



Tuesday, 5 March 2024

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 13 March 2024 in the Council Chamber, Council Offices, Foster Avenue, Beeston NG9 1AB, commencing at 6.00 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 (Chair) G S Hills  
R S Falvey (Vice-Chair) G Marshall  
P J Bales D D Pringle  
L A Ball BEM H E Skinner  
R E Bofinger P A Smith  
G Bunn D K Watts  
S J Carr

## AGENDA

1. APOLOGIES

To receive apologies and to be notified of the attendance of substitutes.

2. DECLARATIONS OF INTEREST

(Pages 5 - 12)

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

3. MINUTES

(Pages 13 - 22)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 7 February 2024.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 22/00892/FUL (Pages 23 - 78)

Change of use of land to animal sanctuary with 27 guest cabins, reception / spa / retreat / education centre, ancillary restaurant building and animal houses /enclosures, creation of new access and car parking including landscaping  
Land to west and south of Station House, The Forge, Trowell, Nottinghamshire

5.2 23/00903/FUL (Pages 79 - 112)

Proposed demolition of existing car garage and construction of residential accommodation comprising 12 studio flats and 2 x 6 bedroom cluster flats (HMO) (revised scheme)  
Beeston Car Centre, Broadgate, Beeston, Nottinghamshire, NG9 2HD

5.3 24/00013/FUL (Pages 113 - 126)

Change of use from existing HMO (Use class C4) to a large House in Multiple Occupation (Sui-Generis use).  
Construction of dormer and single storey side and rear extensions  
193 Station Road, Beeston, NG9 2AB

5.4 23/00614/FUL (Pages 127 - 140)

Retain static mobile home  
Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ

6. INFORMATION ITEMS

6.1 Delegated Decisions (Pages 141 - 150)

7. EXCLUSION OF PUBLIC AND PRESS

**The Committee is asked to RESOLVE that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.**

8. ENFORCEMENT UPDATE - 22/00320/ENF

(Pages 151 - 154)

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# MEMBER INTERESTS

## Part 2 – Member Code of Conduct

### General Obligations:

#### 10. Interest

10.1 You will register and disclose your interests in accordance with the provisions set out in Appendix A.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the Council. The register is publically available and protects you by demonstrating openness and willingness to be held accountable.

You are personally responsible for deciding whether or not you should disclose an interest in a meeting which allows the public, Council employees and fellow Councillors know which of your interests gives rise to a conflict of interest. If in doubt you should always seek advice from your Monitoring Officer.

**You should note that failure to register or disclose a disclosable pecuniary interest as defined in Appendix A of the Code of Conduct, is a criminal offence under the Localism Act 2011.**

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### Advice from the Monitoring Officer:

On reading the agenda it is advised that you:

1. Consider whether you have any form of interest to declare as set out in the Code of Conduct.
2. Consider whether you have a declaration of any bias or predetermination to make as set out at the end of this document
3. Update Democratic Services and the Monitoring Officer and or Deputy Monitoring Officers of any declarations you have to make ahead of the meeting and take advice as required.
4. Use the Member Interest flowchart to consider whether you have an interest to declare and what action to take.
5. Update the Chair at the meeting of any interest declarations as follows:

‘I have an interest in Item xx of the agenda’

‘The nature of my interest is ..... therefore the type of interest is  
DPI/ORI/NRI/BIAS/PREDETERMINATION

‘The action I will take is.....’

This will help Officer record a more accurate record of the interest being declared and the actions taken. You will also be able to consider whether it is necessary to send a

substitute Members in your place and to provide Democratic Services with notice of your substitute Members name.

**Note: If at the meeting you recognise one of the speakers and only then become aware of an interest you should declare your interest and take any necessary action**

6. Update your Member Interest Register of any registerable interests within 28days of becoming aware of the Interest.
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### **Ask yourself do you have any of the following interest to declare?**

#### **1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

A “Disclosable Pecuniary Interest” is any interest described as such in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and includes an interest of yourself, or of your Spouse/Partner (if you are aware of your Partner's interest) that falls within the following categories: Employment, Trade, Profession, Sponsorship, Contracts, Land, Licences, Tenancies and Securities.

#### **2 OTHER REGISTERABLE INTERESTS (ORIs)**

An “Other Registerable Interest” is a personal interest in any business of your authority which relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority; or
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

of which you are a Member or in a position of general control or management.

#### **3 NON-REGISTRABLE INTERESTS (NRIs)**

“Non-Registrable Interests” are those that you are not required to register but need to be disclosed when a matter arises at a meeting which directly relates to your financial

interest or wellbeing or a financial interest or wellbeing of a relative or close associate that is not a DPI.

A matter “directly relates” to one of your interests where the matter is directly about that interest. For example, the matter being discussed is an application about a particular property in which you or somebody associated with you has a financial interest.

A matter “affects” your interest where the matter is not directly about that interest but would still have clear implications for the interest. For example, the matter concerns a neighbouring property.

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## **Declarations and Participation in Meetings**

### **1 DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

1.1 Where a matter arises at a meeting which **directly relates** to one of your Disclosable Pecuniary Interests which include both the interests of yourself and your partner then:

#### **Action to be taken**

- **you must disclose the nature of the interest** at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council’s register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not participate in any discussion** of that particular business at the meeting, or if you become aware of a disclosable pecuniary interest during the meeting you must not participate further in any discussion of the business, including by speaking as a member of the public
- **you must not participate in any vote** or further vote taken on the matter at the meeting and
- **you must withdraw from the room** at this point to make clear to the public that you are not influencing the meeting in anyway and to protect you from the criminal sanctions that apply should you take part, unless you have been granted a Dispensation.

