



Friday, 30 August 2019

Dear Sir/Madam

A meeting of the Planning Committee will be held on Monday, 9 September 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

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

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

3. MINUTES

Please note that the minutes of the meeting held on 4 September 2019 will be confirmed at the 8 October 2019 meeting.

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

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4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 18/00377/FUL PAGES 1 - 46

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 18/00288/FUL PAGES 47 - 66

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 7BG

5.3 19/00423/FUL PAGES 67 - 78

Change of use to micro pub (Class A4).

1 MOOR ROAD BRINSLEY NOTTINGHAMSHIRE NG16
5AZ

5.4 19/00212/FUL PAGES 79 - 90

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

TROWELL GARDEN CENTRE STAPLEFORD ROAD
TROWELL NOTTINGHAMSHIRE NG9 3TG

5.5 19/00412/REG3 PAGES 91 - 100

Construct 2 Bungalows

BEESTON MARKET, WILLOUGHBY STREET, BEESTON,
NOTTINGHAMSHIRE, NG9 2LT

6. INFORMATION ITEMS

6.1 Appeal Statistics

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

6.2 Appeal Decisions

PAGES 101 - 104

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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 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.



Start of gabion bank 3m from boundary to allow wildlife more shallow gradient to access brook
Gabion bank to be graded down to bank level

Maintenance strip for plots 2 and 3

2m wide border (on edge of brook) to be planted with trees
Mixture of shrub, glaucous, dense, nigra, populus tremula and soft also
trees exact positions, numbers and sizes to be agreed.

Maintenance strips for plots 4 and 5
5m distance from Tattle Brook

End of gabion bank to be graded down to bank level

1.8m high native hedgerow at top of bank

T11 Oak Class A2
T12 Spruce Class B2
T13 Oak Class A2
T14 Oak Class A2
T15 Oak Class A2
T16 Oak Class A2
T17 Oak Class A2

Plot 1 House Type A
Plot 2 House Type A
Plot 3 House Type A (handover)
Plot 4 House Type A
Plot 5 House Type B
Plot 6 House Type C
Plot 7 House Type C
Plot 8 House Type B
Plot 9 House Type C
Plot 10 House Type C
Plot 11 House Type C (handover)
Plot 12 House Type C
Plot 13 House Type D
Plot 14 House Type E

Retaining wall to be built oblique west side of road (maxing 0.5 - 1m)

6m radius kerb to access point

Vision splay

1m distance from boundary

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The diagram illustrates the evolution of a building facade through five steps. Step 1 shows a simple gable. Step 2 adds a second story and a chimney. Step 3 adds a third story and more windows. Step 4 adds a fourth story and more windows. Step 5 shows the final, most complex facade with multiple stories, chimneys, and windows.

REV.	DATE	DESCRIPTION	BY
K	2/20/17	Golden loam gravel to road	FLS
J	1/20/17	Additional graveling noted	FLS
H	1/10/17	Top planting removed, ridge noted	FLS
G	07/01/17	Swath down	FLS
F	7/10/17	Golden soil/waterlog	FLS
E	1/09/17	Black 40' drain (1/2 inch pipe) to porch connected	FLS
D	04/01/17	Soil connected	FLS
C	02/01/17	Plots 1 - 2 moved east from northern boundary. South lowered types 1 and 5	FLS
B	1/01/16	Plots 1G noted	FLS
A	1/01/16	Top loam noted	FLS

Allan Joyce Architects

CLIENT Swallow Hill Homes	
PROJECT 7A & 13 Middleton Crescent Beeston	
DRAWING Site Sections	
PROJECT NUMBER 3390	SCALE 1:200 @ A1
DATE Nov-11	
DRAWING NUMBER 09	REVISION K
STATUS Planning	BY KLB

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 on-site 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:

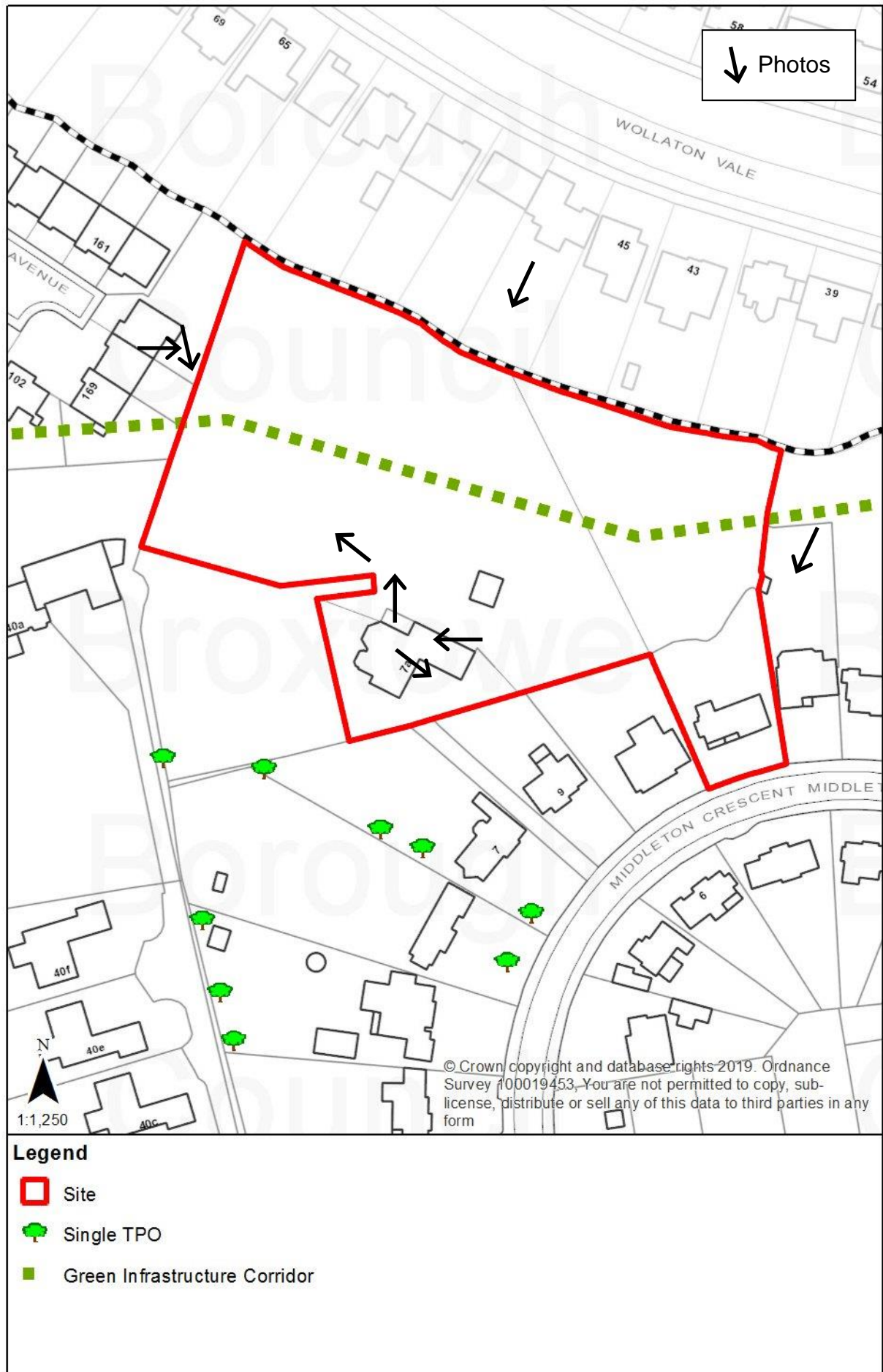
The applicant has not agreed to provide any affordable housing contribution and the development is therefore contrary to Policy H5 of the Broxtowe Local Plan (2004), Policy 8 of the Aligned Core Strategy (2014), Policy 15 of the draft Part 2 Local Plan and paragraphs 56 – 57 of the National Planning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



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Report of the Chief Executive

APPLICATION NUMBER:	18/00288/FUL
LOCATION:	242, 244, 248, 250, 252, & 254 DERBY ROAD STAPLEFORD NG9 7BG
PROPOSAL:	CHANGE USE OF 4 GROUND FLOOR RETAIL UNITS AND BASEMENTS (CLASS A1) TO FORM 11 APARTMENTS (CLASS C3), EXTERNAL ALTERATIONS AND CONSTRUCT REAR EXTENSIONS

1 Executive Summary

- 1.1 This major planning application was first brought before Planning Committee on 10 October 2018 with a recommendation for approval (original committee report attached as an appendix). Members resolved to grant planning permission at this meeting, subject to conditions and the prior signing of a Section 106 Agreement.
- 1.2 The planning permission has not been issued due to the Section 106 Agreement not yet being completed or signed.
- 1.3 The application is being returned to committee as a result of an objection by HS2 Ltd, following changes to the safeguarding zone for the HS2 route. The proposal is now recommended for refusal on the basis of this objection.

APPENDIX

1 Details of the Application

- 1.1 The details of the proposed development have not changed from that presented to committee in October 2018.

2 Relevant Policies and Guidance

- 2.1 The relevant policies have previously been set out in the original committee report, attached as an appendix. However the following policy and section from the NPPF are now considered relevant as an additional consideration:

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

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

- Policy 15: Transport Infrastructure Priorities

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

- Section 9: Promoting Sustainable Transport

3 Re-Consultations

- 3.1 The safeguarding zone for the future HS2 route has been amended. As such, the application site now falls within this safeguarding zone. HS2 Ltd have been consulted, and have registered an objection to the development, on the grounds that the site is now located within the formal HS2 Phase 2b safeguarded area, and within land identified in the Working Draft Environmental Statement (WDES) shown as land potentially required for construction.

4 Conclusion

- 4.1 As an objection to the development has been made by HS2 Ltd, which cannot be resolved by amending the proposal, it is recommended that planning permission should be refused.

Recommendation

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

The proposed development would conflict with the HS2 safeguarded route as published, emerging design developments and the Government's objective of delivering HS2, which is a project of national importance. It is considered that revised proposals or mitigation measures could not overcome these fundamental issues. The proposal is therefore contrary to the

	National Planning Policy Framework (NPPF) and Policy 15 of the Broxtowe Aligned Core Strategy (2014).
	NOTES 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.



Legend

- Site
- HS2 Route
- Flood Zone 3
- Flood Zone 2

Photographs



242, 244 and 248 Derby Road



250, 252 and 254 Derby Road

Plans (not to scale)



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Report of the Chief Executive

18/00288/FUL**CHANGE OF 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 AND 254 DERBY ROAD STAPLEFORD, NG9 7BG**

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

1 Details of the Application

- 1.1 This is a major planning application for the change of use of ground floor retail units and basements to form 11 apartments, along with external alterations and the construction of extensions to the rear.
- 1.2 The proposal comprises 9 x one bed apartments to the ground floor, and 2 x one bed split level apartments to the basement and rear ground floor of 252 and 254 Derby Road. Six of the apartments would face the street, with three of these having direct access from the street. The remaining eight apartments would have access either from the rear or through side entrances accessed via the dividing alleys.
- 1.3 With the exception of 242, single storey flat roofed extensions would be built to the rear of each property in order to facilitate the provision of apartments to the rear of 244, 248 and 250, and smaller single storey pitched roofed extensions to enlarge the foot print to enable the conversion of the basement and part of the ground floor to two apartments at 252 and 254. External alterations to the sides and rear consist of re-instatement of windows to 248 and 250, external stairs to 254 re-aligned and a new door to the rear of 250.
- 1.4 All shopfronts would be removed, and replaced with windows and doors, as appropriate. A dwarf wall with railings above would enclose the frontage.
- 1.5 During the course of the application amended plans have been received which see the rear extensions enlarged so as to provide improved internal layout, and amendments to the front elevation of 252 and 254 in order to improve the proportions of the new openings.

