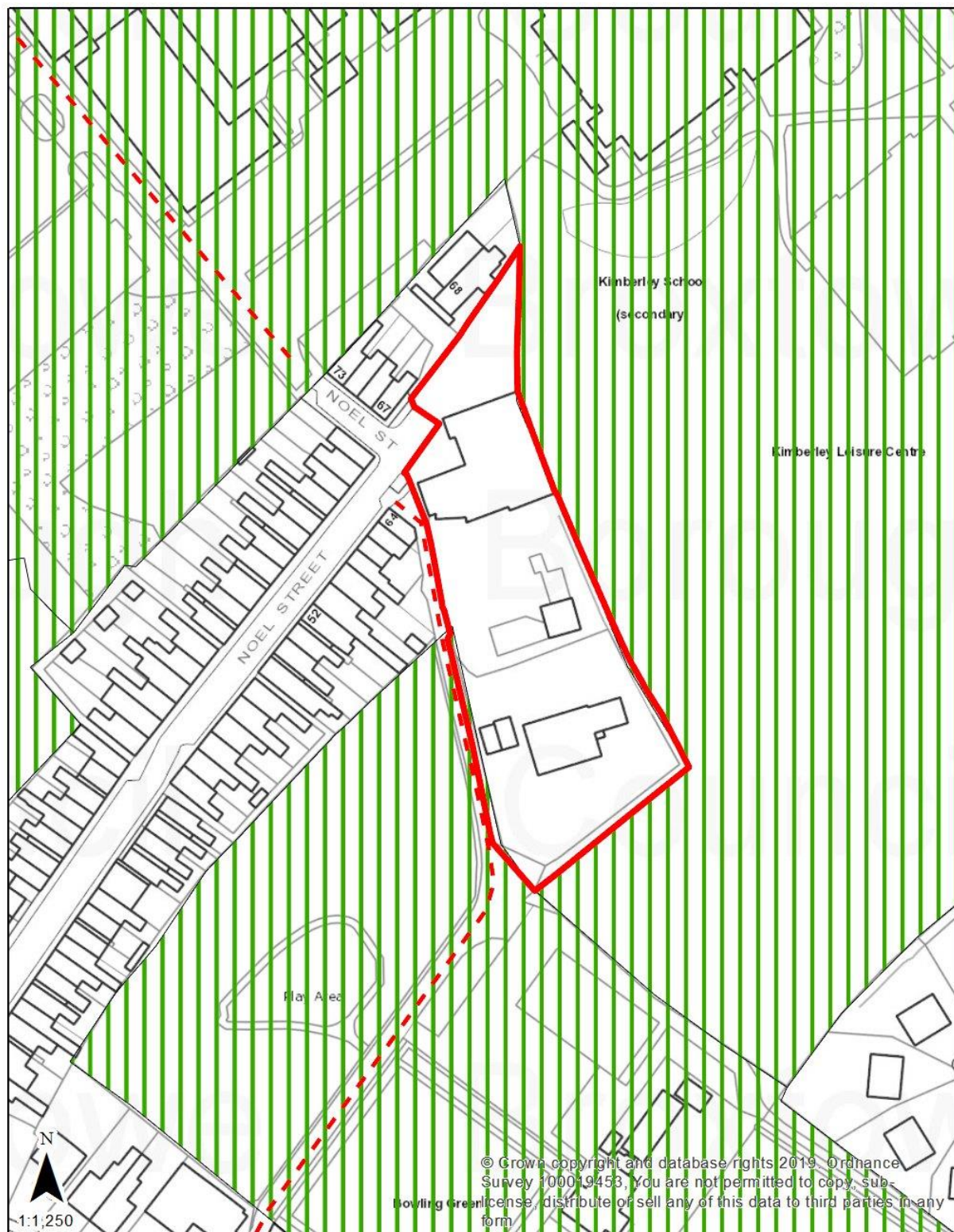
The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code,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



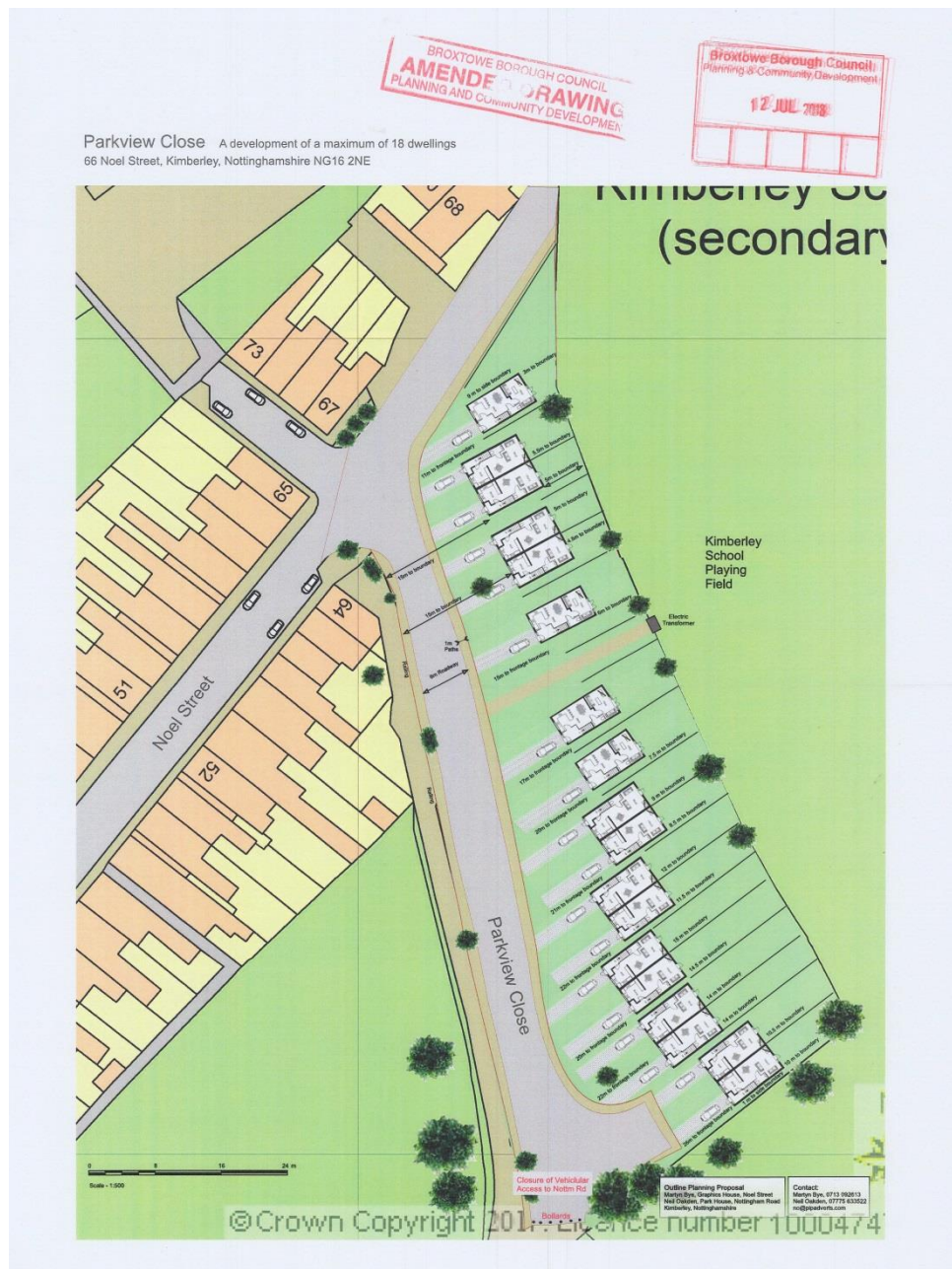
Rear boundary with adjacent Kimberley School.



View of employment building from within Noel Street.



Plans (not to scale)



Report of the Chief Executive

APPLICATION NUMBER:	19/00493/REM
LOCATION:	LAND TO THE WEST OF TOTON LANE, STAPLEFORD, NOTTINGHAMSHIRE
PROPOSAL:	CONSTRUCT 3 RETAIL UNITS (CLASS A1), CARE HOME (CLASS C2), DAY NURSERY (CLASS D1) AND PUBLIC HOUSE (CLASS A4) (APPROVAL OF RESERVED MATTERS RELATING TO PLANNING REF: 17/00131/ROC - LAYOUT AND ACCESS ONLY)

The application is brought to the Committee as it is a major application and contrary to the Draft Part 2 Local Plan.

1 Executive Summary

1.1 The application for consideration contains the reserved matters pertaining to the layout and access for the following uses:

- One larger retail unit (380 m²) and two smaller retail units (190 m²)
- Care Home – 80 beds and floor area of 4265 m²
- Day Nursery – 450 m²
- Public House/ restaurant - 718 m²

1.2 The reserved matters application is submitted following the granting of outline planning permission in July 2016 (reference 12/00585/OUT). The outline permission included a maximum of 500 dwellings, a convenience store and two other retail units, a day nursery, a pub/ restaurant and a care home. As condition 20 relating to the outline was subsequently varied, a new planning decision was issued (reference 17/00131/ROC) and this permission is referred to within the description of this application.

1.3 The layout plan shows the access from Toton Lane, opposite the entrance to the Park and Ride site. This was approved as part of the outline application. To the north of the access road there would be a public house/ restaurant and further to the west a nursery. Both buildings would be served by car parks. To the south of the access road there would be the retail units in two blocks. A public plaza is also proposed. In the south west corner there would be the care home which would have gardens to the west and south of the building.

1.4 It is considered that the proposed development is in accordance with the outline planning permission and achieves a satisfactory layout. The uses proposed are those approved at outline stage. Significant weight must be given to the outline planning permission. A disadvantage of the development is that the proposal is not in accordance with the development envisaged within the East Midlands HS2 Growth Strategy or within the Part 2 Local Plan. However, legal advice has previously made clear that the only matters which should be assessed as part of this application relate to the Reserved Matters, not the principle of the development, and requiring the reservation of land for a future transport link or for an alternative land use is not permissible as it did not form part of the outline planning permission.

1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 The application for consideration contains the reserved matters pertaining to the layout and access for a care home comprising 80 beds, three retail units, a day nursery and a public house/ restaurant.
- 1.2 The reserved matters application is submitted following the granting of outline planning permission in July 2016 (reference 12/00585/OUT) for a maximum of 500 dwellings, a convenience store and two other retail units, a day nursery, a pub/ restaurant and a care home. As condition 20 relating to the outline was subsequently varied, a new planning decision was issued (reference 17/00131/ROC) and this permission is referred to within the description of this application. Details of the proposed landscaping, appearance, layout and scale of 282 dwellings, including open space and associated infrastructure (reference 17/00499/REM) was granted on 15th February 2018. Further information regarding the planning history is provided in section 3.
- 1.3 The layout plan shows the approved access point from Toton Lane, opposite the entrance to the Park and Ride site. This access point was approved as part of the outline planning permission and the layout of the road was approved as part of the first Reserved Matters application. A safeguarded tram route through the site has also previously been approved. To the north of the access road there would be a public house/ restaurant and further to the west a nursery. Both buildings would be served by separate car parks. To the south of the access road there would be the retail units in two blocks. A public plaza is also proposed. In the south west corner there would be the care home which would have gardens to the west and south of the building. Details of the appearance, scale and landscaping would be subject to a separate Reserved Matters application.

2 Site and surroundings

- 2.1 The site subject to this reserved matters application is the north eastern section of the larger site granted outline planning permission. The area which has been granted Reserved Matters for 282 dwellings lies immediately to the west. The site lies to the north of the settlement of Toton, to the west of Toton Lane/ Stapleford Lane and to the south of the A52. The site lies within the Toton and Chilwell Meadows Ward. To the north of the site lies the Stapleford South West Ward (beyond the A52).
- 2.2 The entire site is within the Green Belt although it will be removed from the Green Belt following the adoption of the Part 2 Local Plan. The site itself is currently largely undeveloped although the remains of two buildings and a garden nursery are still evident. There are various hedgerows and trees throughout the site, none of which are subject to Tree Preservation Orders. There is a fence and a hedgerow of varying height and thickness that is positioned along the eastern boundary with Toton Lane. A public right of way (Beeston Footpath 17) lies to the south of the site. Levels vary across the site, but this part of the site is generally level.

- 2.3 Immediately to the south of the site there is a dwelling (Rose House) and beyond this there is the electricity substation. Directly to the north of the site lies George Spencer Academy. To the east, beyond Toton Lane/ Stapleford Lane, there is the Toton Lane Tram Park and Ride which provides a direct tram link to Beeston and Nottingham. To the north west is a water treatment works and a small solar farm associated with it. The Toton Fields Local Nature Reserve lies 160m to the south of the site. Toton Sidings lies to the west.
- 2.4 It should also be noted that to the west of the site lies land safeguarded for the High Speed 2 (HS2) East Midlands Hub Station. The safeguarded area relates to land identified within the Secretary of State for Transport's Directions which came into force in June 2019.

3 Relevant Planning History

- 3.1 Outline planning permission (reference 12/00585/OUT) was granted on 1st July 2016. The description for the outline planning permission was:

"Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 Toton Lane and associated infrastructure."

- 3.2 Condition 1 of the outline planning permission requires an application for approval of all reserved matters to be submitted before the expiration of six years from the date of the permission. Condition 7 of the planning permission states:

No development, excluding site clearance, shall be commenced in respect of any individual phase until detailed drawings and particulars showing the following for that respective phase of development (hereinafter called the "reserved matters") have been submitted to and approved in writing by the local planning authority:

- (a) the layout, scale, and external appearance of all buildings;*
- (b) the particulars of the materials to be used in the facing of the external surfaces of all buildings;*
- (c) landscaping*

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

- 3.3 Condition 10 of the outline planning permission states the details which would need to be submitted in respect of landscaping.
- 3.4 The outline planning permission was subject to a S106 legal agreement requiring affordable housing, open space and education provision.

- 3.5 A subsequent application (reference 17/00131/ROC) was submitted under Section 73 of the Town and Country Planning Act 1990 to vary condition 20. This condition required infrastructure improvement works at Junction 25 of the M1 and A52 Bardills Junction. Following additional assessments undertaken by the applicant, it was concluded that works to Junction 25 were no longer required and works to the Bardills Junction were not required until prior to the occupation of the 200th dwelling. Following consultation with bodies including Highways England, the variation of the condition was considered acceptable and a new planning permission, which included updated wording for condition 20, was granted on 5 June 2017. Conditions 7 and 10 of the outline permission were repeated with no changes.
- 3.6 As a new permission was issued under the Section 73 process, this reserved matters application relates to condition 7 of 17/00131/ROC.
- 3.7 Details of the proposed landscaping, appearance, layout and scale of 282 dwellings, including open space and associated infrastructure (reference 17/00499/REM) was granted on 15th February 2018. In advance of this decision being made, the Council received legal advice from Morag Ellis QC regarding whether the Council can require elements of the Growth Strategy to be provided or safeguarded as part of this Reserved Matters application. This would include securing a higher density development and safeguarding land for future highways infrastructure to the HS2 station and the associated economic development. The legal advice concluded that Reserved Matters approval cannot be withheld on the basis of the Growth Strategy and to do so would put the Council at risk of an award for costs at any subsequent appeal.
- 3.8 The Part 2 Local Plan was subject to examination in December 2018. During the examination there were extensive discussions regarding a masterplan for the land surrounding the proposed HS2 station which includes the site subject to this application. This will be discussed in further detail in Section 4.
- 3.9 Prior to the determination of the outline planning permission there was a complex planning history. The following table provides a summary of the events:

June 2013	Core Strategy Submitted for examination.
March 2014	Aligned Core Strategy Councils consult on main modifications to the Core Strategy including a minimum figure of 500 homes at Toton.
July 2014	Inspector's report received which details her approach to Toton at paragraphs 68 to 76 of her report. The Inspector concludes at paragraph 76 that the mix, design and layout of new development should be determined at the part 2 Local Plan stage which is carried forward into the adopted wording of Policy 2 within the Aligned Core Strategy.

September 2014	Core Strategy adopted.
September 2015	Workshops and consultation undertaken to establish the amount and distribution of development at Toton to inform the part 2 Local Plan.
December 2015	Report to Cabinet on the results of this consultation and the contents were approved as a 'non-statutory' framework for development on the site.
February 2016	Broxtowe Planning Committee resolve to grant outline planning permission for 500 homes and supporting infrastructure with all matters reserved apart from access, subject to no call in and the signing of a S106.
July 2016	Decision issued following no call in and signed S106.
March 2017	Application submitted to vary condition 20 of the outline permission. Planning permission granted in June 2017.
July 2017	Reserved matters application submitted on the northern part of the reserved matters site.
February 2018	Reserved matters granted for 282 dwellings, including open space and associated infrastructure
July 2018	Submission of the Part 2 Local Plan
December 2018	Examination Hearing Sessions take place.
May 2019	Consultation on Main Modifications for the Part 2 Local Plan

- 3.10 On 3 October 2017 the East Midlands HS2 Strategic Board, a partnership of local authorities, businesses and Local Enterprise Partnerships published East Midlands HS2 Growth Strategy: World Class-Locally Driven. Further information will be provided in section 4.

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 12 – Local Services and Healthy Lifestyles
- Policy 14- Managing Travel Demand

- Policy 15 - Transport Infrastructure Priorities
- Policy 16 - Green Infrastructure, Parks and Open Spaces
- Policy 17 – Biodiversity
- Policy 18- Infrastructure

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

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

- Policy E8 – Development in the Green Belt
- Policy E16 – Sites of Importance for Nature Conservation
- Policy E24 - Trees, hedgerows and Tree Preservation Orders
- Policy E26 – Pollution
- Policy E27 - Protection of Groundwater
- Policy E29 Contaminated Land
- Policy E34 - Control of Noise Nuisance
- Policy S3 – Retail and Associated Development in Locations Outside Town Centres
- Policy T11 – Guidance for Parking Provision
- Policy RC2 – Community and Education Facilities
- Policy RC6 – Open space: Requirements for new development
- Policy RC12 – Caring Institutions
- Policy RC13 – Day Nurseries

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 been examined, with the Inspector's report imminently expected. 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, 19, 20 or 24. Whilst this is not the inspector's final report, and the examination into the local plan has not been concluded, it does mean that these policies can now be afforded moderate weight. Policies 2, 3.2, 13 and 15 should only be afforded limited weight at this time.