### **2 OTHER REGISTERABLE INTERESTS (ORIs)**

2.1 Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests i.e. relating to a body you may be involved in:

- **you must disclose** the interest at the commencement of that consideration, or when the interest becomes apparent, whether or not such interest is registered in the Council's register of interests of Member and Co-opted Members or for which you have made a pending notification. If it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote** on the matter, but may speak on the matter only if members of the public are also allowed to speak at the meeting
- **you must withdraw from the room** unless you have been granted a Dispensation.

### 3 NON-REGISTRABLE INTERESTS (NRIs)

3.1 Where a matter arises at a meeting, which is not registrable but may become relevant when a particular item arises i.e. interests which relate to you and /or other people you are connected with (e.g. friends, relative or close associates) then:

- **you must** disclose the interest; if it is a sensitive interest you do not have to disclose the nature of the interest, just that you have an interest
- **you must not take part in any discussion or vote**, but may speak on the matter only if members of the public are also allowed to speak at the meeting; and
- **you must withdraw** from the room unless you have been granted a Dispensation.

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### Dispensation and Sensitive Interests

A "Dispensation" is agreement that you may continue to participate in the decision-making process notwithstanding your interest as detailed at section 12 of the Code of the Conduct and the Appendix.

A "Sensitive Interest" is as an interest which, if disclosed, could lead to the Member, or a person connected with the Member, being subject to violence or intimidation. In any case where this Code of Conduct requires to you to disclose an interest (subject to the agreement of the Monitoring Officer in accordance with paragraph 2.4 of this Appendix regarding registration of interests), you do not have to disclose the nature of the interest, if it is a Sensitive Interest in such circumstances you just have to disclose that you have a Sensitive Interest under S32(2) of the Localism Act 2011. You must update the Monitoring Officer when the interest is no longer sensitive, so that the interest can be recorded, made available for inspection and published.



**BIAS and PREDETERMINATION**

The following are not explicitly covered in the code of conduct but are important legal concepts to ensure that decisions are taken solely in the public interest and not to further any private interests.

The risk in both cases is that the decision maker does not approach the decision with an objective, open mind.

This makes the local authority's decision challengeable (and may also be a breach of the Code of Conduct by the Councillor).

Please seek advice from the Monitoring Officer or Deputy Monitoring Officers, if you need assistance ahead of the meeting.

**BIAS**

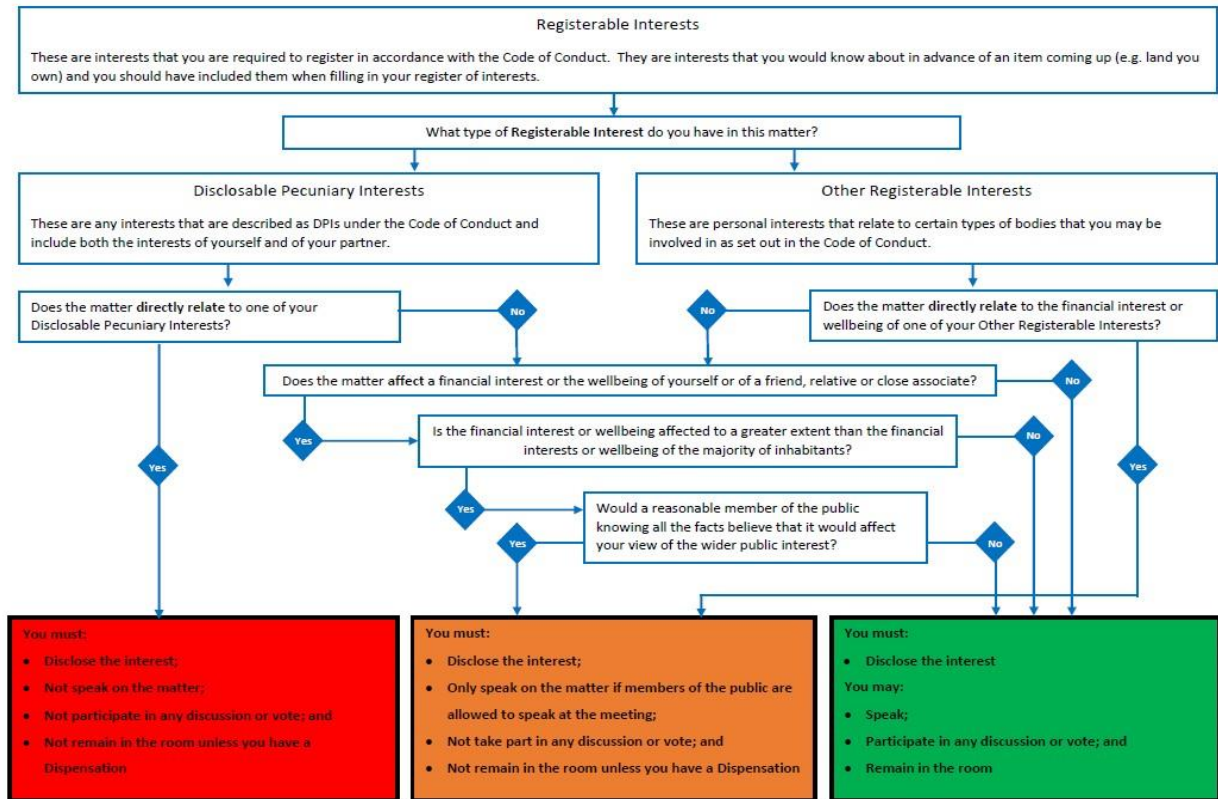
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be bias in your judgement of the public interest:

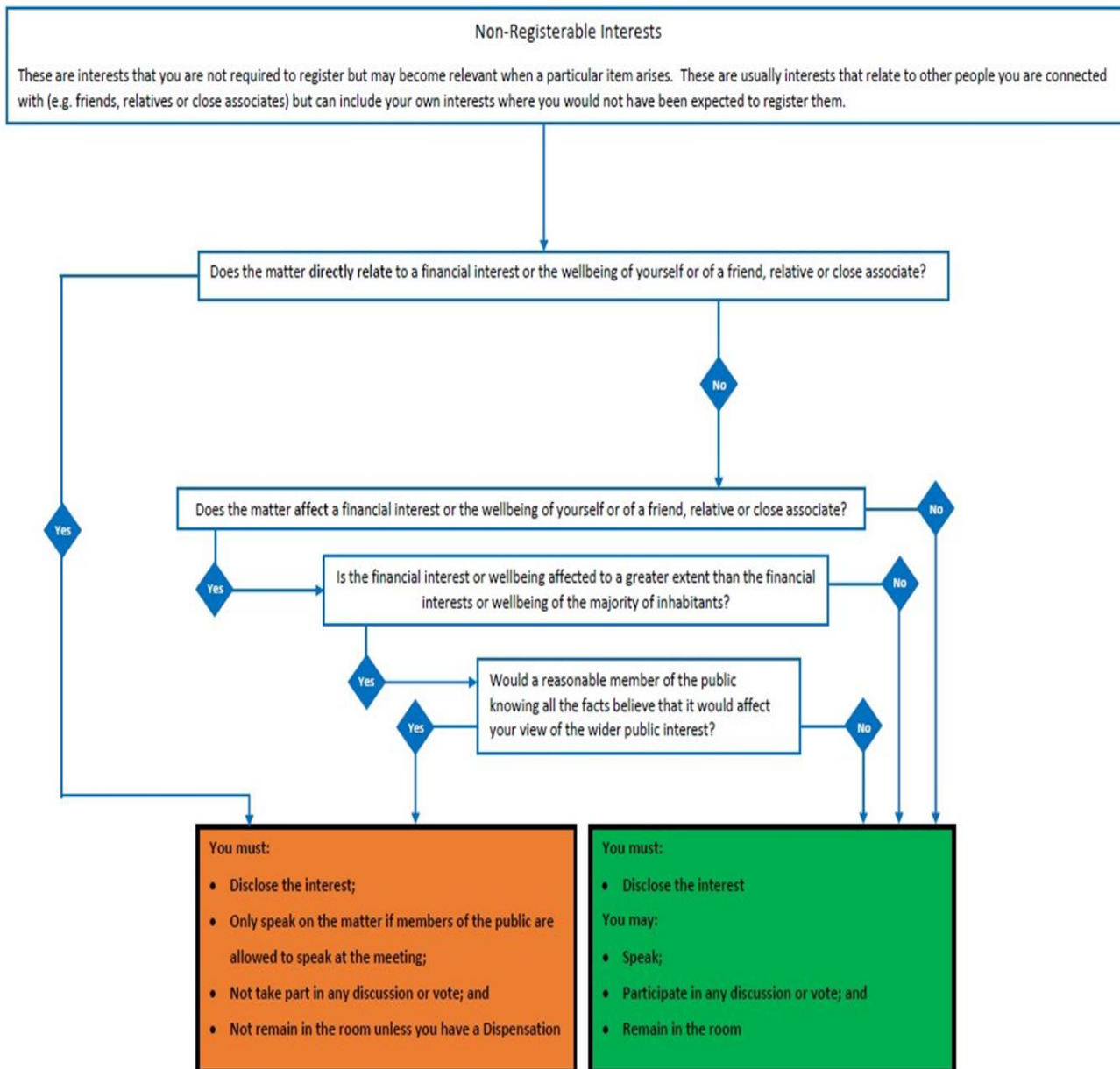
- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.

**PREDETERMINATION**

Where a decision maker has completely made up his/her mind before the decision is taken or that the public are likely to perceive you to be predetermined due to comments or statements you have made:

- a) you should not take part in the decision-making process
- b) you should state that your position in this matter prohibits you from taking part
- c) you should leave the room.





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## PLANNING COMMITTEE

WEDNESDAY, 7 FEBRUARY 2024

Present: Councillor D Bagshaw, Chair

Councillors: P J Bales  
R E Bofinger  
G Bunn  
S J Carr  
G S Hills  
G Marshall  
D D Pringle  
H E Skinner  
P A Smith  
D K Watts  
R Bullock (Substitute)  
J M Owen (Substitute)

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

Councillor P J Owen was present as ex-officio.

The Officers present were R Dawson, S Heron, S Khosa and K Newton.

#### 44 DECLARATIONS OF INTEREST

Councillor P Bales declared a non registrable, non pecuniary interest in item 5.1 as he was acquainted with a neighbour of the proposed development. Minute number 47.1 refers.

Councillor D Bagshaw declared a registrable interest, pecuniary in item 5.2 as he had been in consultation with the developer in his capacity as an Eastwood Town Councillor. Minute number 47.1 refers.