2 Site and Surroundings



242, 244 and 248 Derby Road



250, 252 and 254 Derby Road



Rear of 254 and 252 Derby Road



Rear of 248 and 250 Derby Road



Rear of 242 and 244 Derby Road



Wider view of 242 to 250 Derby Road



Wider view of 250 to 254 Derby Road



Detail of 248 Derby Road



Rear of 250, former window openings



Rear of 244 Derby Road



Rear of 242 Derby Road



View across the rear of 252 and 254

- 2.1 The application site encompasses numbers 242, 244, 248, 250, 252 and 254 Derby Road (no number 246). These are retail units at the ground floor, with separate living accommodation above. The retail units are all vacant. There is a forecourt to the front of the shops. Access to the rear of the shops, and to some of the upper floor apartments, is via two alleyways which are between 242 and 244, and 248 and 250 Derby Road.
- 2.2 The ground level is lower to the rear of the site, more so toward the west end (252 and 254) and as a consequence these properties appear as three storeys to the

rear. Whilst all the properties have basements, those at 252 and 254 have more usable space than the others.

- 2.3 To the rear of the site, which continues to the north and west (and to the side of 254 Derby Road), the land is undeveloped. This piece of land is known as the Former Dyeworks Site, West End Street. A planning application for the erection of six Class B2 industrial units, reference 18/00308/FUL, was refused planning permission at September committee. These units would have been accessed from Derby Road, to the west of the site. They would have been positioned such that the side elevation of the end unit would face the rear of 254 Derby Road. A parking and service yard would have separated the units from the Derby Road properties. It is noted that planning permission for a similar development, albeit slightly larger units, has been granted planning permission and work has commenced on this (reference 13/00609/FUL).
- 2.4 The site is to the west of Stapleford, but falls outside of the town centre. Beyond the development site to the west, there are railway lines. This line, and land either side, is safeguarded in part for the proposed HS2 line. Beyond the railway line is a scrap vehicle dismantling business.
- 2.5 To the east of the site is 240 Derby Road, a former retail unit now converted to a dwelling. The rest of the parade, toward the junction with West End Street, are in retail use on the ground floor.
- 2.6 Opposite the site is The Midland Hotel and its' car park, the entrance to which is from Derby Road.
- 2.7 Part of the site, to the rear, is within Flood Zone 2.

3 Relevant Planning History

- 3.1 Prior to 2013, there has been no relevant planning history for any of the addresses included in the application site. In 2013, conditional planning permission was granted for the conversion of the ground floor units to form 6 self-contained apartments, and external alterations (reference 13/00113/FUL). No extensions to the rear were proposed at that time, and all six apartments fronted the highway. This permission was not implemented and has since lapsed.

4 Policy Context

4.1 **National policy**

- 4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.
- 4.1.2 Paragraph 59 states that a sufficient amount and variety of land should come forward where needed, and that land with permission is developed without unnecessary delay.

- 4.1.3 Paragraph 127 states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history; establish or maintain a strong sense of place; and create places that are safe, inclusive and accessible.
- 4.1.4 Paragraph 155 outlines how inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 4.1.5 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

4.2 **Broxtowe Aligned Core Strategy**

- 4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.
- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 1: Climate Change' sets out how climate change will be tackled and adapted to and sets requirements for sustainable design of buildings.
- 4.2.4 'Policy 8: Housing Size, Mix and Choice'. Residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space.
- 4.2.5 'Policy 10: Design and Enhancing Local Identity'. Aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

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

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy H4: Subdivision or adaptation of existing buildings - development will be permitted provided that residents would have an acceptable standard of amenity, and it would not result in unacceptable parking problems.

- 4.3.3 Policy S6: Protection of Local Shopping aims to ensure that changes of use from Class A1 (shops) do not result in a deterioration of local shopping facilities to an unacceptable degree.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included seven representations in relation to Policy 1, 12 no. representations in relation to Policy 15, 11 no. representations in relation to Policy 17 and four representations in relation to Policy 19. Given that there remain outstanding objections that will need to be considered through the Local Plan examination process, these policies can be afforded only limited weight.
- 4.4.2 Policy 1 'Flood Risk' states that development will not be permitted in areas at risk from any form of flooding unless: there are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and in the case of fluvial flooding, the proposal is protected by the Nottingham Trent Left Bank Flood Alleviation Scheme or other flood defences of equivalent quality; and adequate mitigation measures are included.
- 4.4.3 Policy 15 'Housing Size, Mix and Choice' seeks to ensure that housing developments provide a mix of house type, size, tenure and density to ensure the needs of the residents of all parts of the borough are met.
- 4.4.4 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria including that it should integrate into its surroundings, have good access to public transport and ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.
- 4.4.5 Policy 19 'Pollution, Hazardous Substances and Ground Conditions' states that permission would not be granted for developments until site investigations have been carried out to assess contamination and measures to deal with contamination have been agreed prior to occupation of the development.

5 Consultations

- 5.1 The Private Sector Housing Officer raised concerns in regard to the internal layout where some flats would fail to provide a safe means of escape from bedrooms (flats 1, 3 and 5). Amended plans received have addressed this concern.
- 5.2 The Environmental Health Technical Officer has no objections subject to advisory notes relating to noise insulation, hours of building work operations and bonfires.
- 5.3 The County Council as Lead Local Flood Authority have no comments but give general advice in regard to flood risk and sustainable drainage.

- 5.4 The County Council Policy team would require no contributions in regard to transport or education. Recommend securing details of waste storage and removal. It is noted that bin storage is annotated on the block layout plan as being provided to the rear of the properties.
- 5.5 The County Council as Highway Authority had initial concerns regarding the boundary treatment to the rear of the bus shelter, as this would have reduced the footpath to an unacceptable width. Amended plans now received which show the boundary treatment at this point set back so as to allow for a width of footpath which is now acceptable and would enable ease of access for all users of the footpath.
- 5.6 The Business and Projects Manager (Environment) would not require on-site provision of open space but would require a financial contribution to off-site provision, which would be allocated to be spent on upgrades to play equipment at Queen Elizabeth Park.
- 5.7 19 neighbouring properties were consulted. All properties have been re-consulted on the amended plans. One comment has been received in regard to the amended plans, in support of the proposal.

6 Appraisal

- 6.1 The main considerations relate to the principle of residential accommodation in this location, the loss of retail units and parking.

6.2 **Principle**

- 6.2.1 Planning permission (reference 13/00113/FUL) was granted in July 2013 for the conversion of the shop units at ground floor only to six apartments. Whilst this was a less intensive development than the 2018 application proposes, it is considered that the principle of residential development has been established and that there has been no material change in circumstances that would affect this assessment.
- 6.2.2 As noted in the appraisal of the 2013 application, whilst the proposal would result in the loss of A1 retail units, the site is not located in the designated town centre of Stapleford, and given the proximity of the centre and other local facilities in the area, it is considered that the loss of these units, most of which have been vacant for the intervening years, would not result in an unacceptable loss of local shopping facilities for the existing residents.

6.3 **Amenity**

- 6.3.1 There are six existing apartments above the retail units. It is considered that the residential amenity of the occupiers of these apartments would not be unduly affected, since there is more potential for noise and disturbance from retail use, through deliveries, servicing and comings and goings of customers, compared to residential accommodation. The proposed extensions and alterations would not have a significant impact on the amenities of these occupiers. 240 Derby Road has been converted to living accommodation. For similar reasons, the conversion

to residential accommodation of the adjacent unit would not have a detrimental impact on the amenities of the occupiers of 240 Derby Road.

- 6.3.2 It is considered the proposal would not be detrimental to the amenities of other property in the immediate vicinity, that is, the residents of The Midland Hotel, and nearby dwellings on West End Street, due to the separation between these properties and the site. It is noted that the development land to the rear has extant permission for units with B2 industrial use. In terms of amenity, the future occupiers of the commercial units would not be significantly harmed by the proposal, as the closest unit would be side on to the application site.
- 6.3.3 In terms of the amenities of the future occupiers of the proposed apartments, six of the apartments would have an outlook to the front overlooking Derby Road, and have windows to the bedrooms in the side elevations. These windows would also provide an adequate level of light. The five apartments to the rear would have an outlook across the rear garden area, and further windows in the side elevations. In terms of outlook and access to natural light, this is considered to be acceptable.
- 6.3.4 In regard to the internal layout, in the original submission some of the apartments would have an acceptable level of amenity. However some of the apartments (6, 8 and 10), would have had a floor area less than the expected minimum as per the Housing Act 1985. Amended plans received now show the extensions to the rear enlarged, and windows inserted in the side elevations so as to allow for access to natural light and an outlook. The internal layout as amended is much improved and future residents would potentially consider longer leases thereby contributing to the maintenance of a sustainable community by virtue of a less transient occupation.
- 6.3.5 A condition in regard to boundary treatments and landscaping would be imposed to secure privacy for the occupiers of the apartments, and to enhance the visual appearance of the development on the frontage.
- 6.3.6 It is noted that the land to the rear has extant permission for the erection of Class B2 units, and that there is a railway and a vehicle dismantling yard to the west. The site is also adjacent to a busy highway. As such there is the potential for noise nuisance emanating from these operations, for the future occupiers. However, as there are existing residential properties both above the retail units, and to the rear on West End Street, it is considered that the impact on the amenities of the future occupiers would be no different than for the existing residents. It is also noted that building regulations would potentially provide an improved level of sound insulation. In addition, Environmental Health raise no objection to the application.

6.4 Design

- 6.4.1 The alterations to the frontage, which see the shopfronts replaced with domestic windows and doors, facing Derby Road have been amended and are acceptable, being similar to the design approved in the 2013 permission. The extensions and alterations to windows and doors to the rear and side elevations are considered

to be of an acceptable scale and massing, and would not be highly visible from the public domain. Materials will be conditioned to match the existing.

6.5 Highways

- 6.5.1 Concerns have been raised in regard to the lack of provision for off-street parking. It is noted that no concerns were raised by the County Council as Highway Authority. This section of Derby Road has parking restrictions either side of the road. Notwithstanding this, the site is in a highly sustainable location, with a well-served public transport route and bus stops directly outside on both sides of the road, giving access to Stapleford, Nottingham, Derby and Long Eaton. The application site is also within easy access of other facilities such as shopping, health and education, and in close proximity to employment sites. As such it is considered that the occupiers of these one bedroom apartments would be less reliant on a private motor vehicle than other developments in less sustainable locations. Parking restrictions are a matter dealt with by the Highways Authority and parking is available should this be required, in the vicinity along Bessell Lane.

6.6 Other matters

6.7 Flood Risk

- 6.7.1 Part of the rear garden area of the site falls within Flood Zone 2. This is at a lower ground level than the buildings. A Flood Risk Assessment has been submitted and this concludes that there would be no significant increased risk to the occupiers of these properties, as they could safely reach higher ground (Derby Road) through either the front entrances or via the retained alleys between the buildings. The report also concludes that there would be no significant increased off site flooding risks as a result of the development. The development is therefore considered to be acceptable in terms of flood risk.

6.8 HS2 Safeguarding

- 6.8.1 The site does not fall within the HS2 safeguarding area.

6.9 Section 106 Obligations

- 6.9.1 The development would not attract a requirement for a contribution to education as the development is for one bedroom apartments. A financial contribution for off-site open space would be required and this is to be secured by a Section 106 Agreement.