- Policy 1: Flood Risk
- Policy 2: Site Allocations
- Policy 3: Main Built up Area Site Allocations
- Policy 3.2: Land in the vicinity of the HS2 Station at Toton (Strategic Location for Growth)
- Policy 13: Proposals for main town centre uses in edge-of-centre and out-of-centre locations
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 24: The Health and Wellbeing Impacts of Development

4.3.2 In respect of Policy 3.2, Main Modifications are proposed to the policy. This includes the preparation and approval of a Strategic Masterplan for development expected to be delivered beyond the plan period at Toton Strategic Location for Growth. As referred to above, this policy can only be afforded limited weight at this time.

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 6 – Building a strong, competitive economy
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 13 – Protecting Green Belt land

4.5 Other Documents

4.5.1 Draft Chetwynd: The Toton & Chilwell Neighbourhood Plan: The Plan identifies the area subject to this application for an Innovation Campus with a 'small city' appearance. The prime focus should be on commercial development but with residential quarters also included. The plan proposes a number of policies to protect and enhance existing green infrastructure and biodiversity and promotes significant infrastructure improvements, including enhanced pedestrian and cycle routes. Consultation on the draft plan has recently ended and the document currently only carries very limited weight.

4.5.2 The East Midlands HS2 Growth Strategy was published in October 2017. The Growth Strategy sets a vision for using HS2 to boost economic growth across the East Midlands and was produced with funding from the Department for Transport. It provides a strategy for making the HS2 Hub Station at Toton the most connected station on the high speed network outside of London. On the land subject to this reserved matters application, a Toton Innovation Campus is shown. This would be a mixed use corridor, connecting the HS2 station and areas to the west following the tram corridor towards Toton Lane NET station in the east. It describes how the Toton Innovation Campus will sit at the heart of a thriving network of 'garden village' developments and will be capable of delivering up to 10,000 high quality jobs, new community facilities and a range of new housing opportunities.

4.5.3 The Growth Strategy includes indicative details of road infrastructure improvements including a new 'at grade' junction on the A52 east of the Bardills Roundabout linked to a new Toton Lane which would provide access from Nottingham to the east of the Hub Station site and support the early phases of development of the 'Innovation Campus'. This would require land within the site subject to the reserved matters application.

4.5.4 The Growth Strategy is a non-statutory document. Whilst endorsed by the Council's Policy and Performance Committee on 3rd October 2017, only very limited weight can be attached to this document.

There will be further consideration regarding the weight which can be given to the Growth Strategy within section 6.

5 Consultations

- 5.1 **Waste and Recycling:** Provides the requirements for the provision of waste bins for the care home element of the proposal. Other aspects of the development would be considered as commercial waste which would have separate arrangements.
- 5.2 **Nottinghamshire County Council as Highways Authority:** No objection. The location of the access points are acceptable. The parking provision for each use is considered to be acceptable and would not result in road safety issues. Conditions are recommended in respect of providing the parking spaces for a prospective building prior to it being brought into use, providing access points and using a suitable hard bound material with adequate drainage provision.
- 5.3 **Highways England:** No objection.
- 5.4 **Environment Agency:** No comments to make in respect of the reserved matters.
- 5.5 **Chetwynd: The Toton & Chilwell (CTTC) Neighbourhood Forum:** Consider that this application should not be approved. The scheme has been made redundant following the publication of the Growth Strategy and a new proposal should be submitted based on the strategic masterplan. Details of landscaping should be provided with this application. The public plaza would be lost once the tram is built. There is also potential danger between members of the public and the tram. The care home would be in very close proximity to the tram route which could cause disturbance. There are also concerns regarding the access to the pub/ restaurant and the retail stores due to the proximity to the tram route. The width of the safeguarded tram corridor does not make provision for footpaths and cycleways.
- 5.6 Neighbour consultation has been carried out and a site notice has been displayed. One letter has been received in support of the application. Whilst the neighbour consultation and site notice consultation time periods have ended, the press advert consultation period does not end until Thursday 10th October. In the event that any consultation comments are received after the date of the Planning Committee, these will be reported to the Chair to assess whether this would materially affect the Committee's original decision.

6 Assessment

- 6.1 The main issues which will be discussed below relate to how the principle of the proposed development should be considered, with particular reference to the East Midlands HS2 Growth Strategy and relevant planning policies, and there will be an assessment of the relevant reserved matters.
- 6.2 **Principle**
 - 6.2.1 The outline planning permission granted planning permission for:

“Outline planning application with points of access to be determined for a mixed-use development incorporating a maximum of 500 dwellings, 380 sqm convenience store, two 95 sqm retail outlets, education floor space (maximum 2,300 sqm), day nursery (maximum 450 sqm), pub/restaurant, an 80 bed residential care facility, open space, plot for medical surgery (0.04 hectares), plot for community use (0.08 hectares), highways, drainage, removal of electricity pylons and overhead cables, erection of terminal pylon, demolition of 316 Toton Lane and associated infrastructure.”

- 6.2.2 The only matters which can be assessed as part of this application relate to the reserved matters. For this application, this is the layout and access for three retail units, a care home, a day nursery and a public house.
- 6.2.3 As part of the reserved matters application for the first phase of the residential development (17/00499/REM), the relationship between the outline planning permission and the East Midlands HS2 Growth Strategy was considered. The East Midlands HS2 Growth Strategy provides a long term vision for how the economic benefits of HS2 can be realised. A number of the objectives outlined within this vision directly impact the site subject to this application. The majority of the site is identified within the Growth Strategy as forming part of an ‘Innovation Campus’ which would be a mixed use corridor, connecting the HS2 station and areas to the west following the tram corridor towards Toton Lane NET station in the east. The Part 2 Local Plan also identifies the site for mixed employment development to support the development of an Innovation Campus and that development should be located and designed to complement and not prejudice proposals for access to the HS2 Hub Station and further build-out of the Innovation Campus which is to be delivered beyond the plan period.
- 6.2.4 The Council received legal advice from Morag Ellis QC regarding whether the Council could require elements of the Growth Strategy to be provided or safeguarded as part of this previous Reserved Matters application. The legal advice concluded that the granting of the outline planning application is the planning permission for the development. The outline planning permission determined the components of the development as outlined within the application description. It also granted planning permission for two access points which are now fixed. The outline planning application was determined based on assessing the material planning considerations and information available at that point of time. Requiring the reservation of land for a future transport link or for an alternative land use is not permissible as it did not form part of the outline planning permission. This means that a safeguarded strategic road to provide access to development associated with HS2 could not be required as part of the development. Nor could the applicant be required to provide land uses not granted planning permission as part of the outline planning permission or be required to provide houses at a density or at a level above which the outline planning permission granted.
- 6.2.5 To refuse a reserved matters application based on conflict with the Growth Strategy or development requirements which form part of the Part 2 Local Plan or the draft CTTC Neighbourhood Plan, could not be justified and the Council would be at a significant risk of an award for costs, should an appeal be submitted.

6.2.6 The mix of uses proposed is in accordance with the outline planning permission. The principle of these uses was considered at outline stage. The retail units, day nursery and public house will provide facilities for the local community rather than competing with existing uses in designated town centres. The care home will also add to the housing mix proposed within the development. Based on the above, the principle of the reserved matters is considered to be acceptable.

6.3 Layout

6.3.1 The retail units will be located to the south of the access road and divided into two buildings with car parking to the front. This is a prominent position with the supporting information in the application highlighting the need to maximise exposure to customers. The public house/ restaurant will be located on the opposite side of the access road and is also in a prominent position to be visible to passing visitors. These uses are located within walking distance of the main residential development but also with an adequate buffer to prevent potential noise and disturbance from these uses. The layout plan also shows landscaped areas to the south and east of the public house and trees bordering the retail uses which enhances the setting when entering the development from Toton Lane. However, it should be noted that specific details of the landscaping would be subject to further submissions which would need approval and this area also forms part of the safeguarded tram route (discussed below). It is considered that detailed landscaping information is not required at this stage as only the layout and access is being assessed and the layout enables landscaping to be incorporated into the development.

6.3.2 The day nursery is positioned to the west of the public house and has a separate access point and car park. The building has less prominence but this is partly dictated by the need to provide secure and private outdoor space for the children. The building is still highly accessible to both new residents within the development and existing residents accessing the development from Toton Lane.

6.3.3 The care home would be positioned to the south west of the retail units. This building would be a larger building and would have prominence when passing through the development on the main access road. It incorporates two garden areas for residents. A large area of open space would also be to the west. A landscape buffer is proposed to the north but this incorporates the safeguarded tram corridor. Some additional mitigation measures may be required to prevent noise and disturbance to the residents, should the tram pass directly to the north of the care home, but it is considered that this could be adequately dealt with at the time and residents would maintain a satisfactory outlook. There would also be no requirement for any demolition of the building which is set back from the safeguarded route.

6.3.4 To the south of the proposed buildings is Rose House. This property has a substantial garden area. No buildings are proposed in close proximity to the main house. The retail units will be single storey and located approximately 25m from the front elevation of Rose House. A single storey building is proposed as part of the care home beyond the rear boundary of Rose House with the main two storey element set further back. This results in an acceptable relationship and will not lead to an undue loss of amenity to the occupiers of Rose House.

- 6.3.5 It is considered that positioning the retail and public house to the east will ensure that there is an adequate buffer to the approved residential properties to the west. George Spencer Academy lies to the north but car parking and vegetation provides a suitable buffer.
- 6.3.6 A public plaza is proposed in a central location within the commercial element of the development. This will provide a small area of open space and will also improve the public realm. It should be noted that this also lies along the line of the safeguarded tram route. However, whilst it would be a negative if the plaza was lost, it is considered that there would still be adequate open space within the development including a large park to the south west.
- 6.3.7 Whilst supporting information within the application provides examples of the scale and design of the buildings, these would be matters subject to future applications. Notwithstanding this, it is considered that the layout facilitates an acceptable design to be achieved which would be in keeping with the residential development and the character of the wider area. Information requiring details of the appearance and materials are already conditioned as part of the outline planning application. Details of the boundary treatments will be required as part of the landscape scheme.

6.4 Access

- 6.4.1 The main access point from Toton Lane was approved as part of the outline planning permission and the internal road layout of the principal road through the development is in accordance with the layout approved as part of the reserved matters for the residential development. The route of the road is also partly dictated by the requirements of the safeguarded tram corridor.
- 6.4.2 Minor alterations may be required to the accesses for each of the uses if a tram route is constructed. However, the main tram route has been safeguarded and the proposed development would not prevent the tram from being constructed. The safeguarded route is also in accordance with a previous approval.
- 6.4.3 The Highways Authority has raised no objections and consider the location of the access points to be acceptable and that satisfactory parking has been provided for each of the uses. Conditions will be included in respect of providing the parking spaces for a prospective building prior to it being brought into use, providing access points and using a suitable hard bound material with adequate drainage provision.

6.5 Other Issues

- 6.5.1 With regards to flood risk, Condition 13 of the outline planning permission requires a detailed surface water drainage scheme and foul sewerage scheme to be submitted prior to any works commencing. Wider flood risk issues were considered as part of the outline application.
- 6.5.2 There are no trees subject to Tree Preservation Orders within the application site. Detailed landscape plans will have to be submitted as part of a future scheme when it can be ensured that there a variety of trees, hedgerows and shrubs

planted throughout the development. A detailed landscape scheme securing the above has already been approved for the first phase of the residential development. The impact on wildlife was considered as part of the outline planning application.

- 6.5.3 It is considered that the layout and scale of the development proposed would not give rise to increased levels of light pollution beyond those expected within an area surrounded by existing development and road infrastructure.
- 6.5.4 Until the adoption of the Part 2 Local Plan, the site lies within the Green Belt. However, the principle of development in the Green Belt was considered at outline stage.

7 Planning Balance

- 7.1 The benefits of the proposal are that it provides local shops and services for local residents and will result in a mixed use development. This is in accordance with the outline planning permission and should therefore be given significant weight. The proposal is not in accordance with the development envisaged within the East Midlands HS2 Growth Strategy or within the Part 2 Local Plan. However, legal advice has previously made clear that the only matters which should be assessed as part of this application relate to the Reserved Matters, not the principle of the development and requiring the reservation of land for a future transport link or for an alternative land use is not permissible as it did not form part of the outline planning permission.

8 Conclusion

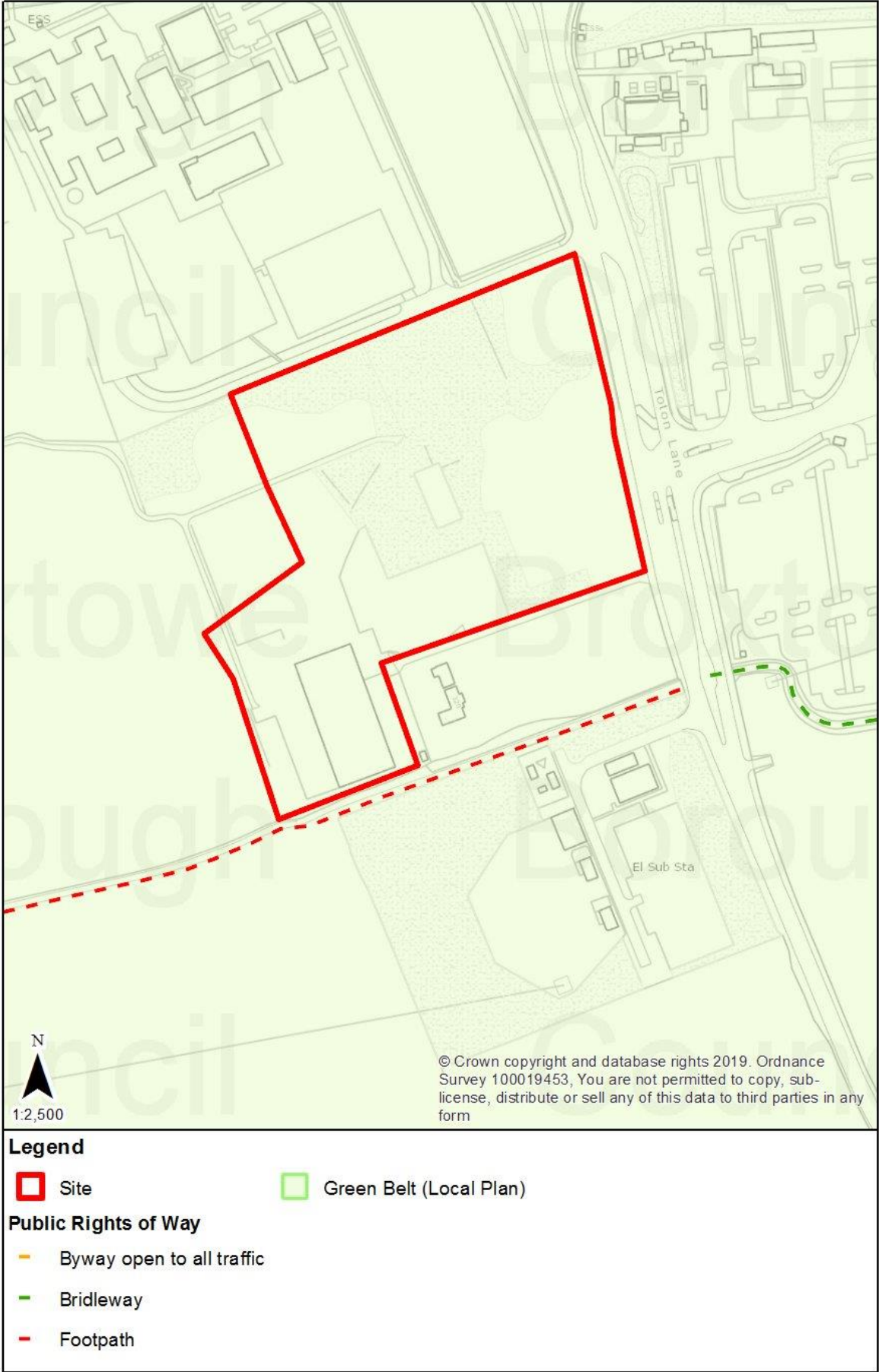
- 8.1 The application relates only to the layout and access for a care home comprising 80 beds, three retail units, a day nursery and a public house/ restaurant. It is considered that an acceptable layout has been achieved and access and parking arrangements will not result in highway safety issues. The principle of the uses has already been approved and is therefore not a matter to be assessed as part of this application.

Recommendation

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

1.	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 31 July 2019 and drawing numbered P0402 – 111 Revision E received by the Local Planning Authority on 1st August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
2.	<p>No building shall be first brought into use until:</p> <ul style="list-style-type: none"> • The respective parking and servicing areas, as shown on drawing P0402 – 111 Revision E, have been provided. • The respective access points have been provided and

	<p>surfaced in a hard bound material with appropriate drainage to prevent the discharge of surface water onto the public highway.</p> <p><i>Reason: In the interests of highway safety.</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 13 week determination timescale.
2.	The reserved matters approval relates only to layout and access. You are reminded of the need to submit details of appearance, landscaping and scale.
3.	The applicant should note 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 Nottinghamshire County Council's current highway design guidance and specification for roadworks.
4.	The applicant is advised to contact the Council's Waste and Recycling Department regarding refuse arrangements (0115 9 173189).





View towards proposed entrance
from Park and Ride site



Remains of building to west of
Rose Cottage



Views looking in an eastern direction into the site

Plans (not to scale)



This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00317/MMA
LOCATION:	LAND NORTH OF COMMON LANE AND WEST OF COMMON FARM, COMMON LANE, WATNALL
PROPOSAL:	MINOR MATERIAL AMENDMENT TO PLANNING REFERENCE 19/00047/MMA TO ALTER THE HIGHWAY ACCESS

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

1 Executive Summary

- 1.1 This application is a Minor Material Amendment which seeks to amend the position of the approved junction on Main Road serving the development. A revised plan shows the junction position has been moved approximately 10 metres further south along Main Street. The central refuge on the pedestrian crossing has also been removed but the crossing remains in the same position. Part of the footpath to either side of the access has been reduced from 2m to 1.5m in width. The alterations are required following further site surveys being carried out on the site which showed that it was not possible to construct the road junction as approved.
- 1.2 The principle of the development on this site has been established through the previous permissions (18/0176/FUL and subsequent minor material amendment 19/00047/MMA).
- 1.3 Following the receipt of revised plans during the course of the application, the Highways Authority raises no objection to the proposed alterations.
- 1.4 The benefits of the development are that without the alterations to the junction layout, a safe and suitable access cannot be provided to the development which is now under construction. There may also be significant delay to the opening of the building. The removal of the pedestrian refuge may be considered a negative amendment however the Highways Authority have assessed the change and consider it will not result in highway or pedestrian safety issues.
- 1.5 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 This application seeks to amend the approved junction on Main Road serving the development. A plan shows the right turn ghost island has 3.2m wide running lanes and the junction position has been moved approximately 10m further south along Main Street. The central refuge on the pedestrian crossing has also been removed but the crossing remains in the same position. A 2m footway on either side of the access has been reduced to 1.5m for a short length where it ties into the existing footway at the south-west corner of the site. No changes within the application site are proposed.
- 1.2 The changes are required following further on-site surveys identifying that it was not possible to construct the access in the approved location. This resulted in a pinch-point at the north-western corner of the site making it geometrically impossible to construct the road junction.
- 1.3 In addition to the proposed plans, a Highway Statement has been submitted in support of the application to provide further justification and explanation regarding the proposed changes.