Councillor P J Owen declared a non registrable, non pecuniary interest in item 5.1 as he had called the application in to be considered by Committee. Minute number 47.1 refers.

Councillor R Bullock declared a non registrable, prejudicial interest in item 5.2 as he was pre-determined and the Committee as Ward Member. Minute number 47.2 refers.

Councillor D K Watts declared a non registrable, non pecuniary interest in item 5.2 as he was acquainted with the objector, who was a member of his political party. Minute number 47.2.

Councillor D K Watts also declared a non registrable, non pecuniary interest in item 5.3 as he had called the application in to be considered by Committee and was in the same political party as the applicant. Minute number 47.3 refers.

Councillor S J Carr declared a non pecuniary, non registrable interest in item 5.4 as he had called the application in to be considered by Committee.

45 MINUTES

The minutes of the meeting of 6 December 2023 were confirmed and signed as a correct record.

46 NOTIFICATION OF LOBBYING

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

47 DEVELOPMENT CONTROL

47.1 23/00627/FUL

Construct a single storey side/rear extension  
181 Nottingham Road, Nuthall

A decision on this proposal had been deferred by the Committee at the meeting on 8 November 2024.

There were no late items and no public speakers.

Having considered the evidence before it the Committee debated the application. It was noted that the applicant had reduced the scale of the proposed extension and removed a window, thus reducing the impact on neighbour amenity.

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

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**

***Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.***

2. **The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 12 September 2023, Proposed Block Plan Revision A and Proposed Floor Plans and Elevations Revision A received by the Local Planning Authority on 20 November 2023.**

***Reason: For the avoidance of doubt.***

3. **The extension shall be faced using off-white render finish, in accordance with the approved plans.**

***Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of Part 2 Local Plan (2019).***

#### **NOTES TO APPLICANT**

- 1. The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.**
- 2. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.**

**Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  
[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)**

**Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.**

**If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)**

Having declared a non registrable, personal and prejudicial interest, Councillor P Bales left the meeting for the duration of the item and did not vote thereon.

47.2 23/00787/REM

Construct 29 dwellings Phase 1 – Reserved Matters relating to reference 20/00844/OUT

Former site of Lynncroft Primary School, Lynncroft, Eastwood, Nottinghamshire

The application is brought to the Committee as it is a reserved matters application for a major residential development.

There were no late items.

A statement was read out on behalf of Katy Falls, the applicant. Bob Charlesworth, objecting, and Councillor R Bullock, Ward Member, made representation to the Committee prior to the general debate.

Having given due regard to the representations before it, the Committee considered the application. There were concerns about the behaviour of the developer and their contractors. It was agreed that the site should be developed, but there were concerns about phasing development, building housing that met the climate change challenge and drainage. It was noted that the Committee wanted to consider the layout of the site holistically, to ensure previous concerns about overlooking and the impact on neighbour amenity were addressed. Debate progressed on to how water was to be dealt with on the site, it was noted that the outline permission had been granted prior to the unprecedented flooding that occurred in the Borough during storm Babet.

It was proposed by Councillor S J Carr and seconded by Councillor D K Watts that there be a recorded vote that the vote be recorded. The votes were cast as follows:

For	Against	Abstention
	P J Bales	
	R E Bofinger	
	G Bunn	
	S J Carr	
	G S Hills	
	G Marshall	
	J M Owen	
	D D Pringle	
	H E Skinner	
	P A Smith	
	D K Watts	

**RESOLVED that planning permission be refused.**

**RESOLVED that the reasons for refusal, to include the need for the Committee to see the layout of the entire site, the need for a holistic approach and flooding, with the precise wording of the refusal to be delegated to Chair for the item in agreement with the Head of Planning and Economic Development.**



## Reasons

The proposal, by virtue of the piecemeal phasing of development, would fail to take an holistic approach to the wider development of the allocation site parameters and the wider area. The development would fail to address wider issues affecting the site such as neighbour amenity (through restricted layout) and surface water flooding, contrary to Policies 1 and 10 of the Aligned Core Strategy and Policies 1, 2 and 17 of the Part 2 Local Plan 2019.

(Having declared a pecuniary interest in the item, Councillor D Bagshaw vacated the Chair for the duration of the item, did not participate in the debate and did not vote thereon. In the absence of the Vice Chair it was proposed by Councillor G Bunn and seconded by Councillor P A Smith that Councillor G Marshall take the Chair for this item. On being put to the meeting the motion was passed.

**RESOLVED that Councillor G Marshall take the Chair for the duration of the item.**

Having declared himself pre-determined, Councillor R Bullock made representation to the Committee as a Ward Member and left the meeting for the duration of the debate on the item and did not vote thereon.)

### 47.3 23/00792/FUL

Construct single storey equestrian storage building with roller shutter access  
Land north of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire

The item was brought to Committee at the request of the Head of Service.

There were no late items.

Reece Oliver, the applicant, made representation to the Committee prior to the general debate.

The Committee considered all representations made to it and debated the item. Those in support of the application considered that the proposed development for equestrian use was appropriate in the Green Belt. Those against felt the development was inappropriate because of its size, appearance, impact on neighbour amenity and negative impact on the openness and amenity of the Green Belt.