6.10 Housing Land Supply

- 6.10.1 The proposal for 11 dwellings would be of benefit as the Council do not currently have a 5 year land supply. The development is considered to provide much needed housing in a sustainable location.

7. Conclusion

- 7.1 It is concluded the proposal of converting the building into 11 apartments, external alterations and extensions to the rear is acceptable and will not have an adverse effect on neighbouring amenity or highway safety. The proposal therefore accords with Policies H4 and S6 of the Broxtowe Local Plan, with Policies 8 and 10 of the Broxtowe Aligned Core Strategy, Policies 1, 15, 17 and 19 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

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) 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

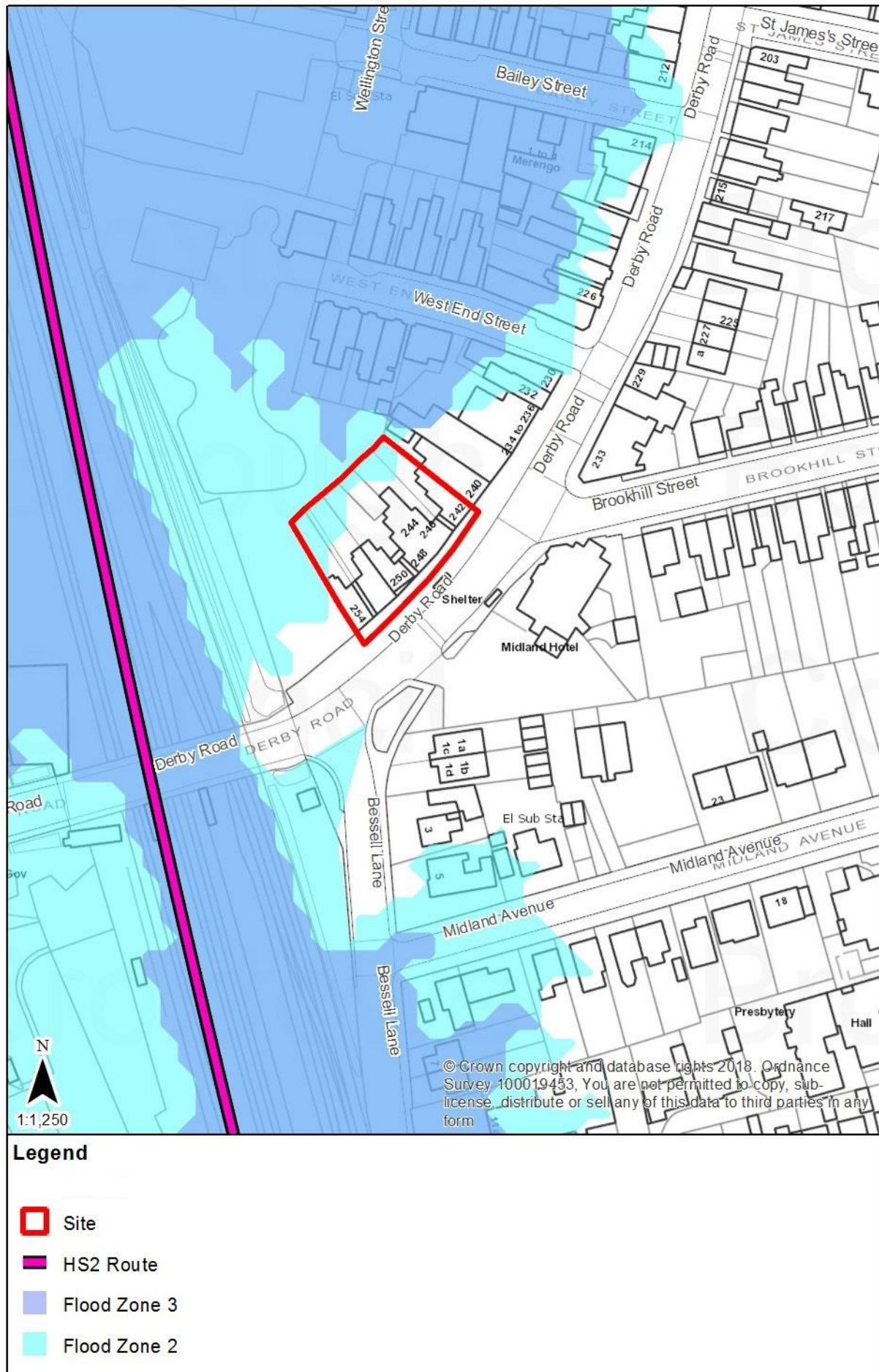
1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014)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

Background papers

Application case file



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Report of the Chief Executive

APPLICATION NUMBER:	19/00423/FUL
LOCATION:	1 MOOR ROAD BRINSLEY NOTTINGHAMSHIRE NG16 5AZ
PROPOSAL:	CHANGE OF USE TO MICRO PUB (CLASS A4)

Councillor E Williamson has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 The application is for the change the use of an existing building to a micro pub (Class A4). The building was previously a two storey residential dwelling which benefits from planning permission for the change of use from a dwelling to retail (Class A1)/financial and professional services (Class A2) with a flat above and associated parking (18/00618/FUL). Works have started to create the new shop front and the first floor flat, along with the demolition of a single storey extension to the side and a bay window.
- 1.2 The main issues relate to whether the principle of a micro pub in this location would be acceptable, visual amenity, impact upon residential amenity and highway safety.
- 1.3 The benefits of the proposal are the introduction of a community facility within a small mixed use area and the creation of jobs, whilst the proposal could lead to a negative impact upon residential amenity of the immediate neighbouring properties and parking issues.
- 1.4 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 is for the change the use of an existing building to a micro pub (Class A4).

2 Site and surroundings

- 2.1 The application site is located on the corner of Moor Road and Church Lane and consists of a semi-detached building. The existing building is connected to a hot food takeaway which fronts onto Church Lane, with the application site fronting onto Moor Road. Directly to the front of the site there is an existing 1m high brick wall which is to be removed to allow for a parking area.
- 2.2 The application site lies outside of a town centre, approximately 1.8km from the town centre of Eastwood.
- 2.3 To the west on the corner of Moor Road and Brynsmoor Road there is chemist and convenience store. Directly opposite there are residential properties which front onto Broad Lane and benefit from long linear gardens. Further along Moor Road there are residential dwellings and a school.

3 Relevant Planning History

- 3.1 Planning permission was granted in 2018 for the change of use from dwelling to retail (Class A1)/financial and professional services (Class A2) with flat above and associated parking.
- 3.2 A planning application for the erection of two semi-detached dwellings on land directly adjacent to the application site is currently pending consideration (19/00365/FUL).

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 6: Role of Town and Local Centres
- 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 H8 – Businesses in Residential Areas and Properties

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 included a request that further modifications be undertaken to policy 13 but no 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 13: Proposals for main town centre uses in edge of centre and out of centre locations
- 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 **Council's Environmental Health Officer:** Has raised no objection. As the resulting operational noise created could directly impact the residential properties in the surrounding area, a number of conditions are suggested to control opening hours, delivery times, prevent amplified speech and music and prevent the use of external areas.

5.2 **Highway Authority:** Raise no objections subject to conditions relating to no part of the development being brought into use until a dropped vehicular footway crossing is made available and the parking bays have been provided prior to commencement of the use.

5.3 Thirteen properties either adjoining or opposite the site were consulted and a site notice was displayed, with eleven letters having been received objecting on the grounds of:

- Highway Safety;
- Parking;
- Additional traffic generation;
- Noise;
- Anti-social behaviour;
- Litter.

6 Assessment

6.1 The main issues relate to whether the principle of a micro pub in this location would be acceptable, visual amenity, impact upon residential amenity and highway safety.

6.2 Principle of Development

- 6.2.1 Policy 13 - Proposals for Main Town Centre uses in Edge of Centre and Out of Centre Locations of the Draft Part 2 Local Plan, whilst not yet adopted, states that planning permission will be granted for retail, leisure, office or food and drink uses provided that it does not result in a unit of 500 square metres gross floor space or more; and is in an area of deficiency and meets local needs, and would not result in a significant adverse impact on the vitality and viability of any nearby centre.
- 6.2.2 The application site lies outside of a town centre, approximately 1.8km from the town centre of Eastwood. The proposed micro pub will have a floor space of approximately 31m². The small size of the unit would meet and be attractive to a local neighbourhood need and would be seen as part of a group of local shops, with a convenience store and chemist already located on Brynsmoor Road and a hot food takeaway located on Church Lane. As such it is considered that there would be no significant adverse impact on the vitality and viability of Eastwood town centre. It is therefore considered that the principle of the proposed use in this location would be acceptable.

6.3 Visual Amenity

- 6.3.1 The application site is located on the corner of Moor Road and Church Lane and consists of a semi-detached building. The existing dwelling is connected to a hot food takeaway which fronts onto Church Lane, with the application site fronting onto Moor Road. Directly to the front of the site there is an existing 1m high brick wall which is to be removed to allow for a parking area to be provided. The only alteration to the property is the removal of an existing side section of the building, a porch to the front and the provision of a shop front in place of two bay windows. Due to the limited alterations to the external elevations of the building, it is not considered the proposal will have a significant detrimental impact upon the visual amenity of the area or the character of the street scene.

6.4 Residential Amenity

- 6.4.1 Concerns have been raised by local residents in respect of noise, smells and disturbance from the proposed use.
- 6.4.2 Directly opposite the application site, there are residential properties fronting onto Broad Lane served with long gardens backing onto Moor Road. Further along Moor Road there are residential properties. The proposed change of use is to an A4 (drinking establishment) unit, which can often be associated with increased levels of noise and anti-social behaviour. The gross internal floor area for the building is approximately 31m². The unit has a significantly limited capacity that would accord with its proposed use as a micro bar as opposed to a traditional public house or bar. Whilst there is no distinction in legislation between a micro bar and more traditional drinking establishment it is considered that the size of this unit and therefore its capacity are sufficient to suggest it is unlikely to be operated in such a manner consistent with traditional drinking establishments. Whilst it is located directly opposite to residential dwellings, it is not considered

that it will have an impact on the amenity of the occupiers of this dwelling to an unacceptable degree with regards to noise disturbance and loss of privacy.

6.4.3 The Council's Environmental Health Officer states that in order to ensure the use does not have an unacceptable impact on the neighbouring residential dwellings strict conditions will be imposed restricting the opening hours to between 11.00 and 22.00 Monday to Sundays, Bank Holidays and other public holidays, restricting noise levels by not allowing any amplified speech or music inside or outside the building at any time and limiting the areas to be used in conjunction with the A4 use to inside the building at all times. By restricting the noise and not allowing external areas to be used for drinking it is considered that the noise levels should be contained to within the building and therefore the noise created by the use should not reach such levels to have an unacceptable impact on the neighbouring residential dwellings. Deliveries will also be restricted to between 8.00 and 18.30 Monday to Saturday and at no time on Sundays, Bank Holidays and other public holidays to ensure neighbours are not disturbed at unacceptable times.

6.4.4 Whilst there is a planning application (19/00365/FUL) currently under consideration for the provision of two dwellings on land adjacent to number 1 Moor Road, given the restrictions imposed by the above mentioned conditions, it is not considered the proposed micro pub would have an unacceptable impact upon the amenities of the occupiers of any immediate neighbouring properties in terms of noise.

6.5 Highway Safety

6.5.1 Concerns have been raised by local residents in respect of highway safety and existing parking problems within the area increasing due to the proposed use.