2 Site and surroundings

- 2.1 The site is located on the eastern side of Main Road with allotments to the north, agricultural land to the east, the existing industrial units on Common Lane to the south and the highway with dwellings beyond to the west. The site comprises a narrow strip of agricultural land which is relatively flat. A public footpath is adjacent to the rear of the site. There is a hedgerow beside Main Road, part of which has been removed in accordance with the landscape plan. However, the landscape scheme secures replacement planting along this boundary. The whole site lies within the Green Belt.

3 Relevant Planning History

- 3.1 Outline planning permission was granted in 1980 for the industrial development at the adjacent site (80/00889/OUT). Subsequent applications followed to gain full consent for individual units across this adjacent site.
- 3.2 Planning permission was granted (18/00176/FUL) for a major hybrid planning application for the construction of a B1/B2 industrial building with offices, a link building to the existing Aero Fabrications industrial units on Common Lane, access and parking. Phase 1 of the application was in full and comprised the site access and highway works, car parking and yard areas. The front part of the site would accommodate offices and a new manufacturing unit with attenuation pond set towards the south-eastern part of the site. The Phase 1 footprint would be 7,130sqm and the building would be single storey with a maximum height of 10.7 metres. A detailed landscaping scheme, including planting to the site frontage and along the boundaries, was also proposed. This element of the development is now under construction.

- 3.3 Phase 2 of 18/00176/FUL was in outline and would provide an additional 4,000sqm of floorspace to allow the future expansion of Aero Fabrications when the company leases expire on their other site at Moorgreen.
- 3.4 A Minor Material Amendment Application was subsequently approved (reference 19/00047/MMA). These changes comprised relocating the Phase 2 expansion building to adjacent the southern boundary and to be of a rectangular footprint; the approved scheme depicted the Phase 2 expansion building further to the north of the site and of a squarer footprint. The attenuation pond shown on the approved plan was no longer needed as part of the drainage scheme and was omitted. To the north-east of the site a nature pond was proposed as part of the landscaping scheme. The parking area was also reduced from the approved plans from 160 spaces to 155 spaces. The approved indicative footprint changed and the detailed size and layout of this building will require further reserved matters applications.

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 3 - The Green Belt
- Policy 4 - Employment Provision and Economic Development
- Policy 10 – Design and Enhancing Local Identity
- Policy 12 – Local Services and Healthy Lifestyles
- Policy 14 - Managing Travel Demand
- Policy 16 - Green Infrastructure, Parks and Open Spaces
- 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. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E8 – Development in Green Belt
- Policy H8 – Businesses in Residential Areas and Properties
- 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. Whilst this is not the Inspector's final report, and the examination into the local plan has not been concluded, it does mean that this

policy can now be afforded moderate weight. As amendments are sought in respect of Policy 8, this can still only be afforded limited weight.

- Policy 8: Development in the Green Belt
- 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 6 – Building a strong, competitive economy
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 13 – Protecting Green Belt land

4.5 **Other Documents**

Greasley Neighbourhood Plan

- 4.5.1 The Greasley Parish Council Neighbourhood Plan has undergone consultation on the interim draft plan. It contains presumptions to seek to retain existing business and to facilitate the creation of new jobs and to protect the Green Belt from development. Due to the current stage of plan preparation, only very limited weight can be attached to this plan.

5 Consultations

- 5.1 **Nottinghamshire County Council as the Highway Authority:** Following the submission of an amended plan, confirm the layout of the proposed junction is suitable to serve the proposed development and the right turn ghost lane is now a suitable width. A condition is recommended that no part of the development should be brought into use unless or until the new right turn facility and zebra crossing have been provided in accordance with the submitted plan.
- 5.2 Councillor Willimott initially raised concerns to the scheme as originally submitted as the proposed widths would be substandard and the residents would be asked to accept a solution to a problem that is not their making. Following receipt of the revised plans consider the revisions are the best which can be expected but still has some concern regarding the uncontrolled crossing point to the north of the junction still being shown without a central refuge.
- 5.3 71 neighbouring properties were consulted on the application and a site notice was posted. During the application, four letters were received objecting on the following grounds:
- Traffic access to the site will now endanger pedestrians who may wish to cross at the junction which no longer has a central refuse;
 - Noise and pollution generated by articulated lorries waiting to turn right on a very busy road;
 - The road through Watnall has always been considered narrow for a central reservation to be installed;

- Design ignores residential privacy and existing public access to footpaths in a village that has already had to suffer the loss of green belt land to support this appalling venture;
- The changes are encroaching on the privacy of residents;
- Increased noise, pollution and increased traffic.

6 Assessment

6.1 The main issue relates to the principle of the change to the access location and whether the alterations are acceptable in respect of highway safety.

6.2 Principle of Development

6.2.1 The principle of the development on this site has been established through the previous permissions. The proposed development was inappropriate development in the Green Belt and by definition was therefore harmful to the designation and was considered to affect openness. In such cases, very special circumstances were required to outweigh the harm to the Green Belt by reason of inappropriateness. A convincing case was made to demonstrate that very special circumstances would outweigh the harm and this case was accepted by the Secretary of State when he declined to call the application in for his own determination. There has been no change in circumstances or material changes to policy to divert from supporting the principle of the development and the original permission has now been implemented. The principle of an access from Main Road was also established as part of the previous planning permission. The amendments proposed as part of this application do not result in any additional impact on the openness or purposes of the Green Belt.

6.3 Design and Layout

6.3.1 The access would be sited further to the south but would have no greater visual impact than the approved junction. Landscaping in the form of a hedgerow and additional planting are still shown to either side of the access. The proposed changes are visually acceptable and comply with policies and guidance.

6.4 Residential Amenity

6.4.1 The proposal relates only to amending the approved access and to highway changes. Due to the type of alterations proposed, it is not considered the proposal would have an additional adverse impact on the amenities of occupiers of neighbouring properties to any greater degree than the approved scheme. The proposed changes are therefore acceptable and comply with policies and guidance.

6.5 Highway Safety

6.5.1 The alteration to the position of the access is required as a fundamental issue was identified at detailed design stage with the junction drawing submitted and approved as part of the earlier permission. The on-site situation regarding land boundaries and existing retained hedges around the south and western sides of the allotments to the north differs from the basic land information available at the

time of drafting the original site access, resulting in a pinch-point at the north-western corner of the site making it geometrically impossible to detail up the road junction.

- 6.5.2 Having assessed the problem, the applicant's highway consultants identified the only solution was to move the junction several metres to the south. A further revised plan amended the width of the right turn ghost island to 3.2m width from the originally proposed 3m.
- 6.5.3 Other changes include the uncontrolled crossing facility to the north of the site access being amended. Originally, this had a central pedestrian refuge however, due to site constraints, it has not been possible to fit this in. Therefore, the uncontrolled crossing is still shown in the same position as the approved scheme but without the central refuge. On either side of the access the footway width has been reduced to 1.5m for a short length where it ties into the existing footway at the south-west corner of the site.
- 6.5.4 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.5.5 Following the receipt of revised plans, the Highway Authority raises no objection. They consider the alterations will not increase highway safety risks to either vehicles or pedestrians. Based on these comments, it is considered that there would be no justification for refusing the application on highway grounds.

6.6 Ecology

- 6.6.1 An Ecological Appraisal was submitted with the original application and concludes the proposal would have no impact on any of the nearby SSSI's due to lack of connectivity across the intervening landscapes. Four non-statutory designated sites are within 1km of the application site and would not be affected. The site comprises mainly arable habitat bordered in part by a small amount of unimproved grassland. The loss of these habitats would not affect biodiversity locally and to compensate for the loss of some sections of hedgerow, the landscaping scheme can incorporate new species rich native hedgerow planting to enhance habitat corridors. No evidence of potentially suitable habitats for protected, rare or notable species were noted. It is considered that the proposed changes would not have any additional impact on habitats or ecology.

6.7 Flood Risk and Drainage

- 6.7.1 A Flood Risk Assessment and Sustainable Drainage Strategy was submitted with the original application. This did not identify any significant pluvial, groundwater or sewer-based risks. The closest watercourse, the Gilt Brook, is 1.7km away from the site and modelling shows there to be no risk posed to this site. External levels on the site would be arranged to provide routes away from building thresholds to manage any residual risk associated with groundwater, sewer and pluvial sources. A surface water drainage assessment has concluded discharge to the surface water sewer along Main Road is suitable and a restricted discharge to the

surface water sewer along Main Road is proposed. Attenuation will be provided in a pond on the south-eastern side of the site. The report concludes the development represents sustainable development.

- 6.7.2 It is not considered the situation has materially changed since that time and the drainage of the site is dealt with via a condition.

6.8 Other Issues

- 6.8.1 It is acknowledged objections have been received raising concerns on the grounds of development in the Green Belt, traffic and access issues and harm to residential amenity. The recommendation to approve is based on the principle of the development already having been established and it being considered that there are no highway safety issues arising from the proposals which would justify refusal.

- 6.8.2 The conditions will be updated to reflect that a number have been discharged prior to works commencing on site. All other conditions will be repeated.

6.9 Planning Balance

- 6.9.1 The benefits of the development are that without the alterations to the junction layout, a safe and suitable access cannot be provided to the development which is now under construction. There may also be significant delay to the opening of the building. The removal of the pedestrian refuge may be considered a negative amendment however the Highways Authority have assessed the change and consider it will not result in highway or pedestrian safety issues.

7 Conclusion

- 7.1 The proposal seeks an amendment to the previously approved scheme. The principle of development remains acceptable and the impact on the Green Belt, visual impact, residential amenity, flood risk and drainage and ecology issues remain acceptable as before. The changes sought relate to the access and the revised plans illustrate the revised junction and the highway changes would be acceptable and the Highways Authority raise no objection. There is no additional impact on the Green Belt compared to the previously approved development and as a result there is no need to refer this application to the Secretary of State.
- 7.2 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 outweigh this.

Recommendation

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

1.	The development hereby permitted shall be commenced before the expiration of three years from the date of permission reference 18/00176/FUL, namely before 24 th July 2021.
----	--

	<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.	<p>Application for approval of reserved matters in respect of Phase 2 must be made no later than the expiration of five years beginning with the date on which this permission is granted, and the development of Phase 2 must not begin later than five years from the final approval of the reserved matters for Phase 2 or, in the case of approval on different dates, five years from the final approval of the last such matters to be approved.</p> <p><i>Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).</i></p>
3.	<p>Phase 2 of the development hereby permitted shall not be commenced until approval of the details for appearance, layout, landscaping and scale for Phase 2 (the reserved matters) has been obtained from the Local Planning Authority.</p> <p><i>Reason: To enable the Local Planning Authority to control the development in detail and in order that the development is commenced in a timely manner, as set out in Section 92 of the Town and Country Planning Act 1990 (as amended).</i></p>
4.	<p>The development hereby permitted shall be carried out in accordance with drawing numbers:</p> <ul style="list-style-type: none"> • Location Plan • 170926-031-09 Site Layout • 170926-034-02 Layout • 170926-035-01 Roof • 170926-036.03 Elevations 1 of 2 • 170926-037-02 Elevations 2 of 2 • 8232-L-01E Landscaping • 8232-L-02E Landscaping • 8232-L-03E Landscaping • SK01 Rev P3 Access Junction Layout. <p><i>Reason: For the avoidance of doubt.</i></p>
5.	<p>The development shall be carried out in accordance with the materials detailed at page 8 of the Design and Access Statement January 2018.</p> <p><i>Reason: To ensure a satisfactory external appearance in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>

6.	<p>The approved landscaping scheme shall be carried out no later than the first planting season following the substantial completion of Phase 1 or occupation of the building, whichever is the sooner and any trees or plants which within a 5 year period, 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 a satisfactory external appearance and to integrate the development into the surroundings in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>
7.	<p>Prior to the first occupation of the unit, the boundary treatment shall be carried out in compliance with the approved details and shall be retained in this form for the life of the development.</p> <p><i>Reason: No such details were submitted with the application and to ensure a satisfactory form of boundary treatment in accordance with Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Draft Local Plan Part 2.</i></p>
8.	<p>Development shall be carried out in accordance with the full drainage strategy approved 9th July 2019 prior to the first use of the building hereby approved and shall thereafter be so maintained.</p> <p><i>Reason: To ensure adequate justification is provided not to use infiltration as the primary form of drainage in accordance with the aims and objectives of Policy 1 of the Aligned Core Strategy (2014).</i></p>
9.	<p>The hedge protection measures approved 9th July 2019 shall be maintained throughout the construction phase.</p> <p><i>Reason: To ensure adequate protection for retained hedges.</i></p>
10.	<p>Before the development is occupied, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first use of the building hereby approved.</p> <p><i>Reason: In order to ensure a satisfactory external appearance and to protect residential amenity in accordance with Policy 10 of the Aligned Core Strategy (2014).</i></p>
11.	<p>Deliveries by commercial vehicles shall only be made to or from the site between 0700- and 2100-hours Monday to Saturday and</p>

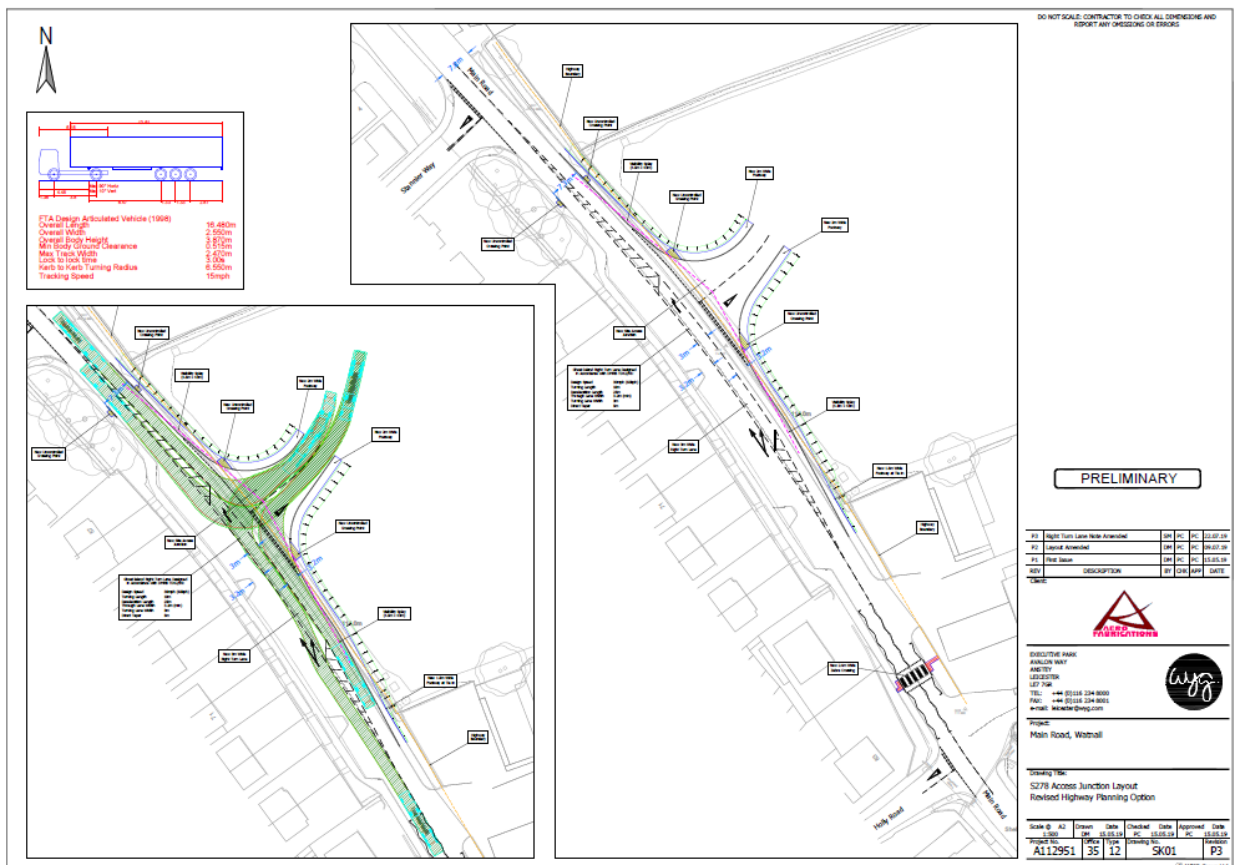
	<p>0900 and 1800 hours on Sundays, Bank Holidays and other public holidays, unless the prior agreement in writing from the Local Planning Authority has been obtained.</p> <p><i>Reason: To protect the residential amenities of nearby residents from excessive delivery noise.</i></p>
12.	<p>The total rating level resulting from the use of any plant, machinery or equipment hereby installed pursuant to this permission, shall not exceed the existing day time or night time background sound levels when measured according to British Standard BS4142:2014 at a point one metre external to the nearest noise sensitive premises.</p> <p><i>Reason: To protect existing residents from excessive plant noise.</i></p>
13.	<p>Development shall be carried out in accordance with the waste audit for the construction phase approved 9th July 2017.</p> <p><i>Reason: In order to reduce waste during the operational phase in accordance with Policy 1 of the Aligned Core Strategy (2014).</i></p>
14.	<p>The building hereby approved shall be first occupied by Aero Fabrications.</p> <p><i>Reason: Permission is granted only due to the very special circumstances of the applicant in accordance with Policy E8 of the Local Plan (2004) and Policy 3 of the Aligned Core Strategy (2014).</i></p>
15.	<p>No part of the development shall be brought in use until the new right turn facility and zebra crossing have been provided on Main Road, as shown on drawing referenced SK01 Rev P3, to the satisfaction of the Local Planning Authority.</p> <p><i>Reason; In the interest of highway safety, to ensure adequate pedestrian and vehicular access is provided to serve the development in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
16.	<p>No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are provided in accordance with the approved plan. The parking/turning/servicing areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.</p> <p><i>Reason: In the interest of highway safety, to ensure adequate parking and turning provision is provided to the proposed development.</i></p>
17.	<p>No part of the development hereby permitted shall be brought into use until the parking/turning/servicing areas are constructed with</p>