**RESOLVED that planning permission be refused subject for the following reasons.**

- 1. Reason: The proposal by virtue of its location within the Green Belt, within which there is a strong presumption against inappropriate development except in very special circumstances, none of which, on the basis of the information provided, apply here, would represent inappropriate development in the Green Belt due to the size of the building and would harm the openness of the Green Belt. Accordingly, the proposal is contrary to the aims of the National Planning Policy**

Framework (2023), Policy 3 of the Broxtowe Aligned Core Strategy (2014) and Policy 8 of the Part 2 Local Plan (2019) and there are no material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

2. Reason: The proposal by virtue of its close proximity to the neighbouring properties is considered to have an unacceptable negative impact on neighbour amenity in terms of noise and the intensified use of the area of land. As such the proposal is contrary to the aims of the National Planning Policy Framework (2023), Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019) and there are no material considerations of compelling weight that would justify treating the proposal as an exception to these policies.

#### NOTES TO APPLICANT

1. The Council has tried to act positively and proactively in the determination of this application, however there were no changes considered available to the scheme to make the proposal acceptable.

#### 47.4 23/00783/FUL

Partial demolition and construct single storey extension to rear to extend retail space. Extension within roof void to create new dwelling; alterations and external works  
101 - 103 Central Avenue, Beeston, Nottinghamshire, NG9 2QS

Councillor S J Carr had requested that this proposal come before Committee for consideration.

There were no late items and no public speakers.

The Committee gave consideration to the application and the debate ensued.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.

*Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.*

2. The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 30 October 2023:
  - Site Location Plan (Drawing Number: MD 2212 (EX)00 A),
  - and the following plans received by the Local Planning Authority on 28 November 2023:
    - Proposed Site Plan (Drawing Number: MD 2212 (EX)02 A),
    - Proposed Elevation and Floor Plans (Drawing Reference MD 2212 (EX)01 A),

*Reason: For the avoidance of doubt.*

3. The proposed extension and external stairs shall be constructed using bricks on the walls to match the existing property and profiled metal sheeting to the roof as specified in the application form received by the Local Planning Authority on 14 June 2023, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).*

4. The retail premises shall not be used except between 07.00- 23.00 hours Monday to Saturday and 08.00-22.00 hours on Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.

*Reason: To protect nearby residents from excessive operational noise and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and 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. You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).
3. Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.

#### 47.5 23/00814/REG3

Install external wall insulation to front, rear and side elevations of properties, including enabling and facilitating works. Numbers 1-27, 29-30, 32-52, 83A, 83-92 Princes Street and 1-22 Wellington Street  
1-27, 29-30, 32-52, 83A, 83-92 Princes Street and 1-22 Wellington Street, Eastwood, Nottinghamshire

The proposal was brought before Committee as the Council is the applicant.

There were no late items.

Luke Mellors, on behalf of the applicant, made representation to the Committee prior to the general debate.

Having considered all of the representations made to the Committee the debate ensued. There was discussion regarding the importance of making the houses as energy efficient as possible, reducing damp and mould and the duty of care the Council had, as a landlord, for tenants.

**RESOLVED that planning permission be granted.**

**RESOLVED that the precise wording of the approval and conditions be delegated to the Chair of Planning Committee in agreement with the Head of Planning and Economic Development.**

#### **Conditions**

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the following plan received by the Local Planning Authority on 04 December 2023:**
  - Site Location Plan**

**And also the following plans received by the Local Planning Authority on 16 January 2024:**

  - Proposed Elevations (Drawing Number CW24-010-006 REV B),**
  - Proposed Elevations (Drawing Number CW24-010-004 REV B),**
  - Proposed Elevations (Drawing Number CW24-010-003 REV B),**
  - Proposed Elevations (Drawing Number CW24-010-011 REV B),**
  - Proposed Elevations (Drawing Number CW24-010-012 REV B),**
  - Proposed Elevations (Drawing Number CW24-010-013 REV B),**
  - Proposed Elevations (Drawing Number: CW24-010-002 REV B)**
- 3. For the avoidance of doubt the external render shall be applied using materials coloured to match the existing brickwork, a shallow mortar recess and with all finishing details such as cills, lintels and dog tooth detailing completed as specified in the finished detailing drawings received by the Local Planning Authority on 04 December 2023, unless otherwise agreed in writing by the Local Planning Authority.**
- 4. Prior to commencement of development hereby approved a further inspection of properties 2, 3, 7, 9, 10, 15, 17, 20, 29, 30, 32, 38, 39, 40, 41, 43, 45, 48, 49, 50, 52 and 89 Princes Street as well as 12, 13, 14, 15, 20 and 21 Wellington Street shall be carried out by a licensed ecologist from scaffolding to check for the presence of roosting bats. The results of which must be submitted in writing to the Planning Authority. Should evidence of bats be recorded during the pre-works inspection, works will need to be delayed on that property until further surveys have been carried out and recommendations made.**

5. **Should statutorily protected species be found within the application site at any time during the construction stage, then all work shall cease immediately and written notification shall be sent by the developer to the Planning Authority. Development shall only recommence once written approval for recommencement has been issued in writing by the Planning Authority.**
6. **Prior to commencement of development hereby approved, a plan showing the locations and types of twelve universal swift boxes which are to be fitted to the northern elevations of Princes Street, shall be submitted to and approved in writing to the Planning Authority. Thereafter, works shall commence in accordance with these approved details and the bird boxes installed prior to the completion of the approved works.**

#### **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 11 of the Broxtowe Part 2 Local Plan (2019) and Policy 23 of the Aligned Core Strategy (2014).**
4. **In the interests of protected species and in accordance with the aims of Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019)**
5. **In the interests of protected species and in accordance with the aims of Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019)**
6. **In the interests of protected species and in accordance with the aims of Policy 17 of the Aligned Core Strategy (2014) and Policy 31 of the Broxtowe Part 2 Local Plan (2019)**

#### **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.**
2. **You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).**

## 48 INFORMATION ITEMS

### 48.1 APPEAL DECISIONS

The appeal decisions were noted.