6.5.2 Considering the proposed nature of the proposed use it is unlikely that many visitors to the micro bar will be driving and therefore the use is not considered to significantly impact parking provision in the surrounding area. Four parking spaces are proposed to the front of the property to allow for off – street parking provision for the proposed future use. Whilst there are traffic regulation orders in the form of double yellow lines along the corner of Church Lane and Moor Road, there are no on – street parking restrictions directly outside or within the vicinity of the application site. No objections have been received from Nottinghamshire County Council as the Highway Authority subject to conditions relating to a dropped vehicular footway crossing being made available and parking bays shown on the proposed block plan being provided prior to commencement of the use.

6.5.3 Whilst it is noted that customers and staff to the micro bar may cause inconvenience to the existing residents who have parking demands in the area, considering the proposed use and size of the site it is not considered that the proposal would be refusable on this basis. There are no highway safety issues relating to this application.

7 Planning Balance

- 7.1 On balance the benefits of the introduction of a community facility within the local community of Brinsley and the creation of jobs outweigh the negative impacts upon the residential amenity of the immediate neighbouring properties which can be mitigated by the restrictive planning conditions proposed upon the opening hours, delivery times, restricting the use of the outdoor areas by customers and there being no amplified speech or music allowed. There are also four parking spaces proposed to the front of the building along with the provision of unrestricted on street parking. Due to the size and nature of the micro pub these are considered sufficient to negate against any potential highway safety issues.

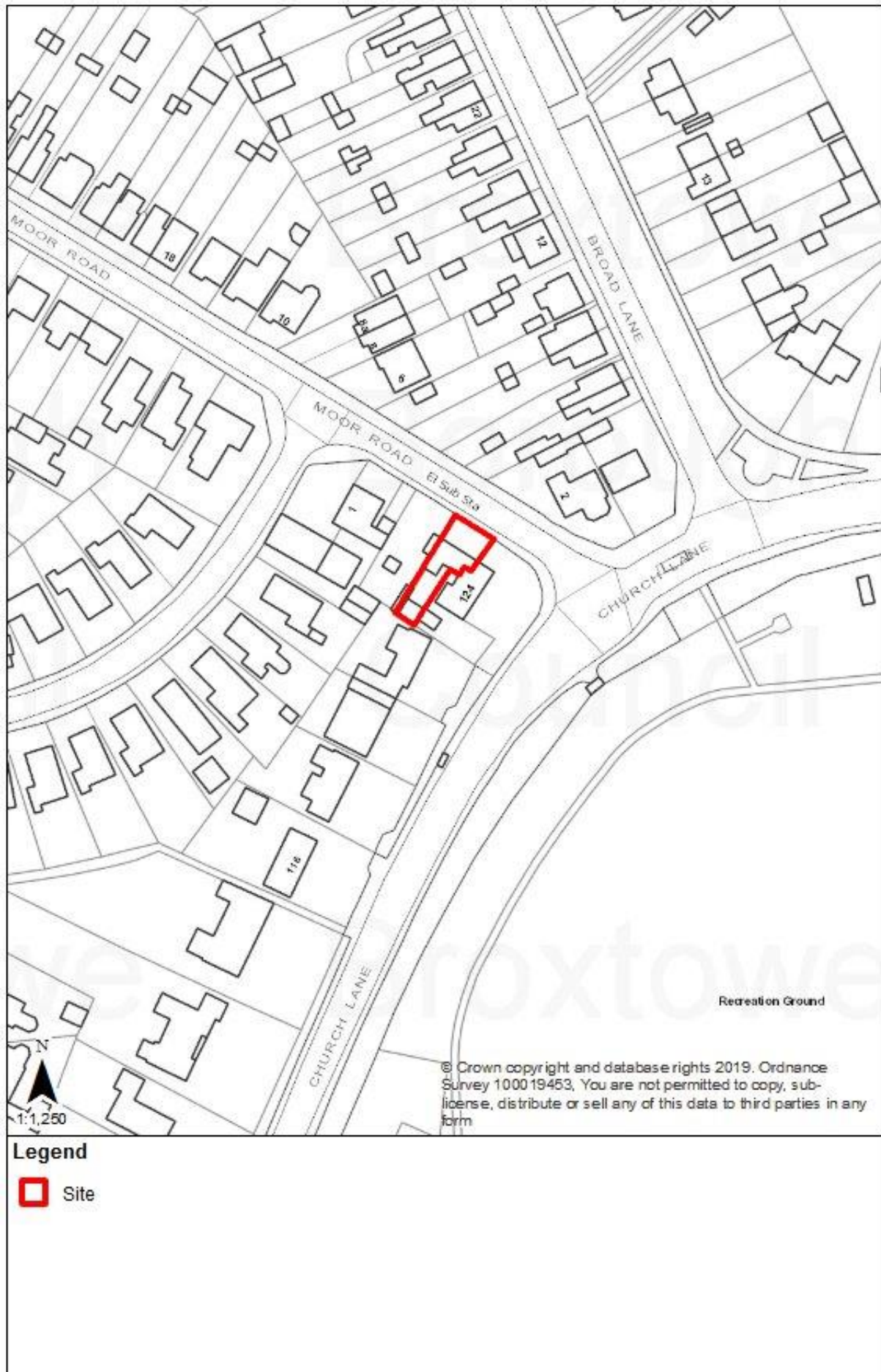
8 Conclusion

- 8.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby approved 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 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.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>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.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
4.	<p>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.</p> <p><i>Reason: To protect nearby residents from excessive delivery noise.</i></p>

5.	<p><i>No amplified speech or music shall be permitted inside or outside the premises at any time.</i></p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
6.	<p>External areas are not to be used by the patrons in conjunction with the A4 Use at any time.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
7.	<p>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.</p> <p><i>Reason: To protect nearby residents from excessive operational noise.</i></p>
8	<p>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.</p> <p>Reason: In the interests of Highway safety.</p>
9	<p>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.</p> <p>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.</p>
	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 licence. 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

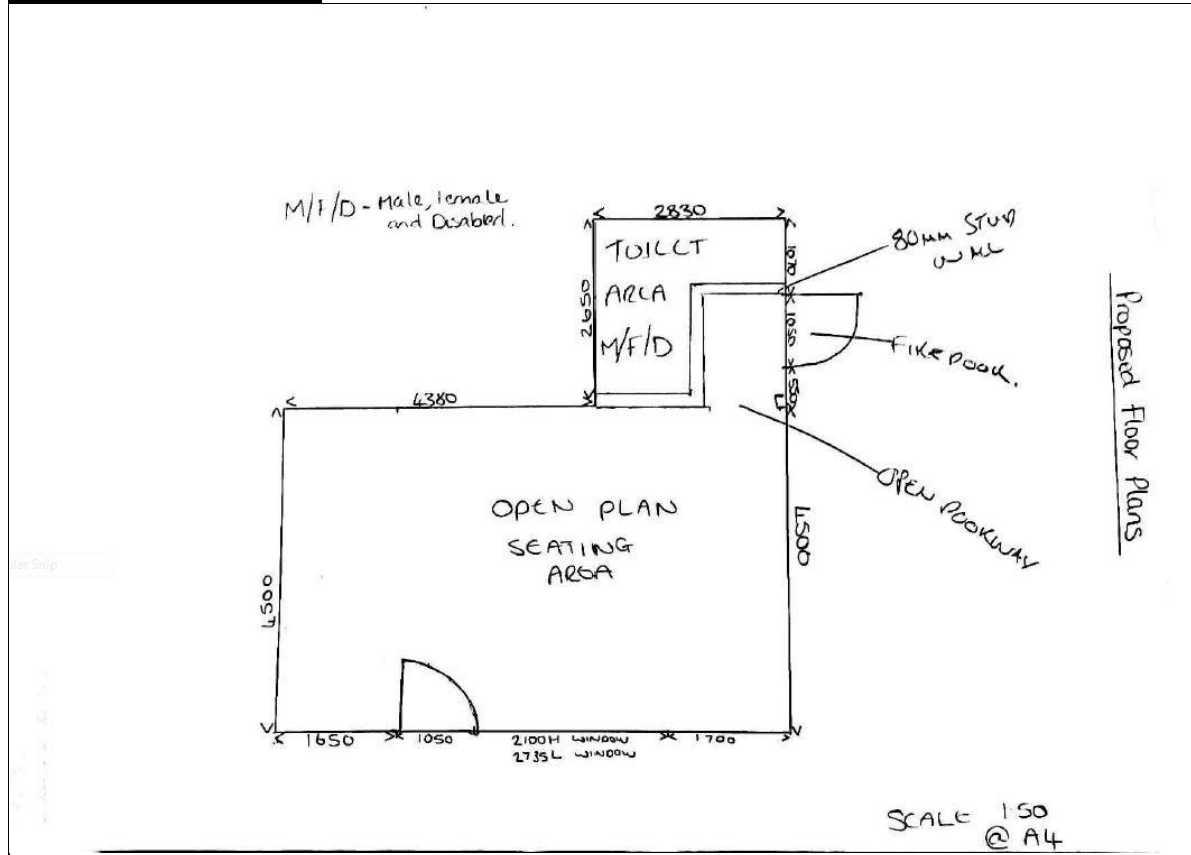


Photographs

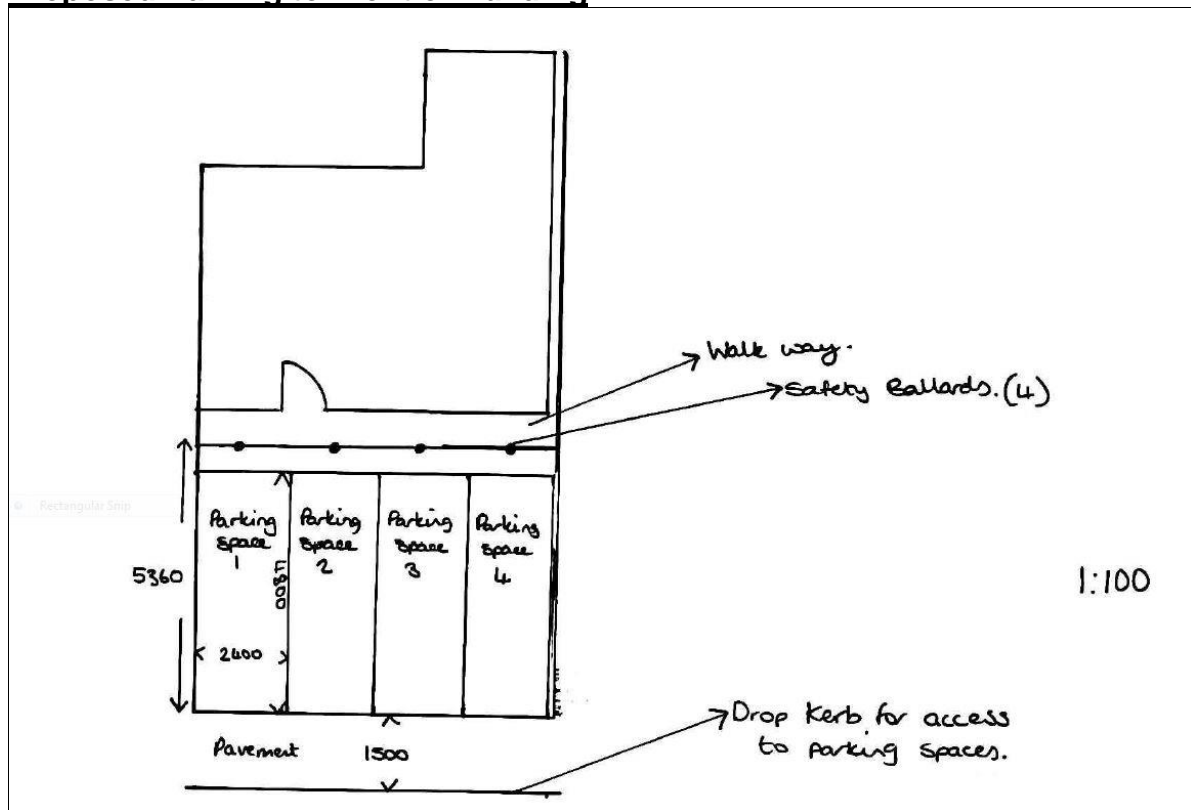


Plans (not to scale)