	<p>provision to prevent the unregulated discharge of surface water from the parking/turning/servicing areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p><i>Reason; To ensure surface water from the site is not deposited on the public highway causing dangers to road users.</i></p>
18.	<p>The development shall be carried out in accordance with the approved Travel Plan (Document No. 170926-044.01).</p> <p><i>Reason: To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
19.	<p>The travel plan coordinator shall within 6 months of occupation, produce or procure a Detailed Travel Plan that sets out final targets with respect to the number of vehicles using the site and the adoption of measures to reduce single occupancy car travel consistent with the Interim Travel Plan to be approved by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved timetable and be updated consistent with future travel initiatives, including implementation dates, to the satisfaction of the Local Planning Authority.</p> <p><i>Reason; To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
20.	<p>The travel plan coordinator shall submit reports in accordance with the Standard Assessment Methodology (SAM) or similar to be approved and to the Local Planning Authority in accordance with the Travel Plan monitoring periods. The monitoring reports submitted to the Local Planning Authority shall summarise the data collected over the monitoring period and propose revised initiatives and measures where travel plan targets are not being met, including implementation dates, to be approved in writing by the Local Planning Authority.</p> <p><i>Reason: To promote sustainable travel in accordance with Policy 14 of the Aligned Core Strategy (2014).</i></p>
21.	<p>The routing of construction traffic, including proposed construction site access arrangements, shall be carried out in accordance with the details approved 9th July 2019 and no other access points for construction traffic shall be used unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: In the interest of highway safety and to protect the amenity of residential areas.</i></p>

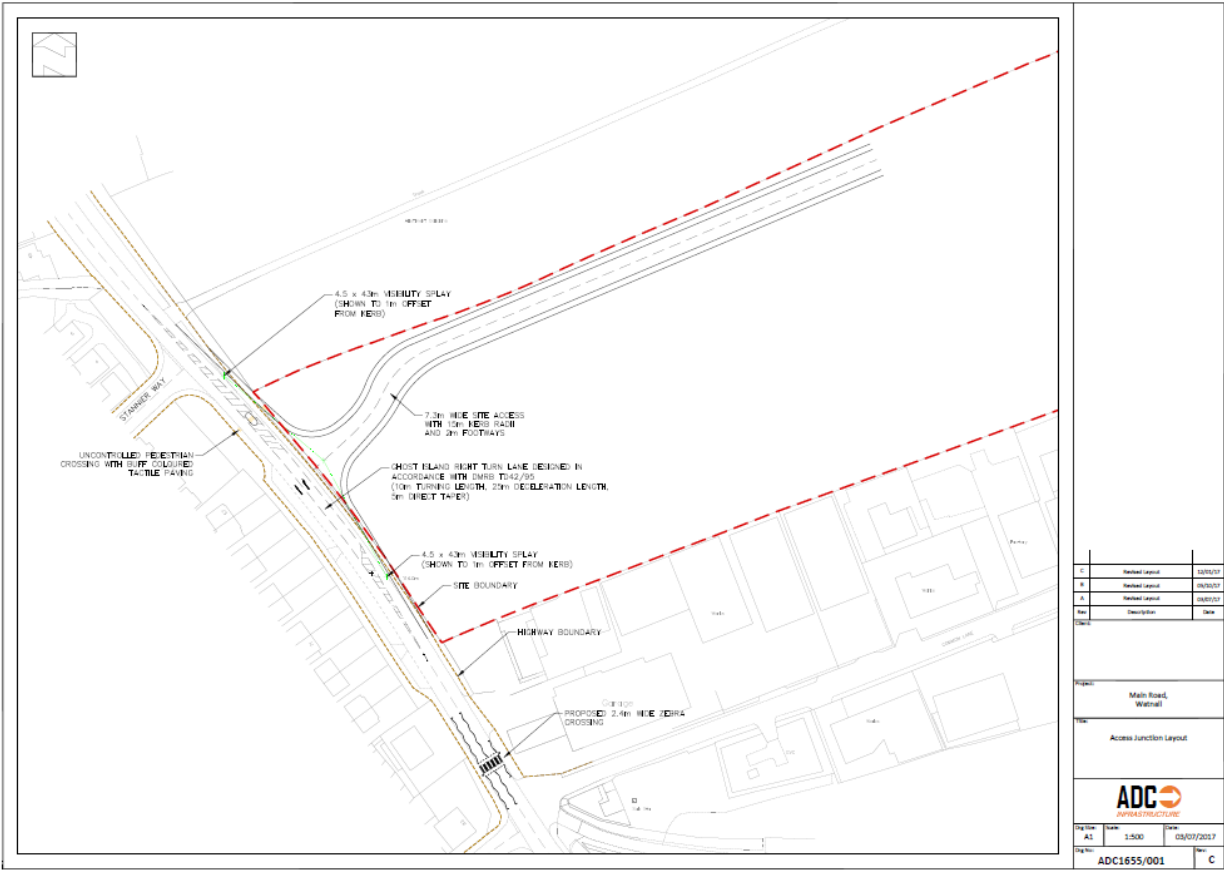
22.	<p>Development shall take place in accordance with the wheel-washing facilities as approved 9th July 2019. These facilities shall be provided prior to development commencing and shall be maintained on site during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.</p> <p><i>Reason: To reduce the possibility of deleterious material (loose stones etc) being deposited on the public highway.</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by securing revised plans where required.</p>
2.	<p>Greasley Footpath 18 abuts the site. This footpath shall not be encroached upon and shall remain open, unobstructed and be kept on its legal alignment at all times. Vehicles shall not be parked on the public right of way or materials unloaded or stored on the public right of way so as to obstruct the path. The safety of the public using the path shall be observed at all times. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Nottinghamshire County Council Rights of Way Team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.</p>
3.	<p>No clearance of vegetation shall be conducted during the bird breeding season (March to August inclusive), except under the guidance of a suitably qualified and experienced ecologist.</p>
4.	<p>The lighting scheme shall take account of Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting in order to ensure the lighting scheme is bat sensitive.</p>
5.	<p>Where possible consideration should be given to the provision of a range of birds and bat boxes across the site. These may be positioned on suitable retained trees or on new buildings.</p>
6.	<p>In order to carry out the off-site works required, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. Please contact the County Highway Authority for details.</p>



Plans showing amended access location



Position of originally approved access:



This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00418/FUL
LOCATION:	GREASLEY CASTLE FARM, 120 CHURCH ROAD, GREASLEY, NOTTINGHAMSHIRE, NG16 2AB
PROPOSAL:	CHANGE OF USE FROM AGRICULTURAL FIELD TO RECREATIONAL FIELD, RETAIN 3 BUILDINGS AND ERECT ADDITIONAL BUILDING.

The application is brought to the Committee as requested by Cllr M Handley

1 Executive Summary

- 1.1 This application seeks permission to change the use of the site from agricultural to outdoor recreation for use for an archery club. The application also seeks permission to retain the two portacabins and a storage container already positioned at the site, and to erect a fourth building to be used for an accessible toilet. The existing portacabins are used for toilet facilities and a meeting room for the archery club.
- 1.2 The application site is located in the Green Belt. The change of use to outdoor sport and recreation is appropriate development in the Green Belt, and appropriate facilities for outdoor sport and recreation are also appropriate development. Therefore, the proposal is considered to be appropriate development in the Green Belt.
- 1.3 The structures are relatively low in terms of height, positioned close to the north west boundary of the site which is made up of mature hedgerow and are painted green. The buildings are therefore not overly prominent and not considered to be harmful to the character of the area.
- 1.4 There are a number of Grade II Listed Buildings to the north of the site. It is considered that these heritage assets are a sufficient distance from the application site to ensure that the proposal will not have a harmful impact on their character and setting.
- 1.5 Overall, the proposal is appropriate development in the Green Belt, will have no impact on neighbouring amenity and will not harm that character of the surrounding area. It is therefore recommended that planning permission is granted in accordance with the resolution contained in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 This application seeks permission to change the use of the land from agricultural to recreational use and to retain 3 buildings on the site and erect an additional building. The recreational use proposed is an archery field to host the Greasley Castle Archers Club. The buildings to be retained include 2 portacabins, used for toilets and a meeting room, and a container for the storage of equipment in accordance with the use of the site. The building to be erected will be an accessible toilet, which will be a relatively small addition to the south west side of the existing buildings.

2 Site and surroundings

- 2.1 The application site consists of two fields, each with separate access points, although there is a direct access between the two fields. The larger field where the buildings are sited will be used as the main club field for use for the targets. The second field will principally be used for parking.
- 2.2 The application site is located within the Nottinghamshire Green Belt and surrounded by open fields. The access to the site is from Church Road via the existing access to Greasley Castle Farm.
- 2.3 The application site lies in relatively close proximity to the remains of Greasley Castle, Greasley Castle Farmhouse, the Font in the grounds of 120 Church Road, The Church of St Marys and The Sexton's House, which are all Grade II Listed Buildings. These heritage assets are all located to the north of the application site.

3 Relevant Planning History

- 3.1 There is no relevant planning history for the application 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 10: Design and Enhancing Local Identity
- Policy 11: Historic Environment

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

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

- Policy E8: Development in the Green Belt
- Policy E14: Mature Landscape Areas

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 been examined, with the Inspector's report imminently expected. 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, 23 and 30 but has suggested changes to other policies, including Policy 8. 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, 23 and 30 can now be afforded moderate weight, with Policy 8 being afforded limited weight.

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity
- Policy 23: Proposals affecting designated and non-designated heritage assets.
- Policy 30: Landscape

4.4 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting the Green Belt.

5 Consultations

5.1 Council's Conservation Adviser:

The site is sufficiently separated from the protected sites and buildings to not have an adverse impact on the setting. Although the structures are not ideal, they are relatively low in height and well masked by the mature hedgerows along the boundaries. It is not considered the setting of the above would be adversely affected by the proposals.

5.2 Highways Authority

No objection subject to condition requiring the access from Church Road to be brought up to a standard for the additional use in terms of hard surfacing and a suitable drainage channel.

5.3 There are no neighbouring properties directly adjoining the application site. A site notice was posted outside the access to the site on Church Road on 21 August and no responses from any members of the public have been 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 proposal and whether or not it has any impact on the nearby Listed Buildings.

6.2 **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. Paragraphs 145 and 146 identify a range of exceptions to inappropriate development, one of which is the material change of use of land (such as for outdoor recreation). Another exception is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 6.2.2 The proposed change of use of the land is to use for outdoor recreation and therefore would not be inappropriate development. The two portacabins and container on the site are used in accordance with the outdoor recreation use. The portacabins provide toilet and refreshment facilities which are essential for the running of the club, as the accessible toilet will also be. The container is used for the storage of equipment such as the targets and ride-on lawnmower. Due to the scale and position of the buildings, provided they are retained on a temporary basis, it is considered that openness will be preserved and the development will not conflict with the purpose of including land in the Green Belt. It is therefore considered that the buildings are appropriate facilities for outdoor recreation and would therefore not constitute inappropriate development in the Green Belt, subject to a condition requiring removal after five years.

- 6.2.3 Overall, it is considered that in accordance with paragraphs 145 and 146 of the NPPF that the proposal would not be inappropriate development in the Green Belt.

6.3 **Heritage**

- 6.3.1 The Conservation Adviser has not raised any objections to the proposal. The site is sufficiently separated from the Listed Buildings to the north and the development will not have an adverse impact on their setting. The structures are relatively low in height and well masked by the mature hedgerows along the boundaries. It is therefore considered that the proposal will not have an unacceptable impact on the heritage assets.

6.4 **Design and Appearance**

- 6.4.1 The portacabins and container are relatively low in height and small scale buildings. They are positioned close to the north boundary of the site which is made up of a mature hedgerow which has a similar overall height to the buildings. Whilst the design of the buildings is basic, taking into account their small scale and position in the site, it is not considered they are harmful to the character of the area. Furthermore, they are dark green in colour which ensures they are not

overly prominent in the surrounding area. Taking into account the location of the site, the buildings are not prominent from the public realm or from the nearest main road which is Church Road to the east of the site.

6.4.2 Whilst the application site is within a Mature Landscape Area, it is considered that the size and siting of the buildings minimises the harm of the buildings to the Mature Landscape Area. The buildings are of a temporary nature and therefore would not have a permanent impact on the Mature Landscape Area should the use of the site cease in the future.

6.4.3 Due to the location of the buildings in the Green Belt, it is considered appropriate to condition that permission for the buildings only is granted for a period of 5 years, and at that time the buildings are to be removed or the applicant can re-apply for permission or apply separately for small scale permanent buildings to replace the portacabins.

6.4.4 Overall, it is considered that a satisfactory standard of design has been achieved.

6.5 Access

6.5.1 The application site will be accessed from Church Road where there is an existing access to Greasley Church Farm. The access is considered acceptable subject to a condition to ensure that it is resurfaced in a bound material with provision made to ensure that surface water does not drain onto the public highway. The applicant has stated that the fields will generally not be used by the club between September and the start of April and has therefore requested if they could have this time to surface the access, which is considered acceptable.

7 Planning Balance

7.1 The benefits of the proposal are that it is compliant with Green Belt policy, making use of open land for a sports club that is open to members of the local community. Whilst the buildings are not of any great design merit, they are relatively small and positioned close to the mature boundary to ensure they are not overly prominent.

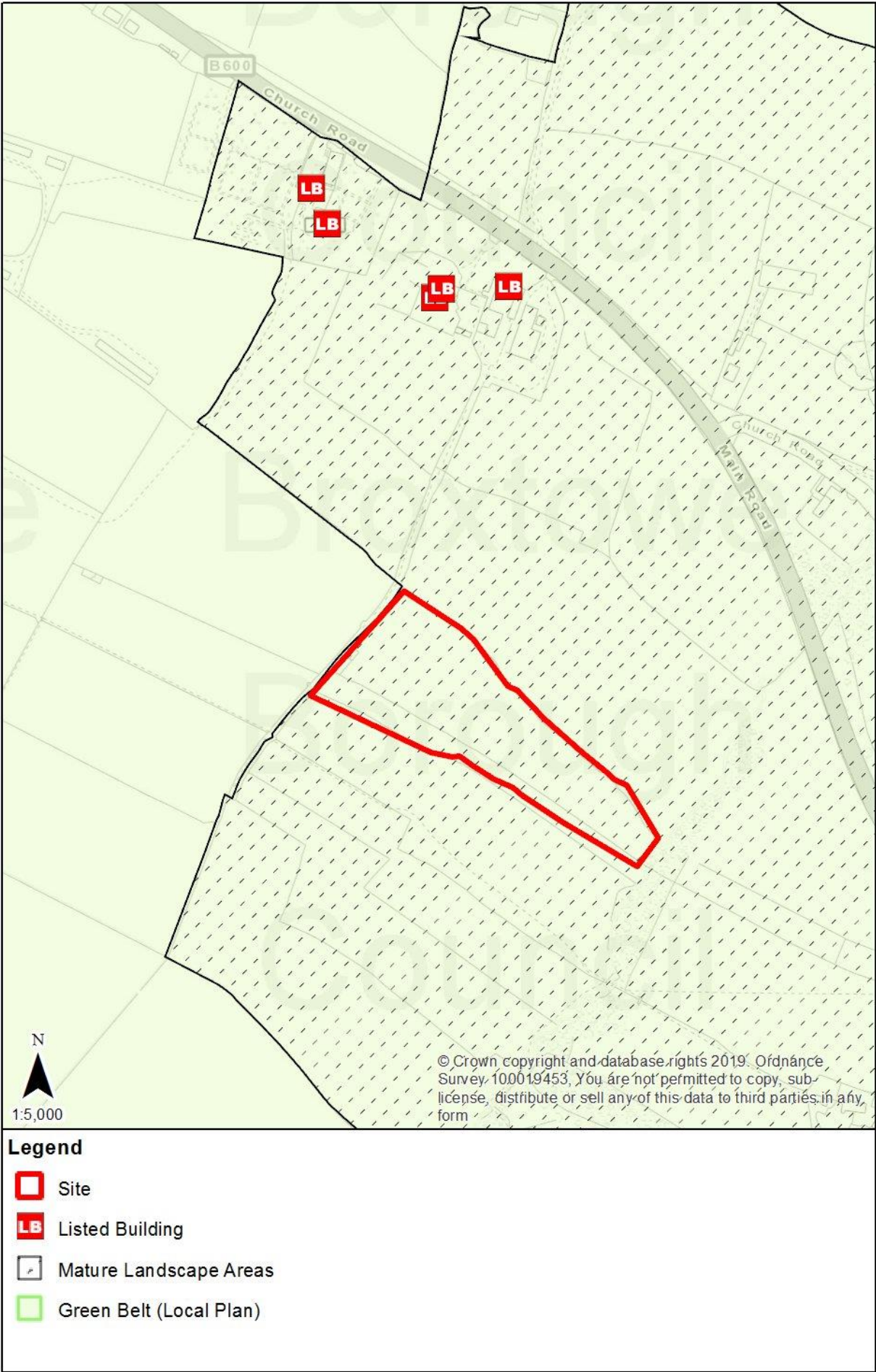
7.2 On balance, it is considered that the benefits of the proposal outweigh any potential harm caused.

8 Conclusion

8.1 To conclude, it is considered that the proposal would be appropriate development in the Green Belt, would not be harmful to the character of the area or have a negative impact on the nearby Listed Buildings. It is therefore considered that the scheme is acceptable and planning permission should be granted.

<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 retained and carried out in accordance with the drawings numbered GAC007 Rev A (1:50), GAC006 Rev A (1:50), GAC005 Rev A (1:50), GCA-001Rev A (1:1000), GCA-002 Rev A (1:500), GAC005 (1:50), GCA-003 Rev A (1:200); received by the Local Planning Authority on 25 July and 2 August 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
2.	<p>Within 6 months of the date of decision, a written scheme for highway improvement works to the Church Road access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of hard surfacing and a timescale for carrying out the works. The access shall be maintained in accordance with the approved scheme for the lifetime of the development.</p> <p><i>Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and to ensure surface water from the site is not deposited on the public highway causing dangers to road users.</i></p>
3.	<p>The permission for the 4 buildings hereby approved shall be for a limited period of 5 years expiring on 10th October 2024 when the building works carried out under this permission shall be removed and the land reinstated to the satisfaction of the Local Planning Authority unless prior permission has been obtained in writing from the Local Planning Authority for their retention.</p> <p><i>Reason: The buildings by virtue of their construction and appearance are not suitable for permanent retention.</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 eight week determination timescale.
2.	<p>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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>

3.	The development makes it necessary to improve the vehicular crossing over a verge 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
----	--



Photographs



3 buildings to be retained.