There was particular concern about the appeal that had been allowed at the car park, Kelham Road, Eastwood. It was noted that the Leader of the Council was to the Secretary of State to express disappointment at the decision.

### 48.2 DELEGATED DECISIONS

The delegated decisions were noted.

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>22/00892/FUL</b>
<b>LOCATION:</b>	<b>Land to west and south of Station House, The Forge, Trowell, Nottinghamshire</b>
<b>PROPOSAL:</b>	<b>Change of use of land to animal sanctuary with 27 guest cabins, reception / spa / retreat / education centre, ancillary restaurant building and animal houses /enclosures, creation of new access and car parking including landscaping</b>

The application is brought to the Committee at request of Councillor D Pringle. The proposal is also a departure from the Broxtowe Part 2 Local Plan 2019.

1. Purpose of the Report

1.1 The application seeks full planning permission for the change of use of land to construct an animal sanctuary and retreat venue with 27 guest cabins, reception, spa, education centre, restaurant and animal houses / enclosures including associated infrastructure.

2. Recommendation

2.1 **The Committee is asked to RESOLVE that planning permission be refused in accordance with the reasons for refusal outlined in the APPENDIX.**

3. Detail

3.1 The application seeks full planning permission for the development as outlined in paragraph 1.1 above.

3.2 The site is an irregular shaped parcel of land and has a site area of approximately 9.24 hectares. The application site relates to vacant grassland located within the Green Belt, south of the A609 Ilkeston Road. A public footpath runs through the site leading from The Forge southwards. The site currently consists of agricultural land and part of the site historically comprised of a blacksmith's forge and a number of dwellings which were demolished with no formal use of the site having taken place since. The area defined for development is largely flat as a result of historic development on the site which slopes downwards towards the River Erewash. The site is characterised as a low lying wetland that functions as a flood plain featuring mature shrubbery and trees. The site is partly located in Flood Zone 2 and 3 and forms Trowell Junction Grassland Local Wildlife Site.

3.3 The main issues relate to whether the principle of development in the Green Belt is acceptable, the impacts on the openness of the Green Belt is acceptable, on visual amenity and the Erewash River Corridor local landscape character area, on the living conditions of neighbouring properties, on

flooding, on town centres, on ecology, on land contamination and sustainability.

- 3.4 What is proposed is considered to be inappropriate development in the Green Belt, due to the fact that the proposal does not fall within any of the exceptions referred to in paragraphs 154 and 155 of the NPPF. The main issue to assess is whether any of the matters within the report contained within **APPENDIX** taken individually or collectively, amount to the Very Special Circumstances (VSC) necessary to outweigh the harm to the Green Belt through inappropriateness. What constitutes VSC will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly, to consider whether a number of factors combine to create VSC.
- 3.5 Moderate weight is afforded to the proposal which contributes to supporting tourism development and the visitor economy in Broxtowe, offering employment opportunities and economic benefits at regional scale. However, limited weight is afforded to animal conservation, education opportunities, building a carbon negative development or biodiversity enhancements. These measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site.
- 3.6 Substantial weight is afforded to the harm to the openness of the Green Belt and character and appearance of the local landscape. Substantial weight is afforded to the adverse impact on protected species, loss of a local wildlife site, harm to a wildlife corridor and failure to demonstrate a biodiversity net gain. Substantial weight is afforded to the inadequacy of the search area for both the flood risk and retail sequential test, therefore insufficient evidence to justify the proposed development in an area of high flood risk and in an out of centre of location has been submitted.
- 3.7 Overall, it is concluded that there are no VSCs which, taken collectively, are sufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area, the harm to ecology, the harm to flood risk and town centres.

#### 4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.



5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

Nil.

## APPENDIX

1. Details of the application

- 1.1 The application seeks full planning permission for the change of use of land to construct an animal sanctuary and retreat venue. The proposed scheme comprises 27 guest cabins, a reception building containing a spa facility for guest use and an education centre for visitors, a restaurant, a number of animal enclosures and 120 parking spaces.
- 1.2 The proposal is designed to provide an overnight wildlife accommodation experience to increase tourism in the surrounding local areas and includes education opportunities for non-guest visitors.
- 1.3 The development would comprise:
- Reception building (spa, cafe and education classroom) – 2 storeys – ground floor 428 square metres and first floor 127 square metres (555 square metres total).
  - Guest cabins (27 total) – two storeys, ground floor 47 square metres and first floor 44 square metres (91 square metres per cabin / 2457 square metres total).
  - Restaurant – single storey (534 square metres).
  - 10 x animal houses and enclosures (3358 square metres).
  - New vehicle access point.
  - 120 parking spaces.
  - Meandering visitor routes throughout the site.
  - Dedicated 4-metre wide service access route around site.
  - Cycle parking facilities for site users.
  - Landscape and public realm works.
  - Water bodies.
  - Areas of native planting.
  - Fencing.
- 1.4 Access into the site is from the north with the reception building located off the access road. Directly south of the reception building includes two parking areas. The layout of the site comprises of guest cabins overlooking animal enclosures which are all accessible via a meandering private road which runs north to south. There are three larger animal barns spaced out throughout the site from north to south. There are also two smaller animal barns proposed in the south-eastern corner of the site. The proposed development includes a servicing area which is accessed by a private road that surrounds the proposed development. The proposed restaurant building is located in the southern part of the site. The layout includes a mixture of hard and soft landscaping including fencing of varying heights required for the development. The proposed landscape scheme includes retention of existing mature trees and shrubbery throughout the site.