Proposed Floor Plan



Proposed Parking to Front of Building



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Report of the Chief Executive

APPLICATION NUMBER:	19/00212/FUL
LOCATION:	TROWELL GARDEN CENTRE STAPLEFORD ROAD TROWELL NOTTINGHAMSHIRE NG9 3TG
PROPOSAL:	EXTENSION TO GARDEN CENTRE INCLUDING COFFEE LOUNGE, CHILDREN'S PLAY AREA, HANDLING AND PROCESSING AREA AND PLANT PROTECTION AND ENLARGEMENT OF RETAIL AREA

Councillor L Ball has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application is for the extension to 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.
- 1.2 The main issues for consideration are whether or not the development constitutes appropriate development in the Green Belt, the design and appearance of the proposal, the impact upon neighbouring amenity and highway safety.
- 1.3 The benefits of the proposal are that the applicant proposes a major investment which is designed to improve the customer experience of an existing established business in the locality, helping to maintain the long term viability of the business, creating job security for existing staff and creating additional employment opportunities. However, the size of the extensions are considered to represent an disproportionate addition to the size of the original building which would be inappropriate development, harmful to the openness of the Green Belt. The extensions, in combination with the existing extensions would result in an increase of approximately 156% compared to the original building.
- 1.4 The Committee is asked to resolve that planning permission is refused for the reason set out in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks consent for the extension to 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.

2 Site and surroundings

- 2.1 The site is located within the Nottinghamshire Green Belt in a disused former quarry to the north east of Stapleford Road. The site is accessed via a narrow track from Trowell Road which opens up to a wider access road past the railway bridge.
- 2.2 The site currently contains a large building containing sales and storage floorspace associated with the garden centre, plus customer facilities such as a café and associated retail sales area. To the south east there is a large car park and an outdoor display and sales area to the north of the building, which is partially covered by an open sided canopy containing various plants and garden centre items for sale.

3 Relevant Planning History

- 3.1 Various planning applications were approved during the 1980s and early 1990s to construct extensions and greenhouses since the original permission was granted for the nursery in 1985. A section 52 agreement was completed in 1985, which restricts the goods that can be sold and the areas of the site within which they can be sold, to help protect the purposes and character of the Green Belt.
- 3.2 An application in 1997 for further extensions, including canopy extensions to the shop area was withdrawn in the light of officer advice that the scheme was contrary to Green Belt policies and that there were insufficient special circumstances to warrant a recommendation contrary to established policy.
- 3.3 In 2004, planning permission was granted for the erection of open sided canopies and a covered walkway. Whilst the canopies have been erected on site, the covered walkway has not.
- 3.4 In 2014, planning permission was granted to enlarge the space used by the coffee shop.
- 3.5 In 2018, planning permission was granted for the widening and improvements to the existing access road and new access gates into the adjacent field.

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

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

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

- Policy E8: Development in the Green Belt

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 10 representations in relation to Policy 8 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to 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. As the Inspector made further comments in respect of Policy 8 this can only be afforded limited weight at this time.

- 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 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

5 Consultations

5.1 **Highway Authority:** Raise no objections, advise the access road up to the garden centre is private and not in the control of the Highway Authority. The only narrow part of the access is over the bridge which is single access. The access from Stapleford Road is of sufficient width with suitable visibility.

5.2 **Nottinghamshire County Council Rights of Way:** No objections.

5.3 **Local Lead Flood Authority:** Advise full determination cannot be provided due to the lack of information submitted regarding drainage.

5.4 **Cadent Gas:** Advise on the possibility of gas associated apparatus within the vicinity of the application site.

- 5.5 Twelve properties either adjoining or opposite the site were consulted and a site notice was displayed. No responses were received.

6 Assessment

- 6.1 The main issues for consideration are whether or not the development constitutes appropriate development in the Green Belt, the design and appearance of the proposal, the impact upon neighbouring amenity and highway safety.

6.2 **Green Belt**

- 6.2.1 The existing garden centre is located off the main road off Stapleford Road and is screened from the main road by industrial units, residential dwellings and a bank of mature trees. The site consists of a main garden centre building and external car park, with the land rising to the north east section of the car park. Due to the site being set within a former quarry, the rear external sales area for which the existing canopy extension is located is set significantly lower than the surrounding land, limiting the views of the external sales area. Furthermore, the entire external sales area is surrounding by mature trees along the boundary, further limiting views into the site from the surrounding open fields.
- 6.2.2 In terms of the proposed structures, the application proposes the provision of a series of open ended canopy structures attached to the rear of the existing canopy extension. This will incorporate the existing external storage area and a proposed goods in, handling and processing area directly to the rear of the external sales area. Within the proposed canopy adjacent the existing café area, the café is proposed to be extended to provide a larger area. A two storey children's play area, set approximately 1.5m higher than the existing building and canopy extension is proposed.
- 6.2.3 Whilst there would be limited views of the proposed extensions due the land levels and existing mature trees around the boundary of the existing external sales area, Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019 (NPPF), paragraph 143 advises inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 identifies the extension or alteration of a building as appropriate development provided that it does not result in disproportionate additions over and above the size of the original building.
- 6.2.4 It should be noted that there is no clear guidance in the NPPF about what may amount to disproportionate additions to buildings. When considering disproportionate additions, regard should be given to the external dimensions, height, volume and floor area in relation to the original building.
- 6.2.5 The original building for the purpose of this application is considered to be the main sales building, for which provides the main entrance into the garden centre from the car park and occupies a floor area of approximately 2400m². The coffee shop and external sales area which were granted planning permission in 2004 occupy a floor area of approximately 1200m². The proposed external canopy areas, children's play area and goods in, handling and processing area combined

with the previous extensions, will equate to an additional floor area of approximately 3750m².

- 6.2.6 The further increase in floor area by approximately 3750m² in addition to the previous extension of 1200m² would result in a 156% increase compared to the original building. This is considered to result in a disproportionate addition to the original building in the Green Belt, and is therefore considered to conflict with paragraph 145 of the NPPF 2019. Although there is a general lack of guidance in respect of what is considered to amount to a disproportionate addition, policy E8 – Development in the Green Belt of the Broxtowe Local Plan 2004 currently allows for additions of 50%. The draft Local Plan Policy 8 – Development in the Green Belt reduces this allowance to 30%. Whilst there are limited views into the site, there would be harm to the openness through introducing a large built development in the Green Belt.
- 6.2.7 It is therefore necessary to consider whether very special circumstances exist. Whilst it is recognised that most of the proposed development would not be visible from outside the site itself, the proposed canopy extensions will cover most of the existing open external rear sales area. The submitted Design and Access Statement states that the development is essential to allow the business to continue to grow and develop to ensure that it can compete with fast moving and ever changing retail trends. It is further advised that the existing open canopies provide plant frost protection and have proved successful. It has also proved popular with customers allowing all year round access to parts of the exterior sales areas. It is noted that garden centres over the years has changed from general plant sales etc to extensive retail operations selling ranges of gardening and more general household goods. The site already benefits from an existing large coffee shop which is proposed to be extended as part of this planning application.
- 6.2.8 There is no doubt that the proposed increase in covered retail floor space would have the potential to increase the profitability of the garden centre, add to consumer choice within the premises and provide a certain amount of additional local employment. However it has not been demonstrated that the proposed canopy extensions are either necessary or essential for the proper functioning and/or viability of the garden centre, or to meet some other need. In relation to competition, few details are given relating to the size, nature or location of such establishments. It should also be considered that the business could change to an alternative retail use in the future which would result in a significant retail store in a Green Belt location.
- 6.2.9 It is considered that the very special circumstances put forward to justify the granting of the development are not sufficient to outweigh the significant harm resulting from the inappropriate development in the Green Belt.
- 6.3 Retail Impact
- 6.3.1 Whilst the proposal comprises a significant retail extension outside of a town centre, as the external areas can already be used for the sale of retail goods the potential impact on existing town centres is considered to be limited.

6.4 Design and Appearance

- 6.4.1 The proposed canopies will consist of an open sided steel structure with a profile sheet composite roof. The canopies will be set at the same height as the canopy granted planning permission in 2004. Although the proposed children's play area will be set at a height of 1.5m above the main garden centre building and existing canopy, given its location to the rear of the main building the visual impact of this structure will be limited. Given the location of the proposed extension to the rear of the main garden centre building and the existing boundary treatment it is considered the proposal is of an acceptable design.

6.5 Residential Amenity

- 6.5.1 The application site occupies a standalone location that is approximately 180m from the nearest residential dwellings located on Northern Drive. Furthermore there is a railway line and a bank of trees between the dwellings and the garden centre. It is therefore considered that the proposed extensions will not have any impact on the amenity of any other neighbouring properties.

6.6 Highway Safety

- 6.6.1 No objections have been received from the Highway Authority. The access road up to the garden centre is private and not in the control of the Highway Authority. The access from Stapleford Road is of sufficient width with suitable visibility. The only narrow part of the access is over the bridge which is single access. Beyond the bridge the access road has recently been widened in accordance with planning reference number 18/00084/FUL. Adjacent to and to the rear of the main building there is an existing car park which is of an adequate size to serve the garden centre. There are no highway safety issues relating to this application.

6.7 Other issues

- 6.7.1 A Section 52 Agreement restricts which goods can be sold from the site and specifies the area of the site they can be sold from. In the event that planning permission is granted, this would have to be subject to the Section 52 Agreement being updated to reflect the proposed extensions.

7 Planning Balance

- 7.1 The benefits of the proposal are that the applicant proposes a major investment which is designed to improve the customer experience of an existing established business in the locality, helping to maintain the long term, viability of the business, creating job security for existing staff and creating additional employment opportunities.
- 7.2 The negative impacts are the size of the extensions are considered to represent a disproportionate addition to the size of the original building which would be inappropriate development and harmful to the openness of the Green Belt.
- 7.3 On balance it is considered that the benefits are not outweighed by the harm of the proposal to the openness the Green Belt.

8 Conclusion

- 8.1 The proposed extensions along with the previous canopy extensions are considered to represent disproportionate extensions to the original building, therefore representing inappropriate development that is harmful to the openness of the Green Belt. Whilst the applicant has put forward a case for very special circumstances it is considered that the benefits of the proposal do not outweigh the substantial harm to the Green Belt.

Recommendation

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



Photographs

View of trees surrounding rear yard area from car park.



Existing garden centre building.



Existing open rear sales area.



Boundary treatment along north east boundary.



Location of proposed children's play area.



Rear of open sales area.