North west boundary of the site.



Photograph taken looking to the south east of the site.



Access to main field.



Access to second field.



Access from Church Road.

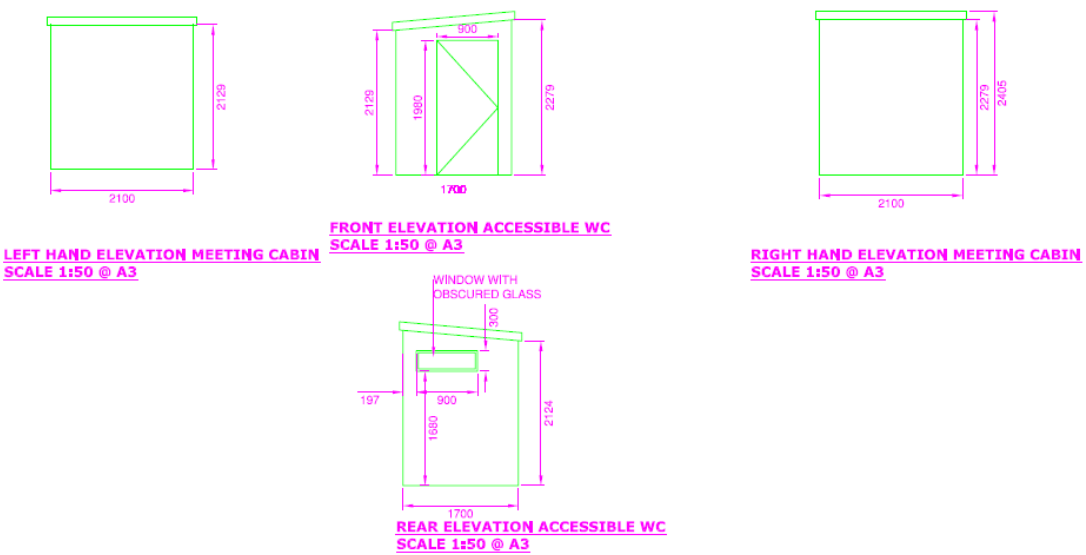
Plans (not to scale)



Site plan with access from Church Road



Site plan



Elevation plans of building for accessible toilet

This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00503/FUL
LOCATION:	DURBAN HOUSE HERITAGE CENTRE, MANSFIELD ROAD, EASTWOOD, NG16 3DZ
PROPOSAL:	CHANGE OF USE FROM SPA AND BEAUTY SALON TO SCHOOL (CLASS D1)

The application is brought to the Committee as the Council is the owner of the site.

1 Executive Summary

- 1.1 The application seeks permission to change the use of Durban House to a school (Class D1). No external alterations are proposed as part of this application. The building has most recently been used as a spa and beauty salon following the granting of planning permission in 2016. The building has been vacant since September 2018.
- 1.2 The supporting information with the application states that the building would be used by Jubilee House Christian School, a small independent school. Approximately 80 students and 10 staff would access the site on a week day.
- 1.3 The benefits of the development would be bringing a vacant building back into use and national planning policy is clear that a positive approach must be taken to widening choice in education and great weight given to the need for schools to alter and expand. The development will result in some additional disturbance and traffic compared to the current vacant building but it is considered that this would not be significant compared to previous uses of the building and would be clearly outweighed by the benefits of the scheme.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to conditions outlined in the appendix.

APPENDIX 1

1 Details of the Application

- 1.1 The application seeks permission to change the use of the building and site from a spa and beauty salon to a school (Class D1). No external changes are proposed and the application relates solely to the change of use. The supporting information with the application states that the building would be used by Jubilee House Christian School, a small independent school. Approximately 80 students and 10 staff would access the site on a week day. The vehicle access point would be from Greenhills Road and the main pedestrian access would be from Mansfield Road. There would be a playground area along the southern and eastern parts of the site. It is proposed that the school will be open for pupils during the week between 9:15 and 15:30.

2 Site and surroundings

- 2.1 The site is located within the built up area of Eastwood on the corner of Mansfield Road and Greenhills Road and lies a short walk from the town centre to the south-east.
- 2.2 The site measures approximately 0.39 hectares in area and contains a building which sits off centre within the site with its main façade and entrance facing Mansfield Road. The building is a large, hipped roof, detached property built in 1896 and contains a first floor, ground floor and partial lower floor, which takes advantage of the changing ground levels.
- 2.3 Prior to closure the building was used as a day spa and beauty salon. Prior to this use, the building was used as both a D H Lawrence heritage centre and as a training centre and included a museum, art gallery, gift shop, training/conference facility, bistro and was a licensed civil wedding venue.
- 2.4 It is surrounded on two sides by Greenhills Park, with residential development across Greenhills Road and Mansfield Road opposite the site. Immediately to the east there is also an Army Cadet Centre. The site slopes down from the southern boundary towards Greenhills Road. The western and northern boundaries have a stone wall with pillars and black iron gates to the entrance/exits. The southern and eastern boundaries with the park consist of black iron railings. Hall Park Academy lies to the south west of the site.
- 2.5 There are a number of mature trees and landscaping areas within the site which provide some screening of the building and a green setting.

3 Relevant Planning History

- 3.1 Planning permission was granted in 1996 (96/00408/REG3) to change the use of the building to a heritage and training centre with cafeteria.

- 3.2 Planning permission was granted in 2016 (16/00720/FUL) to change the use of the building from a heritage centre to a day spa, beauty salon and tea room.

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 10 – Design and Enhancing Local Identity
- Policy 12 – Local Services and Healthy Lifestyles
- Policy 14 - Managing Travel Demand
- Policy 16 - Green Infrastructure, Parks and Open Spaces

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

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

- Policy T11 – Guidance for Parking Provision
- Policy RC2 – Community and Education Facilities.

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 been examined, with the Inspector's report imminently expected. 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. Whilst this is not the Inspector's final report, and the examination into the local plan has not been concluded, it does mean that this policy can now be afforded moderate weight.

- 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 8 – Promoting healthy and safe communities.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.

5 Consultations

- 5.1 The **Council's Estates Officer** has no objection.

- 5.2 Nottinghamshire County Council as **Highways Authority** requested additional information regarding the access and parking arrangements. Following the submission of additional information, the Highways Authority has no objection subject to the parking, turning and servicing areas being surfaced in a bound

material. As this is already the case, it is considered not necessary to include a condition. They also highlight that a Traffic Regulation Order (TRO) will be required for "School Keep Clear" markings fronting the site.

- 5.3 14 properties were consulted and a site notice was displayed. Four responses have been received. One response states no objection, one states support for the proposal provided the Mansfield Road access is not used due to concerns regarding highway safety and two state concerns that the building is not suitable to be used as a school, that there would not be sufficient playground space and the road is too busy to have drop off points, will cause parking issues for existing residents and it will be dangerous for pedestrians. They also refer to the building having damp which may result in health issues.

6 Assessment

- 6.1 The main issues for consideration relate to whether the principle of the change of use is acceptable, whether it would result in an unacceptable loss of amenity to any residential properties in close vicinity to the site and if suitable parking and access arrangements can be provided.

6.2 **Principle**

- 6.2.1 The building has been vacant since September 2019 but has most recently been used as a spa and beauty salon. Prior to this, the building was used as a heritage centre in association with D H Lawrence but this was closed in April 2016.
- 6.2.2 The proposed use is a school and the supporting information included with the application states that the site would be used by Jubilee House Christian School, a small independent school which currently also has a school in Newthorpe.
- 6.2.3 The NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and should give great weight to development that will widen choice in education. It is considered that the change of use of the site into a school should therefore be viewed as an appropriate use in principle as it would provide additional education provision. There is also space around the building to be used as outdoor space and it is considered that the building is suitable for adaption into a school taking into consideration the previous uses of the building. It will also secure a long term use of the building which has now been vacant for over a year. It is considered that there would be no justification for protecting the current beauty salon use of the building. With regards to damp in the building, this is not a consideration for this application and could be resolved through internal works.
- 6.2.4 Policy 12 of the Core Strategy states that new community facilities, which includes those used for education, should be located within town centres wherever appropriate or in locations accessible by a range of sustainable transport modes. The site is within walking distance of Eastwood town centre and accessible from bus services along Mansfield Road and Nottingham Road. There will also be parking facilities and a 'drop-off' space within the site to reduce the

potential impact of on-street parking. The applicant has also submitted additional information showing that the vehicle access would be from Greenhills Road and the pedestrian access would primarily be from Mansfield Road. The Highways Authority has raised no objection to the proposed arrangements.

- 6.2.5 There are no external alterations proposed to the building at this time and any future changes would need to be subject to a separate planning application.

6.3 **Amenity**

- 6.3.1 Greenhills Park lies to the south and east of the site and provides a significant buffer to the residential properties beyond. To the north and west there are residential properties separated from the site by Greenhills Road and Mansfield Road. There may be some noise from the school, particularly during break time periods, but this would be during the day and would be at a level which would be associated with such a use which is common use within residential areas. There may also be a small level of disturbance during the start and end of school but this would be only for a short period and again would only be at a level expected from a school use. Whilst there was a condition controlling the hours of operation for the previous use, it is considered that this would not be necessary for a school which will operate during the day.

7 **Planning Balance**

- 7.1 The benefits of the development would be bringing a vacant building back into use and national planning policy is clear that a positive approach should be taken to widening choice in education and should give great weight to the need for schools to alter and expand. The development will result in some additional disturbance and traffic compared to the current vacant use but it is considered that this would not be significant compared to previous uses of the building and would be clearly outweighed by the benefits of the scheme.

8 **Conclusion**

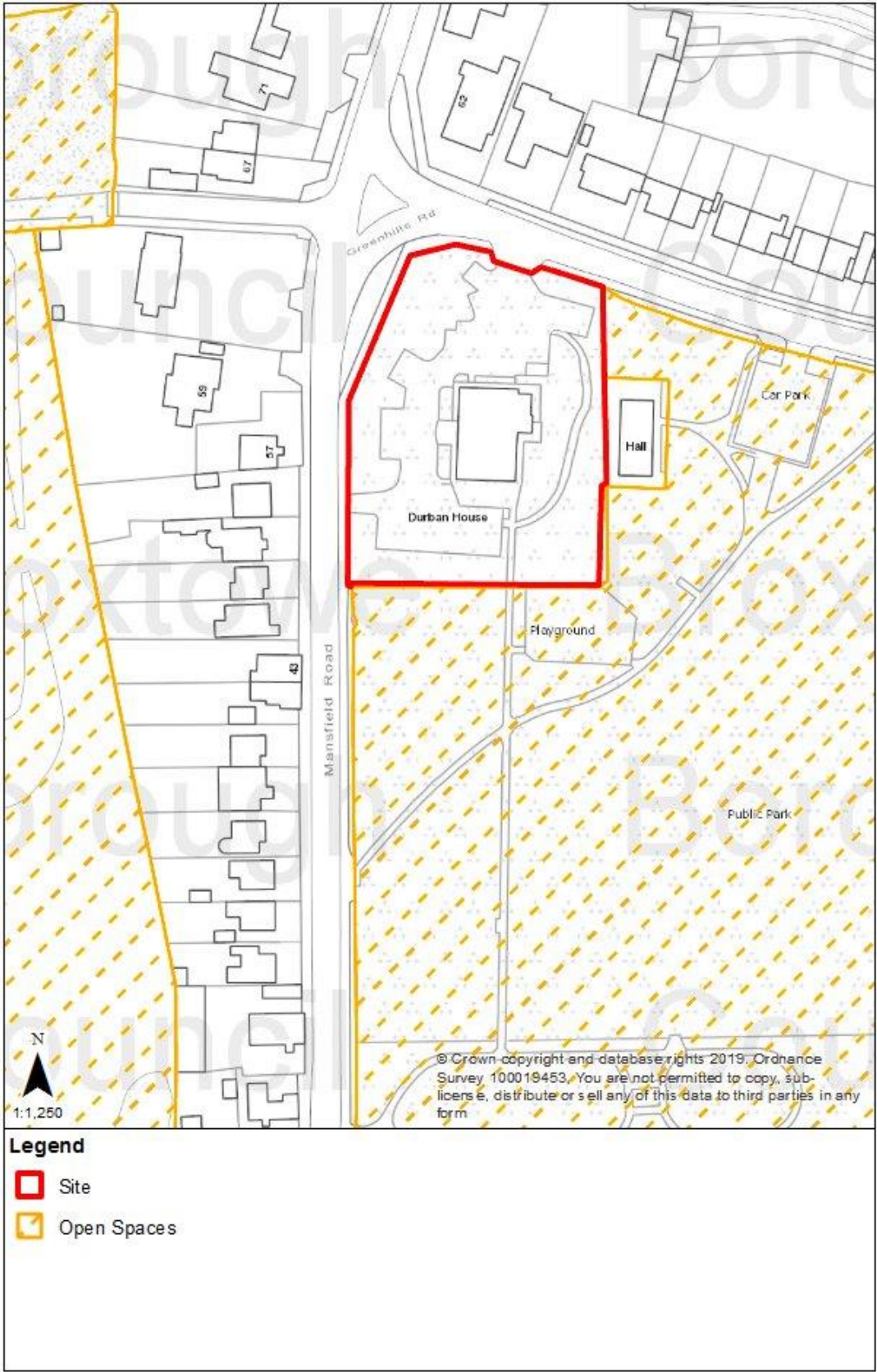
- 8.1 It is considered that the principle of the change of use to a school would be acceptable. The site is within an accessible location, close to Eastwood town centre, and would bring a vacant building back into use.

Recommendation

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 and Block Plan received by the Local Planning Authority on 6 August 2019, the proposed Basement, Ground Floor and First Floor Layout Plans received by the Local Planning Authority on 13 August 2019 and the Site Layout Plan received by the Local Planning Authority on 11 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.</p>
2.	<p>The planning permission relates only to the change of use. Any external alterations to the building or to the site may require separate planning permission.</p>
3.	<p>The proposal makes it necessary to provide "School Keep Clear" markings fronting the site. This will require a Traffic Regulation Order. You are required to contact the County Council's Customer Services team to liaise with Highway Improvement team to arrange for these works to be carried out on telephone 0300 500 80 80.</p>



Photographs

Front elevation



North side elevation



South side elevation



Access on Greenhills Road

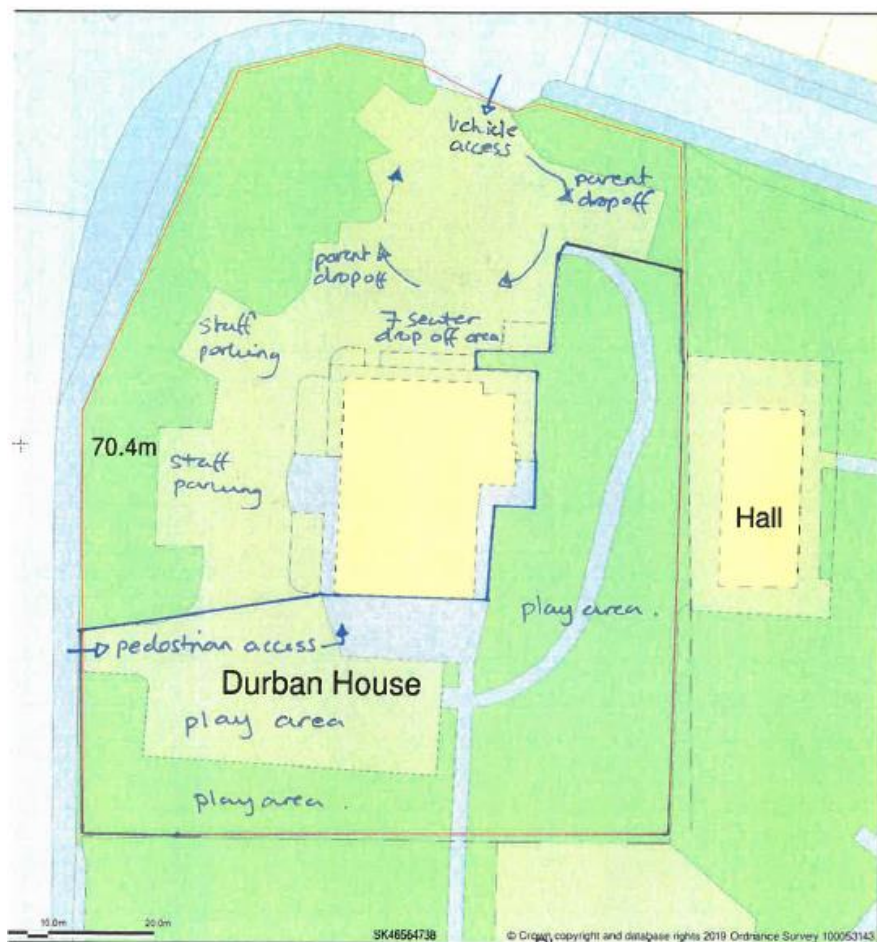
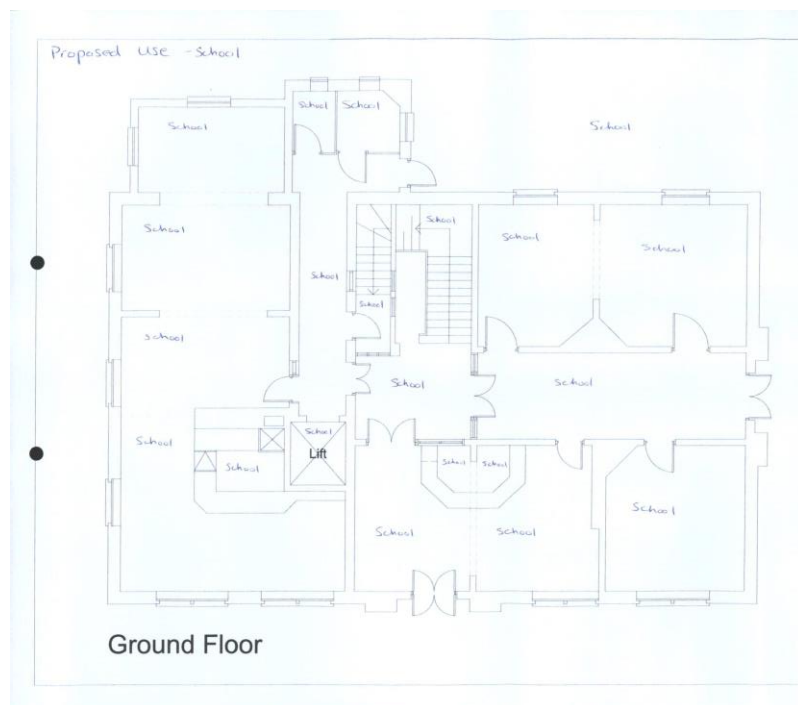


Mansfield Road



Access from Mansfield Road



Plans (not to scale)

area bounded by: 446515.96, 347342.4, 446905.96, 347432.4 (at a scale of 1:500). OSGridRef: SK46564738. The representation of a road, track or path is no evidence of a right of way or of features as lines is no evidence of a property boundary.