- 1.5 The proposed buildings including the guest cabins and reception would be finished in timber cladding with solar roofs. The restaurant building would be finished in timber cladding including a thatched roof. The animal barns would be constructed using green treated timber cladding with metal roofs.
2. Site and surroundings
  - 2.1 The application site relates to vacant grassland located within the Green Belt, south of the A609 Ilkeston Road. A public footpath runs through the site leading from The Forge southwards. The site currently consists of agricultural land and part of the site historically comprised a blacksmith's forge and a number of dwellings which were demolished with no formal use of the site having taken place since. The area defined for development is largely flat as a result of historic development on the site which slopes downwards towards the River Erewash. The site is characterised as a low lying wetland that functions as a flood plain featuring mature shrubbery and trees. It was noted when visiting the site that a number of storage containers and waste building materials were located in the approximate location of the former housing on site.
  - 2.2 The site is irregular shaped and has an area of 9.24 hectares. To the east of the site is the Erewash Valley railway line and to the west and south the River Erewash forms the site and County boundary. Further west of the site is the Gallows Inn playing fields in the neighbouring Borough of Erewash. These fields comprise sports pitches and recreation grounds. Across the River Erewash is the Erewash Canal and further beyond are commercial buildings off Hallam Fields Road, Ilkeston.
  - 2.3 To the east, beyond the railway line that runs north to south, are the rear gardens of residential properties off Ilkeston Road. Immediately north-east of the site includes Station House, a detached residential property accessed from The Forge. Also served off The Forge includes 1 The Forge which consists of a storage yard and associated building for commercial use. Planning permission was granted for a detached dwelling on part of this land 1 The Forge (21/00775/FUL). To the north-east of the site includes a large industrial building located on the opposite side of Ilkeston Road, and to the north beyond Ilkeston Road lies a building materials storage yard.
  - 2.4 The site lies within the local landscape character area, part of The Greater Nottingham Landscape Character Assessment (GNLCA) under Policy 30 – Landscape of the Part 2 Local Plan. The site covers the Trowell Junction Grassland Local Wildlife Site and along the west and south boundary of the site along the River Erewash includes a Green Infrastructure Corridor which are both environmental assets protected under Policy 28 - Green Infrastructure Assets and Policy 31 – Biodiversity Assets of the Part 2 Local Plan 2019. The site lies partly within Flood Zones 2 and 3.
3. Relevant Planning History

3.1 In 2020 an application was submitted for the change of use of land from agricultural to a recreational use, through the provision of 26 holiday lodges and a reception building. However, this application was withdrawn 23<sup>rd</sup> March 2021 due to concerns about the impact of the proposal on the Green Belt.

4 Relevant Planning History

4.1 **Broxtowe Aligned Core Strategy Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 3: The Green Belt
- Policy 4: Employment Provision and Economic Development
- Policy 6: Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity
- Policy 12: Local Services and Healthy Lifestyles
- Policy 13: Culture, Tourism and Sport
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Space
- Policy 17: Biodiversity
- Policy 19: Developer Contributions

4.3 **Part 2 Local Plan 2019:**

- Policy 1: Flood Risk
- Policy 8: Development in the Green Belt
- Policy 13: Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 26: Travel Plans
- Policy 28: Green Infrastructure Assets
- Policy 30: Landscape
- Policy 31: Biodiversity
- Policy 32: Developer Contributions

4.4 **National Planning Policy Framework 2023:**

- Part 2: Achieving Sustainable Development
- Part 6: Building a Strong, Competitive Economy
- Part 9: Promoting Sustainable Transport
- Part 11: Making Effective Use of Land
- Part 13: Protecting Green Belt land
- Part 12: Achieving Well-designed Places

- Part 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- Part 15: Conserving and Enhancing the Natural Environment

5. Consultations

5.1 **County Highways: Response to first consultation;** No objections subject to conditions relating to the implementation of proposed access, parking to be provided, maintenance of public footpath and a revised Travel Plan to be submitted.

*Response to second consultation;* Highways have reviewed the submitted Transport Addendum and amended site layout plan to account for revised increase in staffing numbers 60 to 72 full-time equivalents (FTE). The amended parking numbers have been increased from 115 to 120 to account for the increase staff numbers, this has been reviewed by County Highways and no objections are provided. The amended staff numbers would require 5 additional parking spaces from that previously proposed, which have been included on an updated site plan.

5.2 **County Rights of Way – Response to first consultation:** further information required.

- Trowell Footpath 3 runs along The Forge and the crosses the application site.
- NCC Public Rights of Way (PRoW) have requested that The Forge is never allowed to be used by vehicles at any time during the construction, development or operation of the site. This will ensure the safety of legal users of the public footpath (those on foot with usual accompaniments).

*Response to second consultation:* on receipt of further information no objections, maintenance condition of PRoW suggested.