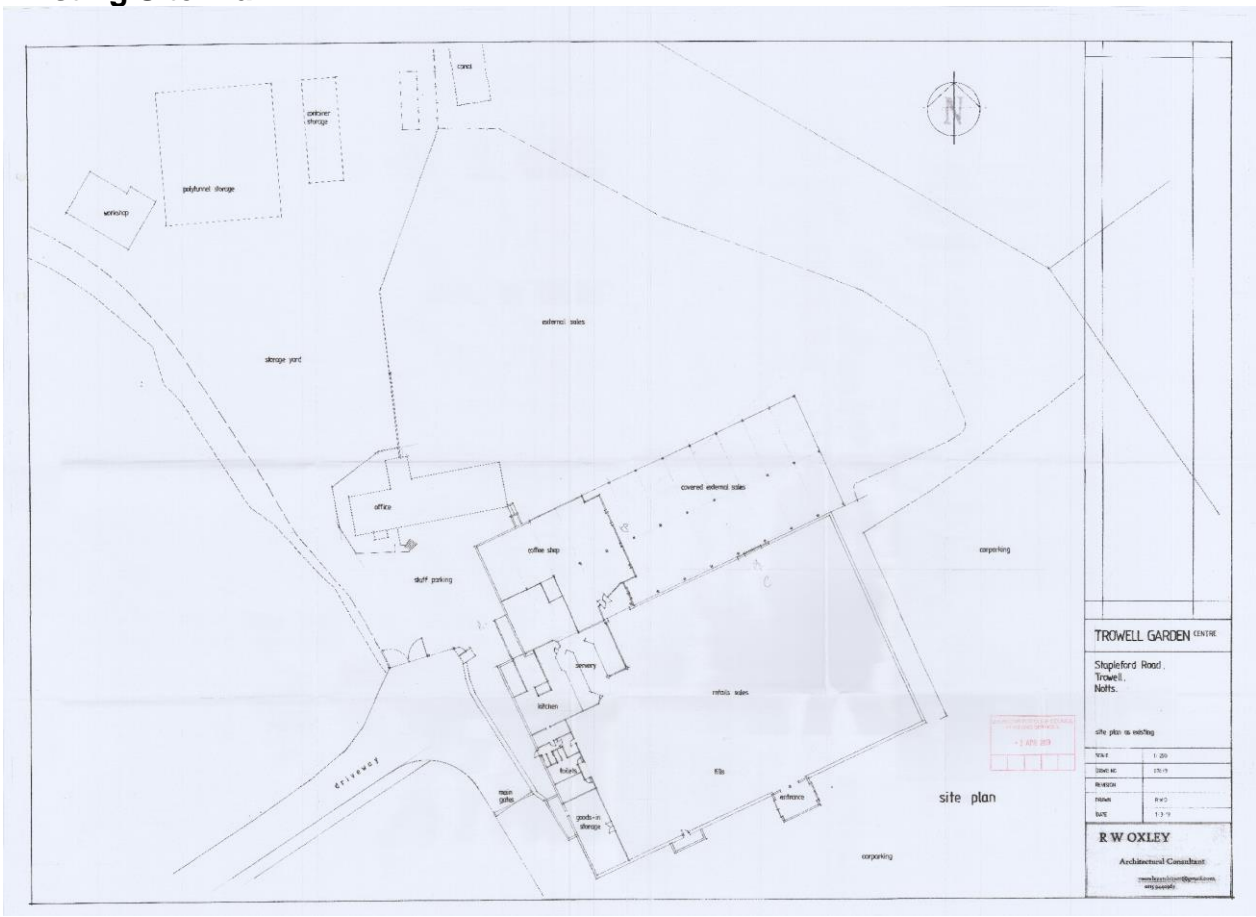


Location of proposed goods in building.

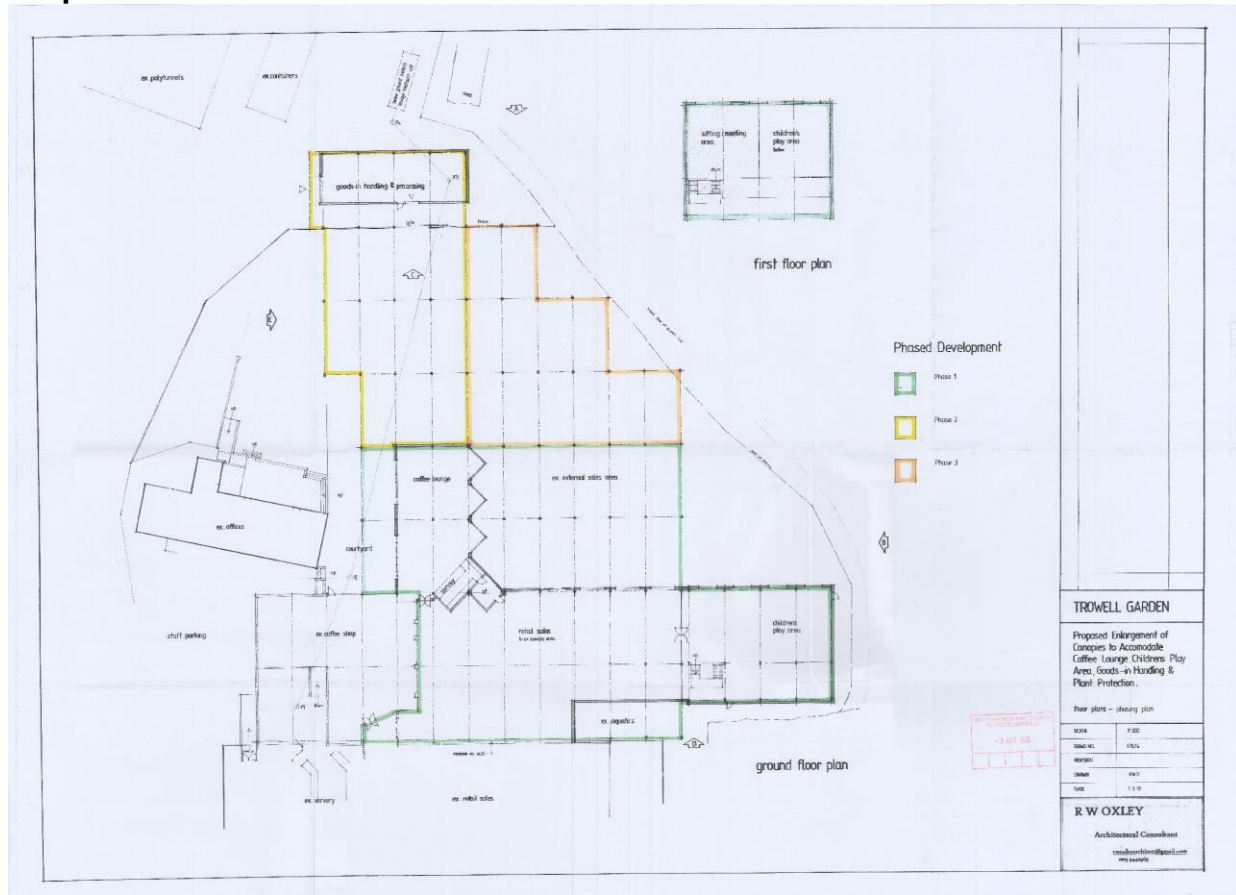


Plans (not to scale)

Existing Site Plan



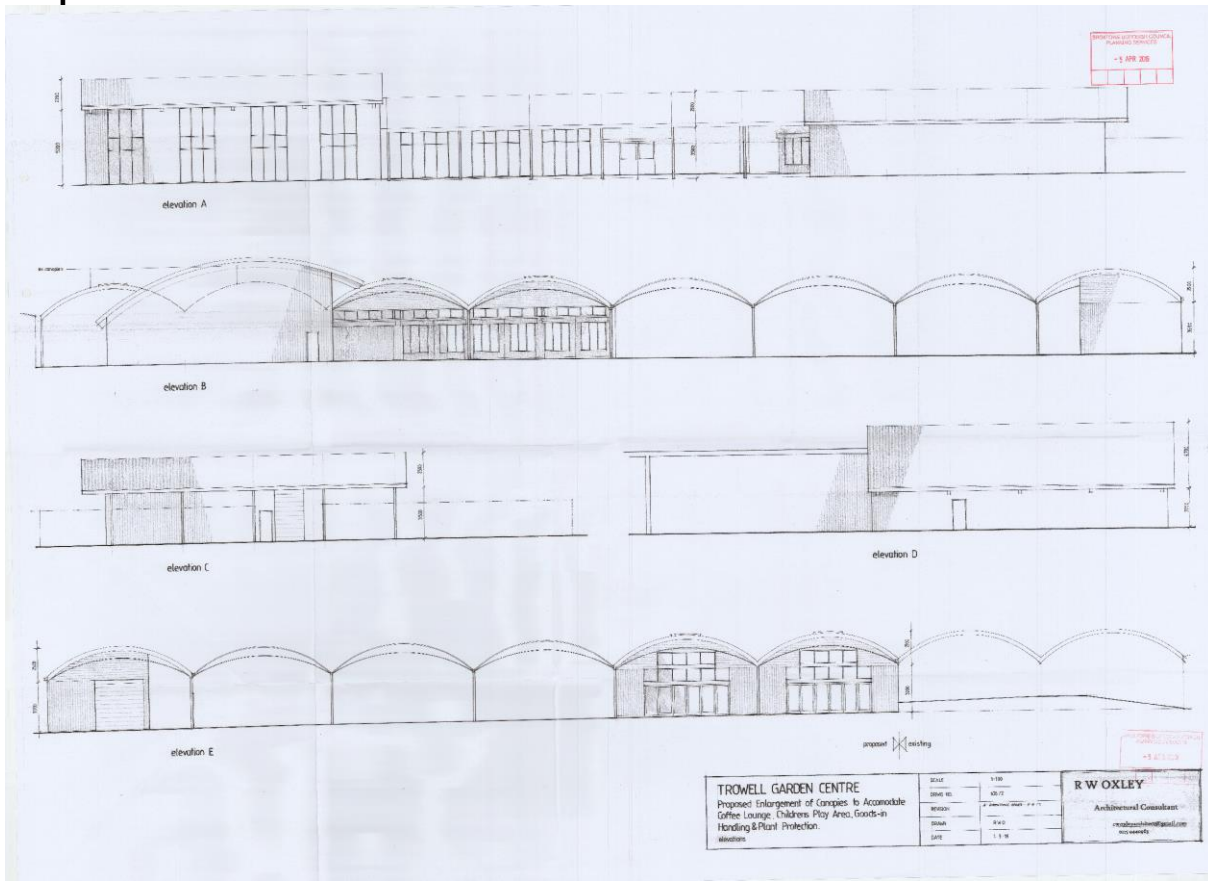
Proposed Floor Plan



Proposed Roof Plan



Proposed Elevations



Report of the Chief Executive

APPLICATION NUMBER:	19/00412/REG3
LOCATION:	BEESTON MARKET WILLOUGHBY STREET BEESTON NOTTINGHAMSHIRE NG9 2LT
PROPOSAL:	CONSTRUCT 2 BUNGALOWS

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

1 Executive Summary

- 1.1 The application seeks planning permission to construct two bungalows.
- 1.2 The site was formerly occupied by Beeston Market and is now cleared. The site is within Beeston Town Centre.
- 1.3 The main issues relate to whether the principle of residential development is acceptable, if the design, impact on neighbour amenity and future occupants' amenity and parking provision are acceptable, and the impact on the vitality and viability of the town centre.
- 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, would be suited to those with dementia or other disabilities and would be in accordance with the policies contained within the development plan. This is given significant weight. The future occupiers would have limited outdoor space and would be in close proximity to a public house. 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 application seeks planning permission to construct two semi-detached bungalows. Each dwelling would have two bedrooms and would have sufficient internal space for wheelchair users. There would be one parking space for each bungalow on the frontage and raised planting areas in the rear gardens for ease of access for wheelchair users.
- 1.2 The bungalows would be predominantly brick, with sections of render used on the front elevation to provide additional detail. Each bungalow would have an L-shaped footprint with their front elevations facing towards Willoughby Street. The bungalows would have a hipped roof with a central ridge running parallel to Willoughby Street and side mono-pitch roof sections adjacent to the main roof. Each property would have a canopy roof beside the front door. There would be solar panels on the rear roof slope.