Jul 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the Ordnance Survey. © Crown copyright 2019. Supplied by www.buyaplan.co.uk a licensed Ordnance Survey partner (100053143). Unique plan reference: #00641735-2019/CPD

and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. Buy A Plan logo, pdf design and the www.buyaplan.co.uk website are trademarks of Buy A Plan Ltd 2019

This page is intentionally left blank

Report of the Chief Executive

APPLICATION NUMBER:	19/00477/REG3
LOCATION:	MUSHROOM FARM COURT, MEDOWBANK WAY, EASTWOOD, NOTTINGHAMSHIRE
PROPOSAL:	CONSTRUCT 3 INDUSTRIAL UNITS (CLASS B2)

The application is brought to the Committee as it is a Broxtowe Borough Council application.

1 Executive Summary

- 1.1 The application is for the construction of 3 new industrial units on the existing industrial park which currently has 7 units. The scheme has been scaled down from the original proposal to construct 4 new units on the site.
- 1.2 The site is in existing industrial use and is surrounded by other commercial uses. It is not in close proximity to any residential dwellings and therefore does not raise concerns in respect of its impact on amenity. The design and appearance of the new units is in keeping with the character of the area and will not be harmful to the street scene.
- 1.3 The proposal makes sufficient provision for car parking spaces for the existing and new units and the Highways Authority raises no objection.
- 1.4 The proposal makes efficient use of brownfield land and will provide employment and economic opportunities to the local area. It is therefore recommended that planning permission is granted in accordance with the resolution contained in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to construct 3 new industrial units at the existing industrial park, Mushroom Farm Court. The application has been amended from the original application which proposed 4 new industrial units and a re-consultation for the amended scheme has been carried out.
- 1.2 Two of the proposed new units (Unit 9 and 10) will be positioned in the south west corner of the site, opposite the existing Units 1 – 3. The third unit (Unit 8) will adjoin Unit 3 on the north side of the site.
- 1.3 Units 9 and 10 will have similar floor areas to the existing units on the site, whilst Unit 8 will be wider than the existing units, albeit with the same depth. The proposed units are designed to match the height and style of the existing units on the site.

2 Site and surroundings

- 2.1 Mushroom Farm Court is an existing industrial park located at the end of Meadowbank Way on the outskirts of Eastwood. The industrial park currently has 7 units on the site, each of which has a floor space of approximately 80m².
- 2.2 The application site adjoins open fields to the north and other commercial/industrial uses to the south including the Warburtons factory and the Greene King warehouse. The A610 runs to the west of the site which is accessed directly off Meadowbank Way and close to the Langley Mill Interchange off the A610.
- 2.3 To the north of the site is Nether Green Brook, which is a Local Wildlife Site and Biological Site of Importance for Nature Conservation (BIOSINC).

3 Relevant Planning History

- 3.1 The existing units on the site were granted planning permission (96/00407/REG3) in September 1996. There is no further relevant planning permission 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 2: The Spatial Strategy
- Policy 4: Employment Provision and Economic Development
- 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. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved.

- Policy E16 Site of Importance for Nature Conservation
- Policy EM3: Expansion/Redevelopment of Existing Employment Premises

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 been examined, with the Inspector's report imminently expected. 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 9. 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 9 being afforded limited weight.

- Policy 1: Flood Risk
- Policy 9: Retention of good quality existing employment sites
- 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.
- Section 14 – Meeting the challenge of climate change, flooding and coastal change

5 Consultations

5.1 **Council's Environmental Health Officer:**

No objection raised subject to a contaminated land condition.

5.2 **Highway Authority:**

No objection raised subject to condition requiring the parking and turning areas to be surfaced in bound material and parking bays to be clearly delineated.

5.3 Nine properties either adjoining or opposite the site were consulted. Four responses were received to the original plans, 3 of which raised objection to the proposal. The reasons stated for the objections can be summarised as follows:

- Traffic generation and parking problems.
- There needs to be room for lorries to access the site and turn.

- Security concerns as new buildings will block CCTV and security lights.
- 5.3.1 Five responses have been received to the re-consultation on the amended plans. One raises no objection and one objects on the following grounds:
- Walkways to the front of the existing units removed.
 - Parking spaces too small for vans.
 - No additional spaces for visitor and disabled parking.
 - It will be difficult for lorries to manoeuvre in the yard.
 - The proposed units 9 and 10 will block out the lighting and CCTV from Warburtons which is a deterrent for crime.

6 Assessment

- 6.1 The main issues for consideration are the principle of development, design and appearance of the development, any potential impact on highway safety and the flood risk.

6.2 **Principle**

- 6.2.1 The proposed development is for 3 new industrial units within an existing industrial park. The surrounding uses are all commercial and therefore the proposal does not raise any concerns regarding neighbouring amenity either in terms of the built form of the development or the proposed industrial use. The application site is physically able to withstand the development whilst retaining an acceptable separation distance between the existing units and the proposed units. The proposed development makes efficient use of brownfield land and will provide economic and employment benefits to the surrounding area. Whilst there is a Local Wildlife Site and BIOSINC to the north of the site, taking into account the fact that all of the proposed development is within the existing industrial site, it is not considered that the proposal will have an unacceptable impact on this. Overall, it is considered that the principle of the development on the site is acceptable.

6.3 **Design and Appearance**

- 6.3.1 The design of the proposed units will reflect that of the existing units on the site. The application site is within an area that is characterised by large commercial buildings and therefore the proposal is not out of keeping with the character of the surrounding area. The application site is of a sufficient size to withstand the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area.
- 6.3.2 The application site is positioned to the end of Meadowbank Way, with the only passing traffic likely to be those accessing the neighbouring commercial units. The proposal is therefore not considered to be harmful to the street scene.
- 6.3.3 No details regarding materials have been included on the plans provided and it is therefore considered appropriate to condition that the units are constructed using materials to match the existing units on the site.

6.4 Access

- 6.4.1 The Highways Authority raises no objection to the proposal. Each existing and proposed unit will have at least 2 spaces, whilst the larger Unit 8 will have 3 parking spaces, which is in accordance with the Highways Authority parking standards. It is therefore considered that the proposal will not have an unacceptable impact on parking provision either within the site or on the wider highways network.
- 6.4.2 The use class of the new units will be B2 (General Industrial), which is the same as the existing units on the site. As such, it is not likely that the new units will result in a significant increase of vehicular movements above what is already experienced at the site. Taking the industrial use of the site into account, it is noted that lorries are required to access the site. The separation distance between the parking bays at Units 1-3 and 9-10 is 6.5m wide, enabling a lorry to reverse into this space to make deliveries to these units.
- 6.4.3 Overall it is considered that the proposal will offer sufficient parking and access provisions and therefore will not have an unacceptable impact on highway safety.

6.5 Flood Risk

- 6.5.1 The application site is located partly within Flood Zone 2, whereby the annual probability of fluvial flooding is classified as between a 1 in 100 and 1 in 1000 year probability of river flooding. In line with the NPPF, Section 14, any application for new development within Flood Zone 2 should be subject to a sequential test to determine if there are any other reasonable available sites of equivalent size in Flood Zone 1 where the probability of flooding is lower. The Flood Risk Assessment states that a sequential test has been carried out and there are no other sites considered 'reasonably available' within a lower flood zone. The proposed development is relatively small scale relative to its industrial use and any other available sites would likely be too large for such a development. The proposal is facilitated by the fact that there is adequate space within an existing site to construct the new industrial units. It is therefore accepted that the proposed site is the most suitable for the development and no other more suitable sites can be identified in a lower flood zone.
- 6.5.2 The applicant notes that measures will be taken on site to mitigate any potential impacts of flooding. Power sockets will be located at a height of 450mm above the finished floor level and all surface water run-off will be directed into existing soakaways on site and comply with building regulations. Escape routes are also provided to the rear or side elevation of each unit.

7 Planning Balance

- 7.1 The benefits of the proposal are that it would create jobs, utilise an existing industrial area and make more efficient use of a brownfield site. It would not have a negative impact on the character of the area, which is also industrial, and would be away from residential properties.

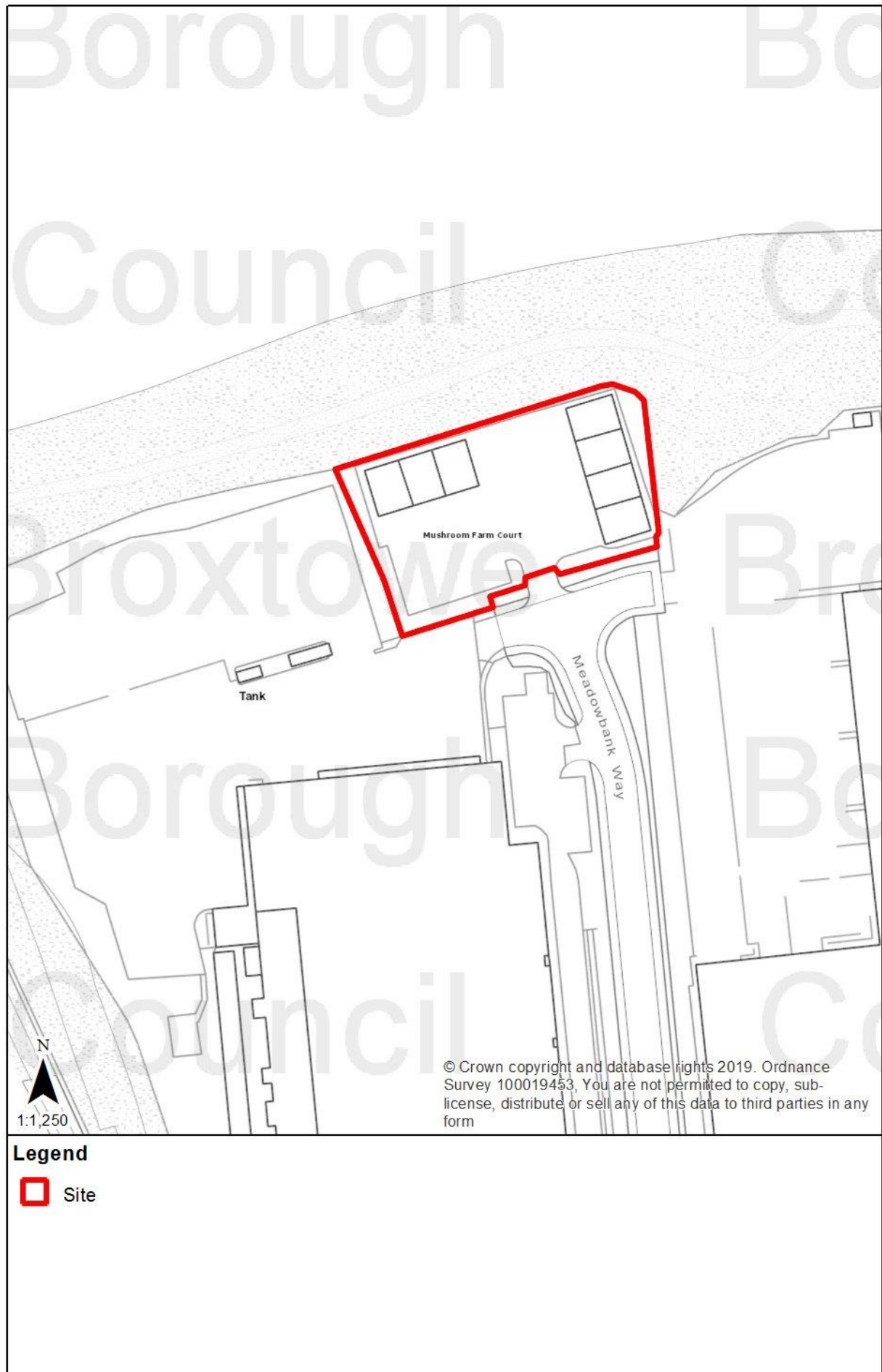
- 7.2 Whist the development will result in a more intensive use of the site and create some additional vehicle movements it is considered that the site is of a size that can withstand the scale of development proposed and adequate parking provision is made for the increase in vehicles at the site.

8 Conclusion

- 8.1 To conclude, it is considered that the proposal is in keeping with the character of the area and makes efficient use of brownfield land. It is therefore considered that the scheme is acceptable and planning permission should be granted.

<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 drawings numbered CW20:008:001 (1:1250), CW20:008:003 REV.A (1:500), CW20.008.004 REV.A (1:100), CW20.008.006 REV.A (1:100), CW20.008.005 REV.A (1:100); received by the Local Planning Authority on 26 July and 5 September 2019.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>The development hereby approved shall be constructed using materials to match the existing units on the application site.</p> <p><i>Reason: To ensure a satisfactory standard of appearance is achieved in accordance with Broxtowe Aligned Core Strategy (2014) Policy 10.</i></p>
4.	<p>No part of the development hereby approved shall be commenced until details of appropriate gas prevention measures have been submitted to and approved in writing by the local planning authority. No building to be completed pursuant to this permission shall be occupied or brought into use until:</p> <p>i) all appropriate measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>ii) it has been certified to the satisfaction of the local planning</p>

	<p>authority that necessary remedial measures have been implemented in full.</p> <p><i>Reason: In the interest of public health and safety.</i></p>
5.	<p>The 3 additional industrial units hereby permitted shall not be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number CW20:008:003 REV A. The parking, turning and servicing 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, turning and loading and unloading of vehicles.</p> <p><i>Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.</i></p>
	NOTES TO APPLICANT
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 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.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>



Photographs



Existing Units 1-3



Proposed position of Unit 8

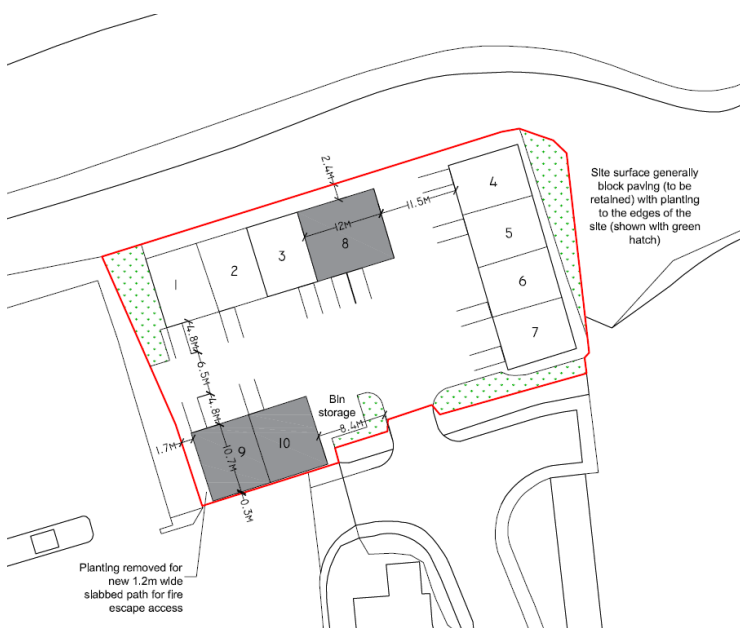


Proposed position of Units 9 and 10 (looking south west)

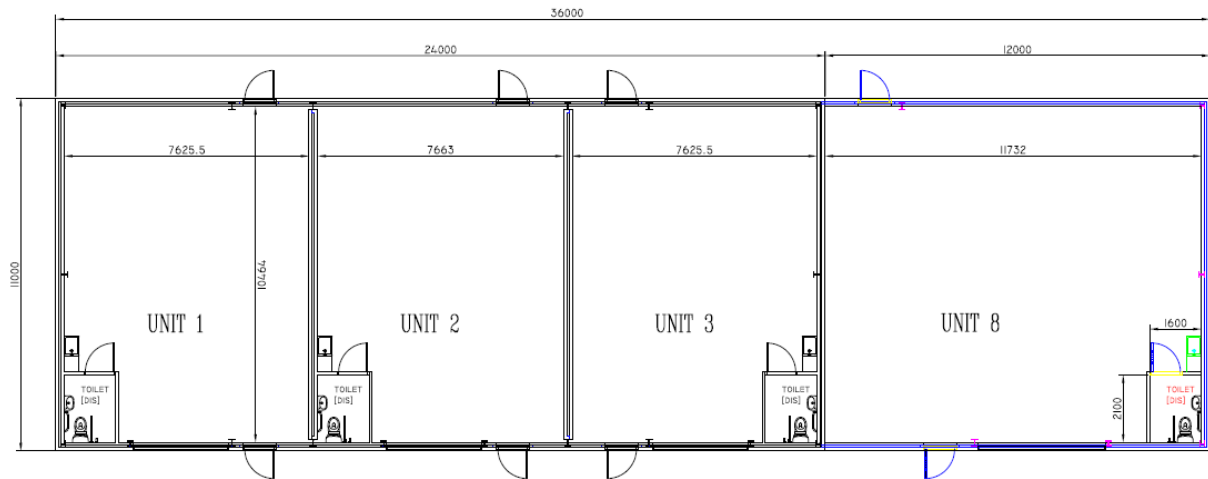


Proposed position of Units 9 and 10 (looking south)