2 Site and surroundings

- 2.1 The site is a relatively flat and vacant plot formerly used as Beeston Market and is within Beeston Town Centre. The site is set back from the High Road, although it is in close proximity to an empty single storey retail unit to the north west and a single storey retail unit to the north. The front boundary is heras fencing.
- 2.2 To the north east of the site are three terraced, two storey dwellings with open front boundaries, on land formerly part of Beeston Market. They were constructed in 2003. These properties are set back from the front boundary to provide off-street parking.
- 2.3 To the south west of the site is a two storey public house with a first floor flat, separated from the application site by a 2.4m high brick wall. The public house has its car park beyond the rear boundary of the application site. The first floor south east (side) elevation has a fire escape and a window which are visible from the application site and serve the first floor flat.
- 2.4 There is a two storey church to the south and south east of the site. The church has dormers in its north west (side) roof slope, although these are used to provide light into the main church hall and cannot be used to view the site. The church also has a previously constructed two storey extension with three first floor north east (side) elevation windows, two of which are directly adjoining the application site. There is a 1.8m high timber fence along the south east (side) boundary.

3 Relevant Planning History

- 3.1 There is no recent relevant planning history related to the site.
- 3.2 Planning permission was granted to demolish stalls and outbuildings and construct three terraced dwellings in 2003 (reference 03/00695/FUL) (site to the north east).

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 6: Role of Town and Local Centres
- Policy 8: Housing 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 K4: Town Centres
- 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 10 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 10 and 17 can now be afforded moderate weight.

- Policy 10: Town Centre and District Centre Uses
- 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 **Council's Environmental Health Officer:** Raise no objection to housing on the site because there is housing opposite. However, cannot advise on the impact the town centre noise would have on people living with dementia. If a noise complaint was received, they could investigate.

5.2 **County Council as Highways Authority:** Raise no objection, subject to two conditions regarding the driveway surface material (hard-bound material) and prevention of surface water discharge onto highway.

5.3 **Council's Waste and Recycling Officer:** Raise no objection. Developer to purchase first time provision of bins.

5.4 Twelve properties either adjoining or opposite the site were consulted and a site notice was displayed. The original site notice was removed and two site notices were erected in its place. Two letters returned undelivered and one response received which raises no objection. Response states they appreciate the design of the development and understands the Council will bear the cost of changing the windows to frosted glass and replacing the fence on the shared boundary.

6 Assessment

6.1 The main issues for consideration are whether the principle of residential development is acceptable, if the design, impact on neighbour amenity and future occupants' amenity and parking provision are acceptable, and the impact on the vitality and viability of the town centre.

6.2 **Principle**

6.2.1 Although the site is within the Town Centre boundary, it is in close proximity to residential properties along Willoughby Street, Portland Street and the residential flats at Yew Tree Court and Bradley Court. The site would provide additional residential units within the existing settlement and with very good public transport links. As of July 2019, eight retail units were unoccupied within Beeston Town Centre and it is therefore considered using the application site for residential dwellings, rather than a retail use, would not have a significant negative impact on the vitality or viability of the town centre due to other units being available. The principle is therefore considered to be acceptable.

6.3 **Design**

6.3.1 The proposed bungalows would be constructed using multi-red brick which is considered to be in keeping with the church to the south of the site and the three terraced dwellings to the north east. Off-white/cream render will also be used on the front elevation, which will create a more contemporary appearance and will be in keeping with the render on the front elevation of the nearby church. The main hipped roof reduces the prominence of the properties, whilst the mono-pitched roof elements are in keeping with the gable roofs of the church and three terraced dwellings. The bungalows are set-back from the front boundary in order to create sufficient parking space and there is garden space to the rear of the properties. It is therefore considered the design and scale are acceptable and are in keeping with the street scene and neighbouring buildings.

6.4 **Amenity**

6.4.1 The closest residential dwellings are the flat above the public house to the west of the site and the three terraced dwellings 10m to the north east of the site. The proposed dwellings are only single storey and the occupants would therefore not have a view of the flat on the first floor of the public house from the properties. The development is also considered to not have a significant negative impact on

the amenity of those occupying the three terraced properties due to the separation distance and the intervening road.

- 6.4.2 The site is located within the Town Centre boundary and a public house is located to the rear of the application site. This means there could be more noise than a more residential area. Environmental Health raise no objection because there is existing housing opposite the site. However, they cannot comment on how the possibility of noise would impact upon those with dementia or other disabilities. The outdoor seating area for the public house is not directly adjacent to the application site; a car park is adjacent to the rear boundary. On balance, it is therefore considered the noise impact on the amenity of future occupants would be acceptable.
- 6.4.3 The proposal includes a relatively small rear garden for the occupiers of the bungalows. The proposed plan includes raised beds which can be accessed from a wheelchair and some limited planting to the front of the site. It is considered that because the site is within the town centre boundary, the amount of outdoor amenity space is acceptable and in keeping with the relatively modest size of the bungalows.
- 6.4.4 Currently, the church to the south of the site has three first floor windows on their north east (side) elevation, two of which are on the site boundary and would have the potential to overlook into the rear garden of one of the bungalows. The Council has agreed to replace the church's windows with obscure glazing. The pastor of the church confirmed this would be acceptable. It is therefore considered reasonable to include a condition that the dwellings cannot be first occupied until the church windows are replaced with obscure glazing. Responses received from the pastor confirm there is a reasonable prospect of the window glazing being replaced.

6.5 Access

- 6.5.1 The proposed bungalows are small, two-bedroomed dwellings and one off-street parking space is proposed for each dwelling. No on-street parking is available, but it is considered that the parking is sufficient given the town centre location. The Highways Authority raises no objection to the proposal and recommends two conditions regarding the proposed driveway material to ensure it is hard-bound and prevents water discharge onto the highway. As the landscaping condition will require details of the material to be used on the frontage of the bungalows, it is considered unnecessary to add a further condition regarding driveway materials. Access and parking provision are therefore considered to be acceptable.

7 Planning Balance

- 7.1 The benefits of the proposal are it would see the redevelopment of a vacant site, would provide housing in an existing urban area, would be suited to those with dementia or other disabilities and would be in accordance with the policies contained within the development plan.
- 7.2 The negative impacts are the future occupiers would have limited outdoor space and would be in close proximity to a public house and Beeston town centre. There

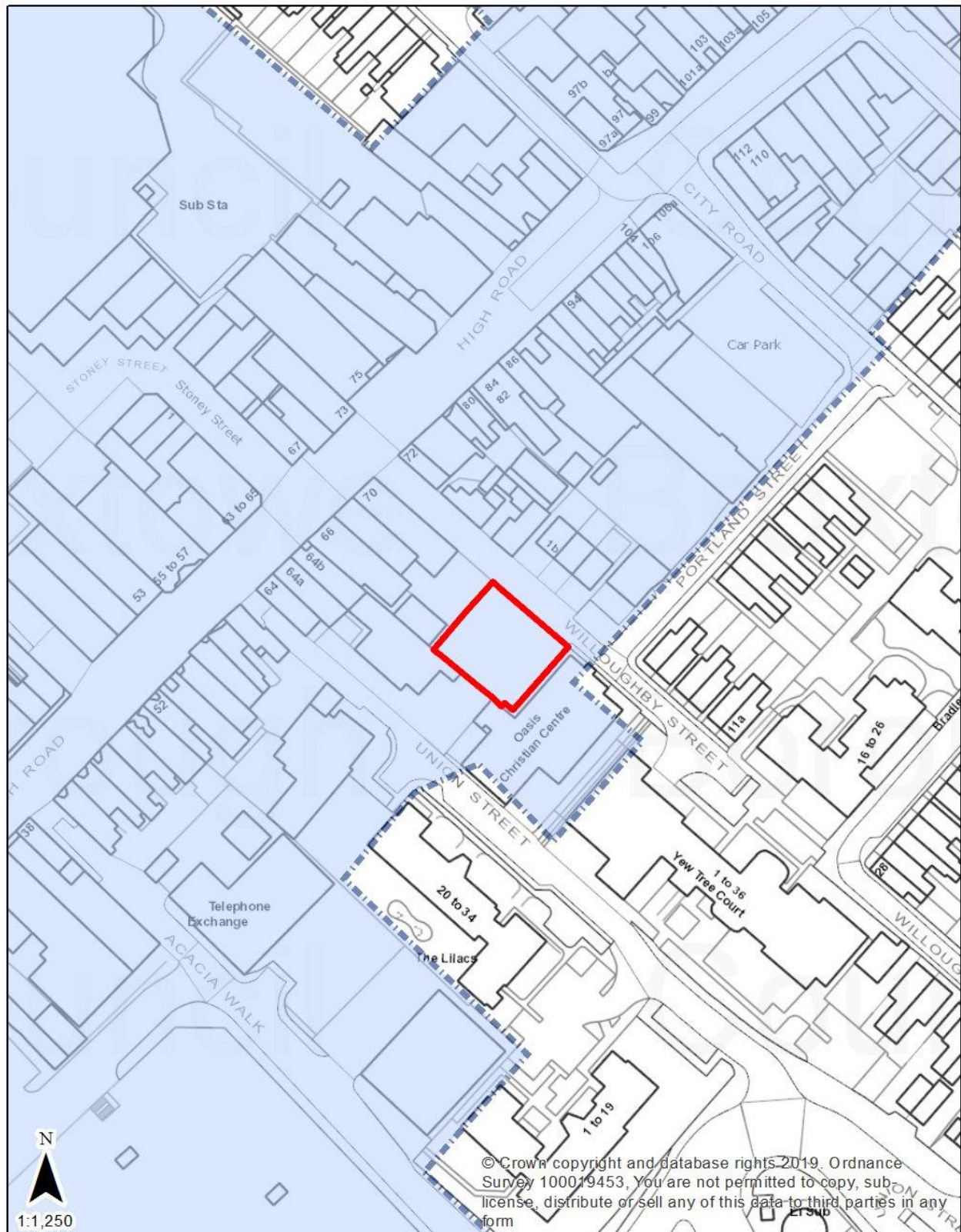
would also be loss of retail space within the town centre. On balance, it is considered that these issues are outweighed by the benefits of the scheme.

8 Conclusion

- 8.1 The proposed bungalows are considered to be acceptable within the town centre location and there would not be a significant negative impact on the amenity of future occupants or neighbouring properties.

<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 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.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
3.	<p>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.</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).</i></p>
4.	<p>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.</p>

	<i>Reason: 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).</i>
	NOTE 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.



Legend



Site



Town centre

Photographs



Front of site.



Front of site and church.

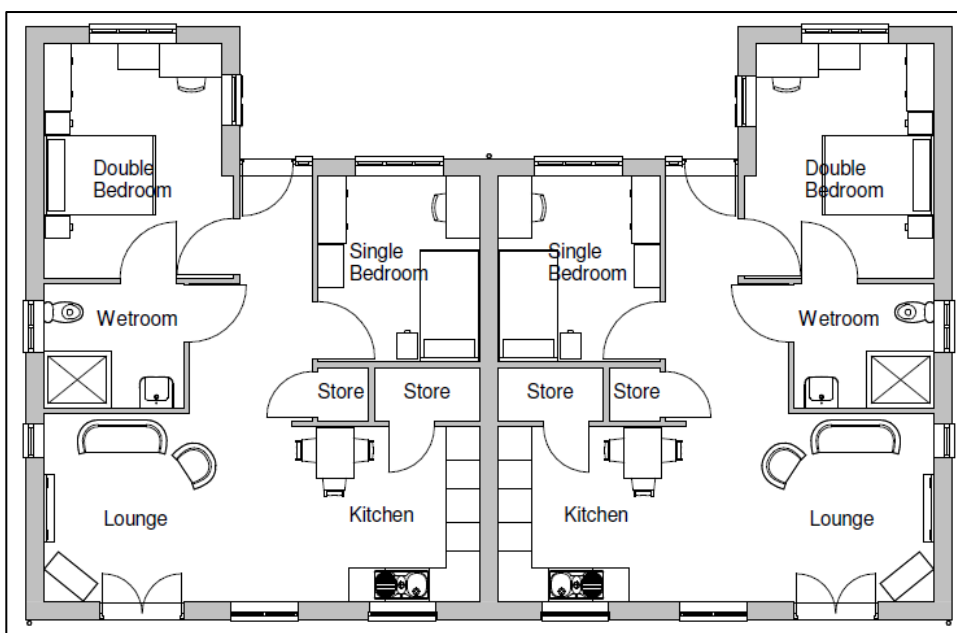


Rear of site from public house car park.



Public house to rear of site.

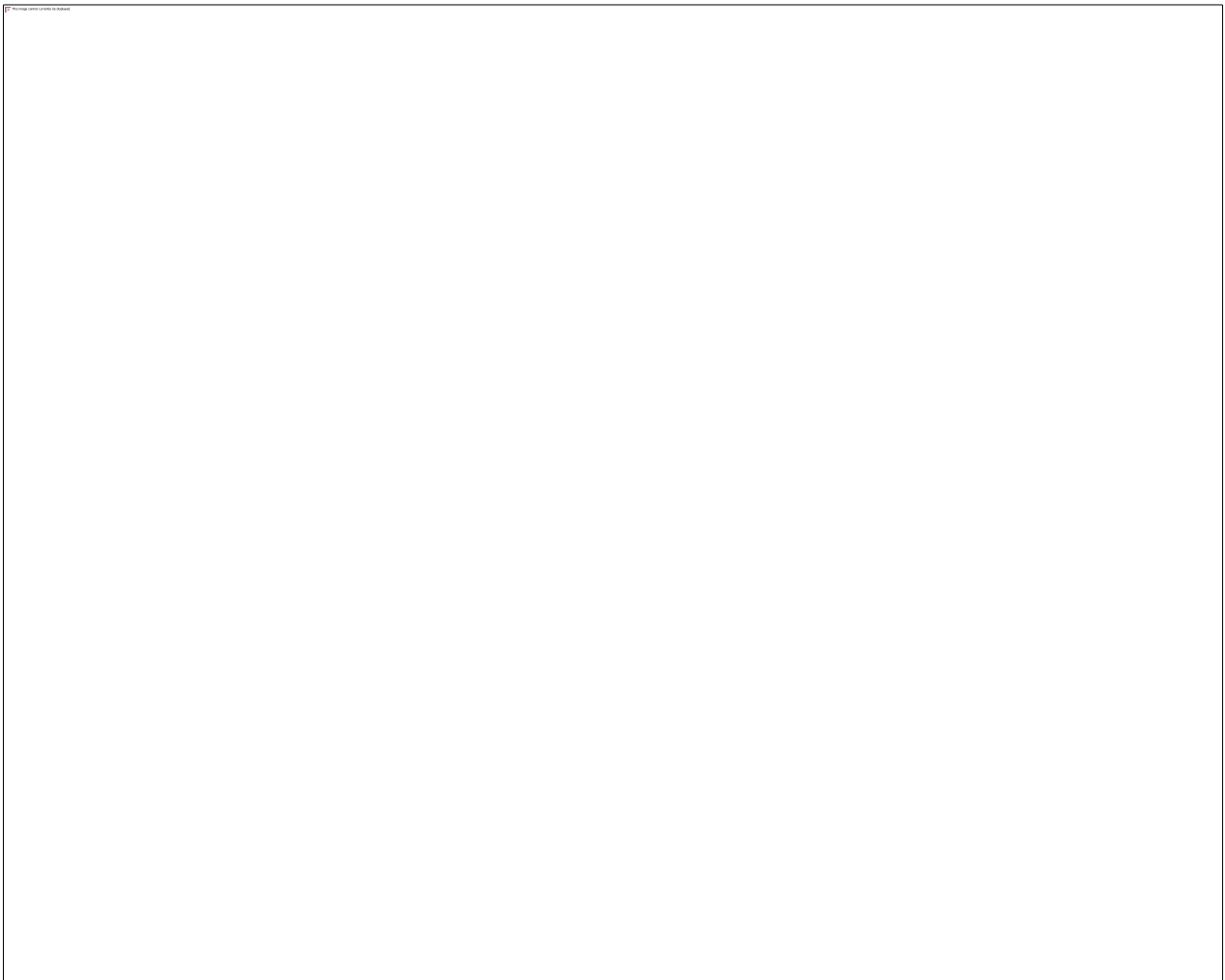
Plans (not to scale)



Floor plan as proposed.



Front elevation as proposed.



Report of the Chief Executive**APPEAL DECISION**

APPLICATION NUMBER:	18/00417/FUL
LOCATION:	43 Victoria Street Kimberley Nottinghamshire NG16 2NH
PROPOSAL:	Extension to front and change of use from office to dwelling and workshop into domestic garage

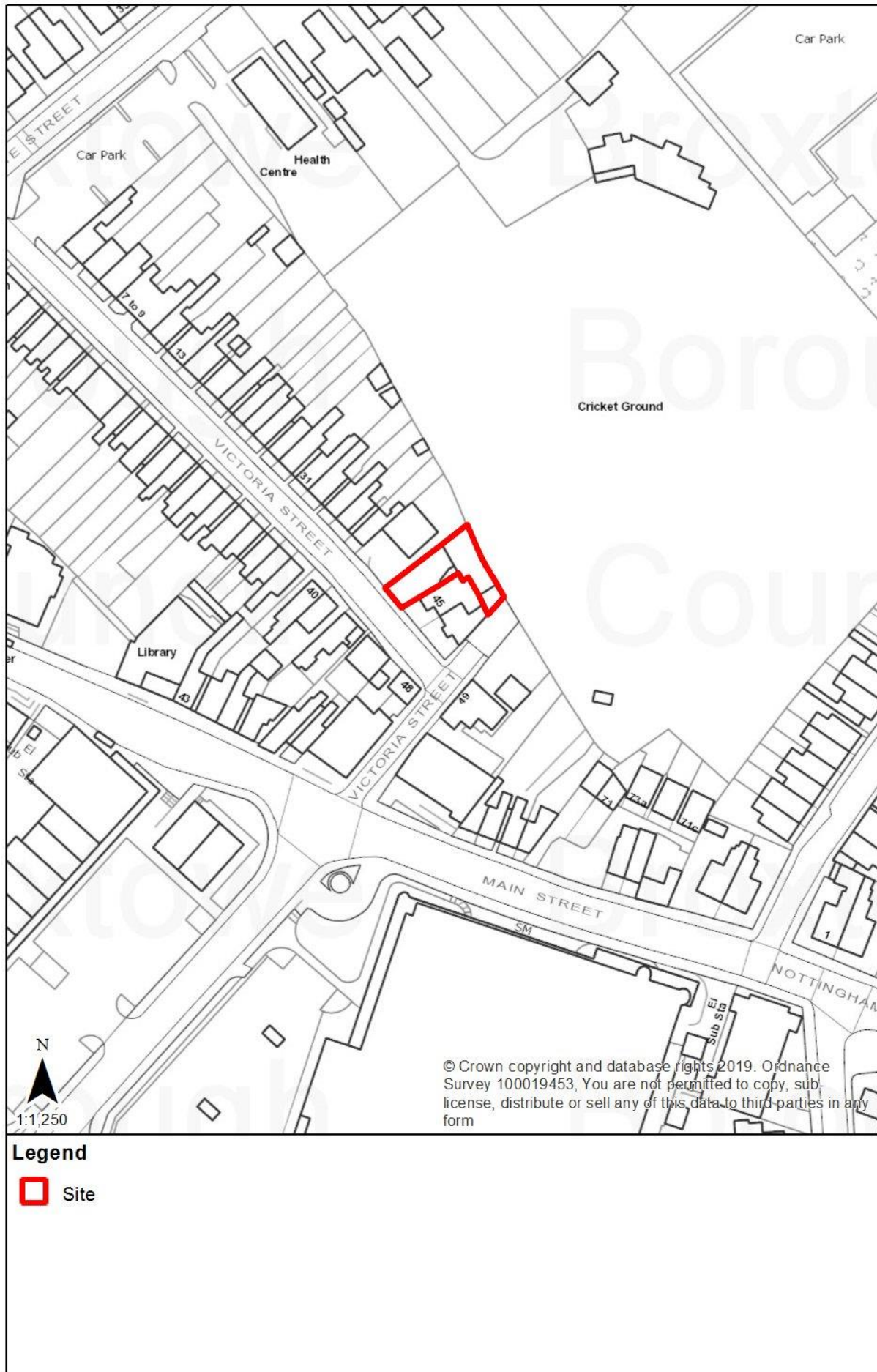
APPEAL DISMISSED

The application related to a proposal to change the use of an office and workshop into a residential dwelling and domestic garage. The proposal included plans to extend the building to the front along with external alterations to make the change of use possible. The Council refused planning permission as the proposed development was considered to represent a cramped and contrived development that would not provide a sufficient standard of amenity for future occupiers.

The Inspector considered the main issues to be whether the proposed development would provide a sufficient standard of amenity for future occupiers with specific regard to outdoor amenity space.

The Inspector concluded that due to the limited space to the rear, its configuration and the potential for overlooking from the cricket field, that the proposed dwelling would not provide a satisfactory level of private amenity space for future occupiers of the premises. The Inspector also considered that the distance from the bedroom windows to the rear boundary created potential for unacceptable overlooking from the cricket field that would adversely affect the living conditions of future occupiers.

For these reasons the Inspector concluded that the private amenity space would be of a scale that would fail to meet the needs of future occupiers and that these factors would indicate that the proposal would represent a cramped form of development.



APPLICATION NUMBER:	19/00035/FUL
LOCATION:	Swancar Farm Country House Swancar Farm Nottingham Road Trowell Moor Trowell NG9 3PQ
PROPOSAL:	Site Portacabin and screening for storage for a temporary 3 years period (resubmission)

APPEAL DISMISSED

The application related to the siting of a portacabin adjacent to the northern elevation of Swancar Farm Country House and a 2.6m high fence that would be erected around the portacabin. Permission was sought for a temporary three year period. The Council refused planning permission as the site lies within the Green Belt and the proposed portacabin and associated screening is not considered to represent any form of appropriate development and would be harmful to the open character of the Green Belt. There were not considered to be any very special circumstances of sufficient weight that outweigh the identified harm to the Green Belt.

The Inspector considered the main issues to be whether the proposed development would be inappropriate development in the Green Belt, the effect of the proposal on the openness and purposes of the Green Belt, and if the development would be inappropriate whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

The Inspector considered that the portacabin would result in additional built form into an undeveloped part of the site. Consequently in both spatial and visual terms the development would have a greater impact on the openness of the Green Belt than the existing circumstances. This would be contrary to the NPPF where it states that an essential characteristic of the Green Belt is openness and permanence.

With respect to the case for very special circumstances put forward by the applicant the Inspector was unconvinced that space could not be made available in the existing buildings. The Inspector therefore concluded that other considerations did not outweigh the identified harm caused by the proposed development.