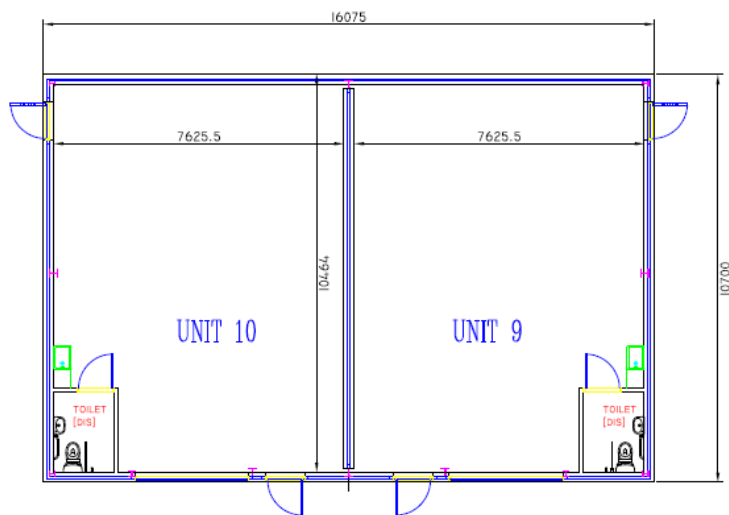
Plans (not to scale)



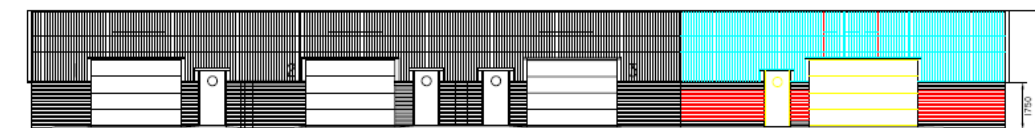
Proposed Block Plan



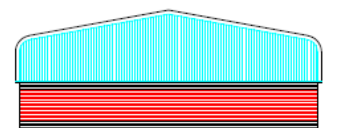
UNIT 1-3&8 PROPOSED GROUND FLOOR PLAN 1:100



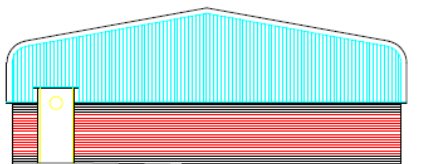
UNIT 9-10 PROPOSED GROUND FLOOR PLAN 1:100



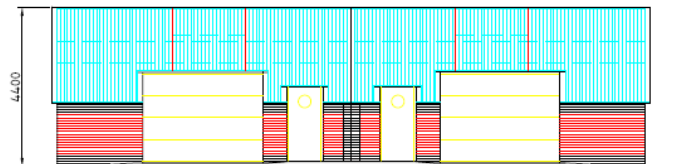
BLOCK 1-3&8 PROPOSED SOUTH ELEVATION 1:100



BLOCK 1-3&8 PROPOSED EAST ELEVATION 1:100



PROPOSED EAST ELEVATION 1:100



PROPOSED NORTH ELEVATION 1:100

Units 9 and 10 proposed front and side elevations

Report of the Chief Executive

19/00054/ENF

UNAUTHORISED DEVELOPMENT

235 DERBY ROAD, BEESTON, NOTTINGHAMSHIRE, NG9 3AZ

Councillor D K Watts has requested that this matter be determined by the Committee.

1 Background

1.1 235 Derby Road is a residential property which also has permission to operate a cattery. Planning permission was granted on 15 of May 2015 to construct a first floor rear extension and single storey side and rear extension (Planning Permission Reference 15/00255/FUL).

1.2 Compliance checks have been carried out to check if the development is being built in accordance with the approved plans. Works to the property are still on-going, but it was noted that the following changes have been made:

- The ground floor window on the approved plan has been replaced with French doors and the first floor window is smaller (three panels rather than five).
- The mock Tudor cladding beams have been positioned differently to those shown on the approved plans and the roof windows in the side elevations have been set back further.
- The roof on the two rear extension has not been joined to the original dwelling as shown on the approved plans.
- A balcony has been erected on the south west elevation of the first floor rear extension.
- A single storey front extension had been constructed. This is positioned alongside the east boundary and is part brick, part render, with a shallow pitched roof.
- The first floor windows in the east side elevation and west side elevation of the first floor extension have not been built in accordance with the approved plans and not obscurely glazed in accordance with condition 4.

Condition 4 of the original planning permission states:

'The proposed first floor windows in the east side elevation and west side elevation of the first floor extension hereby approved 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 thereafter retained in this form for the lifetime of the development.'

2 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

2.2 **Saved Policy of the Broxtowe Local Plan (2004):**

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

- Policy H9: Domestic Extensions

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

The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been examined, with the Inspector's report imminently expected. 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. 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.

- Policy 17: Place-making, design and amenity

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

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

3 Appraisal

3.1 The Council requested that a retrospective planning application be submitted for the Council's consideration for the front extension and a non-material amendment application submitted for the alterations to the rear elevation. However, no applications have been forthcoming.

3.2 It is considered expedient to proceed with enforcement action for the breaches related to the balcony and the first floor windows in the east side elevation and west side elevation which have not been obscurely glazed. It is unlikely that planning permission would be granted for these alterations, as they overlook the neighbouring properties, resulting in a significant loss of privacy.

3.3 As the front extension is single storey, set back from the main road by approximately 10m and has been rendered white with a black fascia to match that of the original dwelling, it is considered to be acceptable in respect of design and would not have an unacceptable impact on neighbours.

- 3.4 The alterations to the rear elevation which include a roof design alteration, a smaller window, French doors, roof windows set further back and the alterations to the mock-Tudor cladding are deemed to have no undue impact on the privacy and amenity of the immediate neighbouring residents and are considered acceptable in respect of design as they are in keeping with the style of the original dwelling.
- 3.5 The National Planning Policy Guidance (NPPG) states that the local planning authorities should usually avoid taking formal enforcement action where a development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development.
- 3.6 Based on the above, and having discussed this matter with the Council's Legal Team, with the exception of the first floor side windows which should be obscurely glazed and the balcony, it is considered that formal enforcement action against the other alterations and the front extension would not be justified and it is not expedient to take further enforcement action.

4 Conclusion

- 4.1 It is considered expedient to proceed with enforcement action against the unauthorised balcony and the first floor windows in the east side elevation and west side elevation, due to the loss of privacy resulting on the neighbouring properties. Had an application been submitted to retain the balcony and windows as constructed, this would have been recommended for refusal due to conflict with Local Plan Policy H9 (2004) and Part 2 Local Plan Policy 17 (2018).
- 4.2 Although a breach of planning control does exist in respect of the rear windows, French doors, roof alterations and the alterations to the mock-Tudor cladding, as it is likely that the alterations would be acceptable, it is considered it would not be expedient to take any further action.

Recommendation

The Committee is asked to RESOLVE that it is expedient for enforcement action to be taken against the unauthorised balcony and the first floor windows in the east side elevation and west side elevation to remedy the breach of planning.

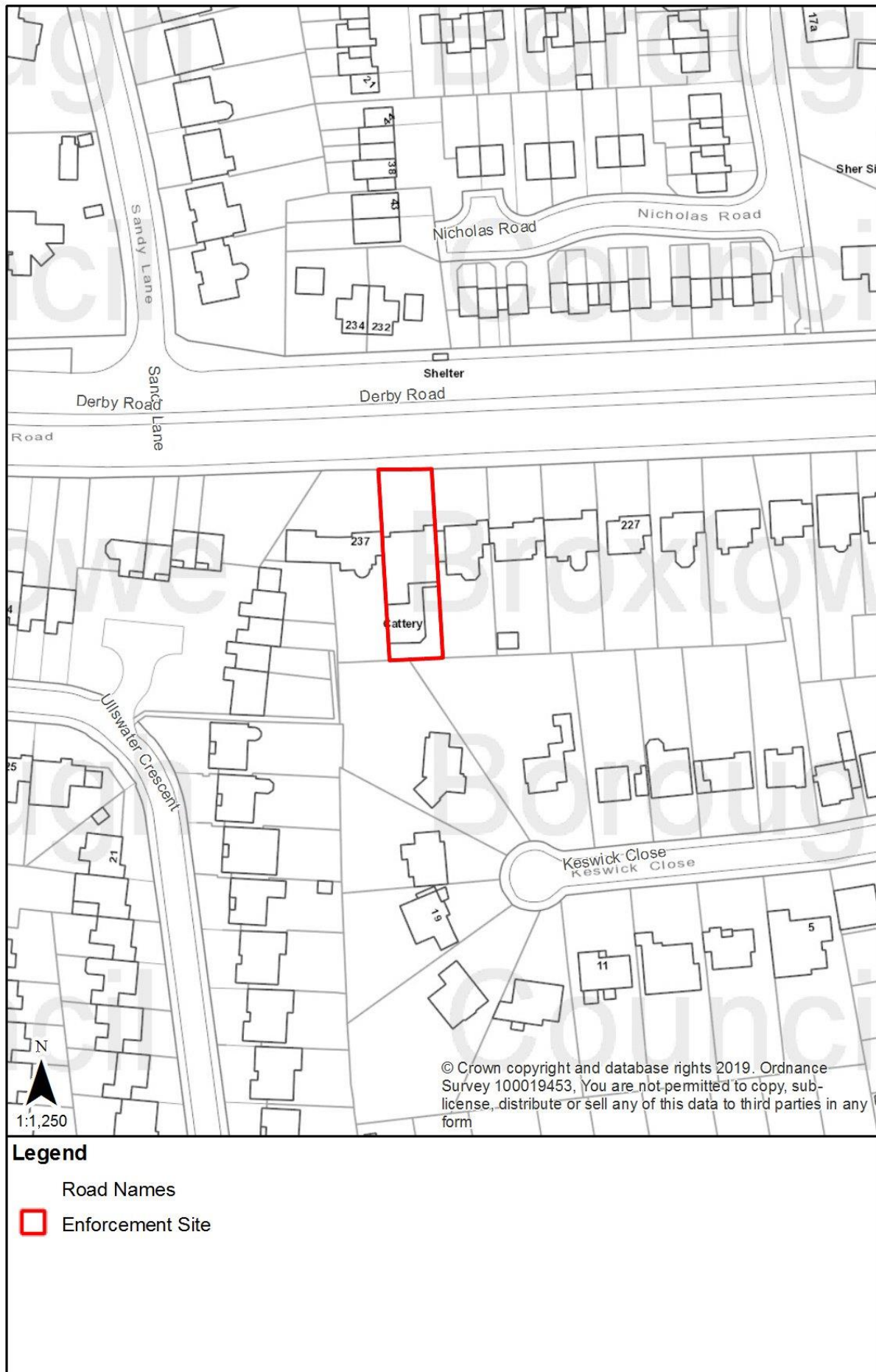




Image 1: Rear ground floor French doors



Image 2: Approved Rear Plan



Image 3: First floor extension.
(Tudor Cladding, roof alterations, first floor window & the side extension window)



Image 4: Side Elevation Plan



Image 5: Side Elevation
(Side elevation window and roof window)

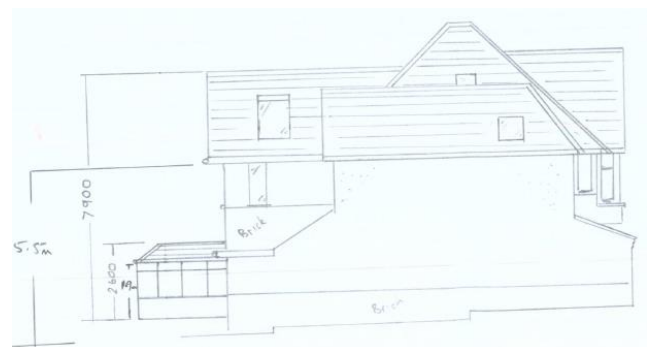


Image 6: Side Elevation Plan



Image 7: Front extension
(extension on left hand side)



Image 8: Original Front elevation

Report of the Chief Executive

18/00013/ENF

UNAUTHORISED ADVERTISEMENT BOARD

**BASFORDS LTD, NOTTINGHAM ROAD, ATTENBOROUGH,
NOTTINGHAM, NG9 6DP**

Councillor E Kerry has requested that this matter be determined by the Committee.

1 Background

- 1.1 This matter was initially brought to the Council's attention in January 2018. The advertisement board is very large and dominant in appearance. During initial contact with the business, the Council gave the option to either permanently remove the sign or to apply for advertisement consent to retain the sign.
- 1.2 Following discussions, officers were advised that they did not wish to remove the advertisement, rather it was their intention to submit an application for advertisement consent.
- 1.3 An application was initially received by the Council in September 2018, however this was never validated due to insufficient information being submitted by the applicant.
- 1.4 Since that time, attempts have been made to resubmit an application but despite extensive correspondence, this has never been validated in line with national validation requirements due to insufficient information being provided. The unauthorised advertisement remains in place.

2 Appraisal

- 2.1 The advertisement board measures 6.1m x 3.4m and is positioned 2.6m from ground level to the base of the advertisement and 6.1m to the top of the board. The board also projects 23cm from the side elevation of the building.
- 2.2 The business premises lie within a predominantly commercial area and are set back from the main road by some distance. The advertisement board covers an entire wall at first floor level and is prominent in the streetscene by virtue of its size and position.
- 2.3 The business has other large advertisements on the property frontage of the main building plus a pole mounted and a totem sign adjacent the pavement, within the car park area in advance of the building. Additionally, there are three other pole mounted signs in advance of the building within the car park area.
- 2.4 Due to the size of the sign, the projection beyond the side elevation of the building and because of the number of existing advertisements displayed, it is considered unlikely that advertisement consent would be granted as it is considered to be harmful to the amenity of the area.

- 2.5 It is therefore necessary to carry out enforcement action to secure the removal of the sign. The unauthorised display of advertisement signs is a criminal offence and the enforcement action available to the Council would be prosecution proceedings through the Magistrates' Court.

Recommendation

The Committee is asked to RESOLVE that enforcement action be taken to secure the removal of the unauthorised advertisement.

Photographs showing the sign:



Report of the Chief Executive

UPDATE REPORT ON APPEAL STATISTICS IN RELATION TO THE CRITERIA FOR DESIGNATION OF LOCAL PLANNING AUTHORITIES.

1. Background

This matter was initially reported to members in January 2017 and an update was provided in September 2019. Members of the committee at the September meeting requested a full two-year summary of appeal decisions with any major applications highlighted. This is included in the appendix.

As reported to the 4 September 2019 meeting appeal overturns of five major applications in the preceding two years is almost certain to result in the Council being designated as 'underperforming' and therefore placed into 'special measures'. If this were to occur, it would have serious reputational and financial implications which were summarised previously and are not repeated here. At the time of drafting this report there have been no appeals allowed for major planning applications in the preceding two years. There is one outstanding appeal for 10 apartments on Queens Road, Beeston (18/00516/FUL) and there have been two recently refused major applications at Bramcote Nursery and Trowell Garden Centre, and both of these decisions are in time for an appeal to be lodged. There are four major applications on this committee agenda, and in the opinion of officers all of these are compliant with relevant planning policy and are therefore recommended to be granted planning permission.

Recommendation

The Committee is asked to NOTE the report.

Background papers

Nil

APPENDIX

Appeal Decisions Since October 2017

Decision Type	Allowed	Dismissed	Split Decision	Total
Refusals by Officers under delegated powers	2	13	1	16
Refusals by Committee contrary to officer recommendation	9	5	0	14
Total Appeal Decisions	11	18	1	30

There have been no appeal decisions on major planning applications since October 2017.

BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

**PLANNING APPLICATIONS DEALT WITH FROM
10 AUGUST 2019 TO 20 SEPTEMBER 2019**

CONTENTS

Planning applications dealt with under Delegated Powers

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

BROXTOWE BOROUGH COUNCIL

DEVELOPMENT CONTROL – NEIGHBOURHOODS & PROSPERITY

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

ATTENBOROUGH & CHILWELL EAST WARD

Applicant	:	Mrs Johnson	19/00382/FUL
Site Address	:	1 Chantry Close Chilwell Nottinghamshire NG9 5DJ	
Proposal	:	Construct conservatory	
Decision	:	Conditional Permission	

Applicant	:	Mr & Ms Simon & Carol Todd & Wood	19/00388/FUL
Site Address	:	18 Hallams Lane Chilwell Nottinghamshire NG9 5FH	
Proposal	:	Construct side/rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mrs Saba Walton	19/00408/FUL
Site Address	:	189 Bye Pass Road Chilwell Nottingham NG9 5HR	
Proposal	:	Construct single storey side and rear extension and render dwelling	
Decision	:	Conditional Permission	

AWSWORTH, COSSALL & TROWELL WARD

Applicant	:	Mr Keith Oldham Ivy Cottage	19/00279/LBC
Site Address	:	23 Church Lane Cossall Nottinghamshire NG16 2RW	
Proposal	:	Listed Building Consent to restore outbuilding roof to its original state	
Decision	:	Conditional Permission	

Applicant	:	Mr Richard Lymbery	19/00318/FUL
Site Address	:	92 Church Lane Cossall Nottinghamshire NG16 2RW	
Proposal	:	Construct single storey side and rear extensions, rear roof lights and front canopy	
Decision	:	Conditional Permission	

Applicant	:	Mr Ray Calder	19/00387/OUT
Site Address	:	Land Adjacent To Gardeners Inn Awsworth Lane Cossall NG16 2RZ	
Proposal	:	Outline application to construct 3 detached dwellings with some matters reserved	
Decision	:	Conditional Permission	

Applicant	:	Mr D Martin	19/00420/FUL
Site Address	:	33 Haynes Avenue Trowell Nottinghamshire NG9 3NY	
Proposal	:	Construct rear extension and decking	
Decision	:	Conditional Permission	

Applicant	:	Mrs Diana Ormsby	19/00436/FUL
Site Address	:	48 Awsworth Lane Cossall Nottinghamshire NG16 2RZ	
Proposal	:	Construct single storey side extension, porch, loft conversion with rear dormer and conversion of garage to habitable room. Convert existing pool room to garden room and garage and external alterations.	
Decision	:	Conditional Permission	

BEESTON CENTRAL WARD

Applicant	:	Ms Justine Schneider	19/00404/FUL
Site Address	:	6 Padge Road Boulevard Industrial Park Beeston Nottinghamshire NG9 2JR	
Proposal	:	Change of use from office (Class B1) to dementia activity centre (Class D1)	
Decision	:	Conditional Permission	

Applicant	:	Mrs M Beaumont	19/00426/FUL
Site Address	:	73 City Road Beeston Nottinghamshire NG9 2LQ	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs B Morrell	19/00444/FUL
Site Address	:	37 Humber Road Beeston Nottingham NG9 2EJ	
Proposal	:	Construct two storey side extension and single storey front and rear extensions	
Decision	:	Refusal	
Applicant	:	Mr Aaron Dawson	19/00557/TMPCOU
Site Address	:	The Hive 2 & 2A Union Street Beeston Nottinghamshire NG9 2LU	
Proposal	:	Temporary change of use from (Class A1) to cafe (Class A3)	
Decision	:	Acceptance of Change of Use	
BEESTON NORTH WARD			
Applicant	:	Mr M AHMED	19/00285/FUL
Site Address	:	29 Kenilworth Road Beeston Nottinghamshire NG9 2HX	
Proposal	:	Construct single/two storey rear and side extensions, modifications to existing roof and sub-division of existing dwelling into two flats	
Decision	:	Conditional Permission	
Applicant	:	Mr Jemal Mazlum	19/00395/FUL
Site Address	:	214 Wollaton Road Beeston Nottingham NG9 2PH	
Proposal	:	Construct two storey side and single storey rear extension and render dwelling	
Decision	:	Conditional Permission	
Applicant	:	Mr Xuemin Xu	19/00432/CLUP
Site Address	:	1 The Cloisters Beeston Nottingham NG9 2FR	
Proposal	:	Construct single storey rear extension and change of use to a 5 bedroomed House in Multiple Occupation	
Decision	:	Approval - CLU	
Applicant	:	Mrs M Bi	19/00440/PNH
Site Address	:	18 Carisbrooke Avenue Beeston Nottinghamshire NG9 2HW	
Proposal	:	Construct single storey rear extension, extending beyond the wall of the original dwelling by 6 metres, with a maximum height of 2.4 metres, and an eaves height of 2.4 metres	
Decision	:	Prior Approval Granted	
Applicant	:	Mr A Wilkins	19/00448/PNH
Site Address	:	46 Marlborough Road Beeston Nottinghamshire NG9 2HG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.2 metres and eaves height of 2.3 metres	
Decision	:	Refusal	
Applicant	:	Mr A Wilkins	19/00449/PNH
Site Address	:	48 Marlborough Road Beeston Nottinghamshire NG9 2HG	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.2 metres, and an eaves height of 2.3 metres	
Decision	:	Refusal	
Applicant	:	Mrs L Herbert	19/00464/CLUP
Site Address	:	32 Magnolia Court Beeston Nottinghamshire NG9 3LG	
Proposal	:	Certificate of lawful development to construct a single storey side extension	
Decision	:	Approval - CLU	

Applicant	:	Mr Mark Shouler Hofton & Son Ltd	19/00478/FUL
Site Address	:	Land Adjacent To 6 Coopers Green Beeston Nottinghamshire NG8 2RP	
Proposal	:	Construct dwelling	
Decision	:	Withdrawn	

BEESTON RYLANDS WARD

Applicant	:	Mrs Emma Walsh	19/00363/FUL
Site Address	:	W Block Beeston Business Park Technology Drive Beeston Nottinghamshire NG9 1LA	
Proposal	:	Construct workshop incorporating vehicle repair spray booth, flue and mixing room	
Decision	:	Conditional Permission	

Applicant	:	Mrs Heather Perkins	19/00460/FUL
Site Address	:	16 Birch Avenue Beeston Nottinghamshire NG9 1LL	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Johnson	19/00488/CLUP
Site Address	:	99 Beech Avenue Beeston Nottinghamshire NG9 1QD	
Proposal	:	Certificate of proposed development to construct single storey side and rear extension and bin enclosure	
Decision	:	Approval - CLU	

Applicant	:	C/O Agent Beeston Business Park LLP	19/00490/FUL
Site Address	:	Beeston Business Park Technology Drive Beeston Nottinghamshire	
Proposal	:	Construct entrance feature incorporating an entrance canopy	
Decision	:	Conditional Permission	

BEESTON WEST WARD

Applicant	:	Mr Kwang Jin Lee	19/00118/FUL
Site Address	:	95 High Road Beeston Nottinghamshire NG9 2LE	
Proposal	:	Retain change of use from retail (Class A1) to restaurant /cafe (Class A3) including retention of flue	
Decision	:	Conditional Permission	

Applicant	:	Mrs Parveen Kusar	19/00131/FUL
Site Address	:	53 Enfield Street Beeston Nottinghamshire NG9 1DL	
Proposal	:	Retain single storey & two storey rear extension, rear dormer and hip to gable extension (revised scheme)	
Decision	:	Refusal	

Applicant	:	Mr T Skenderaj	19/00170/FUL
Site Address	:	10 Devonshire Avenue Beeston Nottinghamshire	
Proposal	:	Change of use from office (Class B1) to residential (Class C3), including single storey side extension to create integral garage, external alterations and the creation of new vehicular access	
Decision	:	Conditional Permission	

Applicant	:	MBNL (EE Ltd and H3G UK LTE)	19/00347/FUL
Site Address	:	Hutchison NG0073 Telecommunications Mast Lace Road Beeston Nottinghamshire	
Proposal	:	Install 20m high mast and associated cabinets following removal of existing mast and cabinets	
Decision	:	Conditional Permission	

Applicant	:	Dr Coromoto Power Febres	19/00381/FUL
Site Address	:	19 Dale Lane Chilwell Nottinghamshire NG9 4EA	
Proposal	:	Erect new fence and gates	
Decision	:	Conditional Permission	

Applicant	:	Mr Kevin Ball	19/00394/FUL
Site Address	:	2 Holden Road Beeston Nottinghamshire NG9 1AP	
Proposal	:	Retain boundary wall	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs Ashton	19/00414/CLUP
Site Address	:	34 Larch Crescent Chilwell Nottingham NG9 4DL	
Proposal	:	Certificate of lawful development to construct single storey rear extension and convert existing garage into habitable accommodation	
Decision	:	Approval - CLU	
Applicant	:	Mr & Mrs Mark Greenaway	19/00496/FUL
Site Address	:	136 Park Road North Chilwell Nottinghamshire NG9 4DF	
Proposal	:	Loft conversion including rear dormer	
Decision	:	Withdrawn	
BRAMCOTE WARD			
Applicant	:	Mr L Wilmott	19/00172/FUL
Site Address	:	79 Derby Road Bramcote Nottinghamshire NG9 3GW	
Proposal	:	Construct two storey side and front and single storey rear extensions, hipped to gable roof including front and rear dormers, raise ridge height and raise patio level & perimeter enclosure (revised scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr Gary Watmore	19/00338/FUL
Site Address	:	36 Balmoral Drive Bramcote Nottinghamshire NG9 3FU	
Proposal	:	Construct two storey front extension and replace flat roof with pitched roof on rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Martin Christian	19/00391/LBC
Site Address	:	The Gables 101 Town Street Bramcote Nottinghamshire NG9 3DP	
Proposal	:	Listed Building Consent to repair / replace windows	
Decision	:	Conditional Permission	
Applicant	:	Mr Seymour	19/00413/PNH
Site Address	:	22 Troutbeck Crescent Bramcote Nottinghamshire NG9 3BP	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 4.3 metres, with a maximum height of 3.35 metres, and an eaves height of 2.55 metres	
Decision	:	Prior Approval Not Required	
Applicant	:	Mr Adrian Haynes BHA Architecture	19/00425/FUL
Site Address	:	14 Balmoral Drive Bramcote Nottinghamshire NG9 3FU	
Proposal	:	Construct single storey side / rear extensions, detached garden room, raised rear patio and external alterations including timber cladding and render (revised scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs J Hallam	19/00461/FUL
Site Address	:	195 Derby Road Beeston Nottinghamshire NG9 3AP	
Proposal	:	Construct single and two storey side extension, single storey rear extension and retain single storey rear extension, front boundary wall, rear decking and rear boundary fence	
Decision	:	Conditional Permission	

Applicant	:	Ms Jenny Wilson	19/00484/FUL
Site Address	:	3 Rivergreen Crescent Bramcote Nottinghamshire NG9 3EQ	
Proposal	:	Construct single storey rear extension, carport and hipped roof above existing flatroof to side of bungalow	
Decision	:	Conditional Permission	
BRINSLEY WARD			
Applicant	:	Mr Dev Godhania	19/00392/FUL
Site Address	:	3 Brynsmoor Road Brinsley Nottinghamshire NG16 5DD	
Proposal	:	Construct ramp to main entrance and external alterations	
Decision	:	Conditional Permission	
Applicant	:	Mr Joseph Lightowler	19/00406/FUL
Site Address	:	39 Church Lane Brinsley Nottinghamshire NG16 5AD	
Proposal	:	Replacement of existing field gates and picket fence with a set of driveway gates and privacy fencing	
Decision	:	Conditional Permission	
Applicant	:	Mr Edward Hemsley	19/00447/FUL
Site Address	:	7 Stoney Lane Brinsley NG16 5AJ	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Matthew Smith	19/00462/PNH
Site Address	:	66 Mansfield Road Brinsley Nottinghamshire NG16 5AE	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 8 metres, with a maximum height of 4 metres, and an eaves height of 2.5 metres	
Decision	:	Refusal	
Applicant	:	Mr Chris Fletcher	19/00463/FUL
Site Address	:	66 Broad Lane Brinsley Nottinghamshire NG16 5BD	
Proposal	:	Construct side /rear single storey extension	
Decision	:	Conditional Permission	
CHILWELL WEST WARD			
Applicant	:	Mrs L Robinson	19/00393/FUL
Site Address	:	20 Medway Close Chilwell Nottinghamshire NG9 5FS	
Proposal	:	Retain single storey extension and alterations to raise roof level	
Decision	:	Conditional Permission	
Applicant	:	Mr Imran Afridi	19/00421/FUL
Site Address	:	4 Inham Road Chilwell Nottinghamshire NG9 4FL	
Proposal	:	Retain garden store	
Decision	:	Conditional Permission	
EASTWOOD HILLTOP WARD			
Applicant	:	Mr Scott Martin	19/00453/FUL
Site Address	:	77 Dovecote Road Eastwood Nottinghamshire NG16 3QL	
Proposal	:	Construct two storey side extension with front dormers	
Decision	:	Conditional Permission	
EASTWOOD ST MARY'S WARD			
Applicant	:	Mr Anthony Hotchkiss	19/00256/CLUE
Site Address	:	26 Newmanleys Road (south) Eastwood Nottinghamshire	
Proposal	:	Certificate of existing use to retain dwelling and carport	
Decision	:	Approval - CLU	

Applicant	:	Mr Barry Hutsby The Eastwood Funeral Partnership T/as Gillotts Funeral Di...	19/00398/FUL
Site Address	:	Former Eastwood Police Station 146 Nottingham Road Eastwood Nottinghamshire NG16 3GG	
Proposal	:	Change of use from police station to funeral directors (Class A1)	
Decision	:	Conditional Permission	
Applicant	:	Hugh Broadbent	19/00427/FUL
Site Address	:	62 Nottingham Road Eastwood Nottinghamshire NG16 3NQ	
Proposal	:	Change of use from amusement arcade to retail (Class A1)	
Decision	:	Conditional Permission	
Applicant	:	Mr Peter Stanley	19/00435/OUT
Site Address	:	27 Wellington Street Eastwood Nottinghamshire NG16 3BB	
Proposal	:	Outline application to construct one dwelling with all matters reserved	
Decision	:	Refusal	
Applicant	:	Ms Helen Dunleavy	19/00541/TMPCOU
Site Address	:	7 Victoria Street Eastwood Nottinghamshire NG16 3AW	
Proposal	:	Temporary change of use from retail (Class A1) to cafe (Class A3)	
Decision	:	Acceptance of Change of Use	
GREASLEY WARD			
Applicant	:	Oaktree Motorhomes Ltd	19/00189/FUL
Site Address	:	Oaktree Motorhomes Ltd Gin Close Way Awsworth Nottinghamshire NG16 2HH	
Proposal	:	Retain four storage containers, PVC workshop tent and change of use of land to trade sales of caravans, campervans and similar vehicles with associated repair	
Decision	:	Conditional Permission	
Applicant	:	Mr and Miss Mark Smith & Lori Berry	19/00370/FUL
Site Address	:	23 Moorgreen Newthorpe Nottinghamshire NG16 2FD	
Proposal	:	Construct two storey side and single storey rear extension, loft conversion and external alterations	
Decision	:	Conditional Permission	
Applicant	:	Mr Richard Broughton	19/00509/FUL
Site Address	:	1 Briar Road Newthorpe Nottinghamshire NG16 2BN	
Proposal	:	Construct single storey side extension	
Decision	:	Conditional Permission	
KIMBERLEY WARD			
Applicant	:	Mr James Newton	19/00322/FUL
Site Address	:	3 Moray Court Kimberley Nottinghamshire NG16 2TL	
Proposal	:	Construct first floor extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Richard Crofts	19/00357/FUL
Site Address	:	9 Beverley Drive Kimberley Nottinghamshire NG16 2TW	
Proposal	:	Retain conservatory, boundary wall and steps	
Decision	:	Conditional Permission	
Applicant	:	Mr Matthew Duggleby	19/00430/FUL
Site Address	:	23 - 27 Main Street Kimberley Nottinghamshire NG16 2NG	
Proposal	:	Change of use from cafe (Class A3) to micro brewery/pub (Class A4)	
Decision	:	Conditional Permission	

Applicant	:	Mr M Walker	19/00469/FUL
Site Address	:	10 Babbington Lane Kimberley Nottingham NG16 2PR	
Proposal	:	Construct two storey side and single storey rear extension	
Decision	:	Conditional Permission	
NUTHALL EAST & STRELLEY WARD			
Applicant	:	Mr & Mrs J Patel	19/00438/FUL
Site Address	:	14 Willesden Green Nuthall Nottinghamshire NG16 1QF	
Proposal	:	Construct two storey & single storey side extensions and single storey rear extension (Revised Scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr Nick Whiten	19/00446/FUL
Site Address	:	50A Roland Avenue Nuthall Nottingham NG16 1BB	
Proposal	:	Retain fencing, summer house, patio and decking	
Decision	:	Conditional Permission	
STAPLEFORD NORTH WARD			
Applicant	:	Express Hand Car Wash	19/00260/FUL
Site Address	:	164 Pasture Road Stapleford Nottinghamshire	
Proposal	:	Construct car wash canopy	
Decision	:	Conditional Permission	
Applicant	:	Mr Simon Knowles	19/00371/FUL
Site Address	:	11 Winston Close Stapleford Nottinghamshire NG9 8PH	
Proposal	:	Retain extension to patio area	
Decision	:	Conditional Permission	
Applicant	:	Mr Sananda Candan	19/00380/FUL
Site Address	:	232 Pasture Road Stapleford Nottinghamshire NG9 8HA	
Proposal	:	Change of use from retail (Class A1) at ground floor to residential (Class C3) to create two storey dwelling, construct ground floor front extension and boundary wall	
Decision	:	Conditional Permission	
STAPLEFORD SOUTH EAST WARD			
Applicant	:	Mr Sagheer Akhter Medina Stapleford Ltd	19/00268/FUL
Site Address	:	The Magpie 187 Toton Lane Stapleford Nottinghamshire NG9 7JD	
Proposal	:	Demolish public house and associated outbuildings	
Decision	:	Conditional Permission	
Applicant	:	Mr Pete Hobbs	19/00315/FUL
Site Address	:	15 Nottingham Road Stapleford Nottinghamshire NG9 8AB	
Proposal	:	Change of use from retail (Class A1) to takeaway (Class A5), installation of external flue, single storey side extension and render to front elevation.	
Decision	:	Conditional Permission	
Applicant	:	Mr Malcolm Flynn Stapleford Oaks Ltd	19/00431/MMA
Site Address	:	Land To The Rear Of 29 Toton Lane Stapleford Nottinghamshire NG9 7HB	
Proposal	:	Minor material amendment to development previously approved under reference 19/00113/MMA (construct 3 dwellings and garages) to re-position plot 3 northern boundary and reduce rear garden size of plot 3	
Decision	:	Conditional Permission	
Applicant	:	Mr Nasser Iqbal	19/00470/FUL
Site Address	:	23 Nottingham Road Stapleford Nottinghamshire NG9 8AB	
Proposal	:	Retain conversion of first and second floor accommodation from one flat to two flats	
Decision	:	Conditional Permission	

STAPLEFORD SOUTH WEST WARD

Applicant	:	Mrs Hazel Cook	19/00383/FUL
Site Address	:	159 Brookhill Street Stapleford Nottinghamshire NG9 7GU	
Proposal	:	Construct rear extension	
Decision	:	Conditional Permission	

Applicant	:	Mr Kazi Abdul	19/00385/FUL
Site Address	:	193 Derby Road Stapleford Nottingham NG9 7AZ	
Proposal	:	Construct dwelling	
Decision	:	Refusal	

TOTON & CHILWELL MEADOWS WARD

Applicant	:	Mr David Cooper	19/00355/ROC
Site Address	:	41 Norfolk Avenue Toton Nottingham NG9 6GP	
Proposal	:	Variation of condition 5 (The site shall only be developed with a single dwelling of two storeys) of planning reference 13/00397/OUT to allow for the creation of a third storey (insertion of roof lights)	
Decision	:	Conditional Permission	

Applicant	:	Mr & Mrs Vass	19/00405/FUL
Site Address	:	4 Aldridge Close Toton Nottinghamshire NG9 6JA	
Proposal	:	Construct single storey side /rear extension and erect boundary fence	
Decision	:	Conditional Permission	

Applicant	:	Mrs Emma Patel	19/00422/FUL
Site Address	:	10 Wynwood Road Chilwell Nottinghamshire NG9 6NB	
Proposal	:	Convert garage to habitable room and construct bay window	
Decision	:	Conditional Permission	

Applicant	:	Mr T Dean	19/00451/PNH
Site Address	:	27 Spinney Rise Toton Nottinghamshire NG9 6JN	
Proposal	:	Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 7 metres, with a maximum height of 3 metres and eaves height of 2.7 metres	
Decision	:	Prior Approval Not Required	

Applicant	:	Mr & Mrs Hammett	19/00473/FUL
Site Address	:	8 Aldridge Close Toton Nottinghamshire NG9 6JA	
Proposal	:	Construct first floor side extension	
Decision	:	Conditional Permission	

WATNALL & NUTHALL WEST WARD

Applicant	:	Mr Steven Lines	19/00441/FUL
Site Address	:	13 Beryldene Avenue Watnall Nottinghamshire NG16 1HJ	
Proposal	:	Construct single storey front and rear extensions	
Decision	:	Conditional Permission	

Applicant	:	Mr David Redfern	19/00459/FUL
Site Address	:	105 Main Road Watnall Nottinghamshire NG16 1HF	
Proposal	:	Construct two storey side / rear extension and front porch	
Decision	:	Conditional Permission	

This page is intentionally left blank