- A condition is recommended to ensure all future maintenance is provided by the landowner for the lifetime of the development.
- It is proposed to widen and resurface the length of the public footpath with pedestrian grade 'breedon' gravel.
- A two-metre strip of planting will be included either side of the PRoW. The width of the new PRoW corridor will be in total 6.5 metres wide, this allows for a 2-metre offset either side of the pathway to the 1.8-metre-high chain-link zoo licence fencing.

5.3 **Broxtowe Environmental Health** – No objections subject to conditions relating to land contamination remediation, operation noise, plant noise, construction noise, odour, lighting and general operation restrictions.

5.4 **Broxtowe Economic Development** – Economic case identified. Notwithstanding this, despite the impact and recognition of the short term and

long term benefits brought by the pre and post project delivery and running of operations, the overall benefits presented are overestimated by:

- socioeconomic impact retention within the borough due to the venue location and its proximity to the boundary of the borough;
- theoretically, looking at the retention rate within a radius distance from the site, the level of retention estimated is largely dispersed to other areas of Nottinghamshire; and
- the estimated human capital value added is theorised/inferred and lacks detail to substantiate the potential educational benefits offered.

5.4 **Tree officer** - No objections. There are no trees on site of any special significance that are worthy of TPO protection, the hedgerows on site do provide habitat for wildlife and could be incorporated into the design with management, currently none of the hedges appear to be subject to any kind of maintenance.

5.5 **Environment Agency** – *Response to first consultation*: objection, as the development does not demonstrate that the risks of pollution to controlled waters are acceptable, or can be appropriately managed. Further information requested, a preliminary risk assessment (phase 1 geo-environmental risk assessment) should be submitted.

Other matters raised:

- Flood risk – no objections subject to conditioning the development is carried out in accordance with Flood Risk Assessment (FRA) and Finished Floor Levels (FFL).
- 17 cabins are located in Flood Zone 2, therefore sequential test required.
- Biodiversity – no objections subject to conditioning 8-metre-wide buffer zone alongside River Erewash. The assessment supplied shows a net loss of habitat units measuring -18.96%. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity in and around developments should be encouraged.

*Response to second consultation*: no objections, subject to groundwater and contaminated land conditions. The EA have reviewed the Phase I Contaminated Land Desk Study, Report Ref: 27890-GEO-0401, dated February 2024.

Other matters raised:

- The EA have reviewed the application alongside the new Erewash flood model (dated 2023) and the current and potential future flood map for planning, and there are a number of lodges located in Flood Zone 2.
- The proposed finished floor level of 42.91mAOD is acceptable (600mm freeboard).
- The EA advise that the FRA recommended condition should be amended to restrict all vulnerable development restricted to Flood Zones 1 and 2 only.

- The new updated DEFRA Metric 4.0 calculations (prepared by EMEC Ecology, 2023) reduces habitat unit losses slightly to -16.24%.

- 5.6 **Nottinghamshire Wildlife Trust** – *Response to first consultation*; objection, the proposal will impact a recognised biodiversity asset (Trowell Junction Grassland LWS), priority habitats (rivers and streams, lowland wet grassland) and potential several priority species (bats, badgers, riparian mammals, amphibians, reptiles).

Preliminary Ecological Appraisal and Biodiversity Impact Assessment is inadequate as it does not provide the detail needed to support a planning application of this nature.

*Response to second consultation*; objection and recommend refusal. NWT have reviewed the submitted Ecological Impact Assessment (EclA) and have raised several concerns in relation to the contents of the (EclA), notably the lack of interpretation of the survey results in relation to the implications of the actual proposed development plan, the inadequate impact assessments, and absence of evidence relating to the mitigation hierarchy procedure.

Biodiversity off setting details within the Addendum to Planning Statement have been reviewed by NWT, it is considered that offsetting to a site within the applicant's ownership in Strelley is unacceptable given the distance from the site (3km) and significant barrier between the two locations including the M1. Offsetting is designed to provide habitats for the range of species to be affected by the development, in this case, this includes badger, otter, water vole, breeding birds, bats, amphibians etc. Thus, offsetting on land with no direct connection to the application site, particularly in relation to riparian mammals (otter, water vole) in the absence of a watercourse, will not mitigate for the loss of onsite habitat for these species.

The application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a biodiversity net gain. The application fails to comply with Policy 16 – Green Infrastructure, Parks and Open Space and Policy 17 – Biodiversity of the Aligned Core Strategy Part 1 Local Plan 2014, Policy 28 – Green Infrastructure Assets and Policy 31 – Biodiversity Assets of the Part 2 Local Plan and Part 15 - Conserving and enhancing the natural environment of the NPPF 2023.

- 5.7 **County Planning Policy** – Developer contributions requested.

- Bus Stop Infrastructure contribution of £10,100 would need to be paid to provide improvements to the bus stop denoted BR0018 Stoney Lane and shall include relocation of real time bus stop pole and display including electrical connections, polycarbonate bus shelter and solar or electrical lighting.

- 5.8 **County Lead Local Flood Authority** – No objections subject to conditioning a surface water drainage scheme to be submitted based on the principles set forward by the Flood Risk Assessment (FRA).
- 5.9 **Severn Trent Water** – Observations provided and informative note recommended:
- Foul drainage is proposed to connect into the public combined water sewer. A sewer modelling study will be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected.
- 5.10 **Coal Authority** – No objections, the site falls partly within the defined Development High Risk Area. Coal Mining Risk Assessment reviewed and no further coal investigatory works required.
- 5.11 **Network Rail** – No objections subject to conditioning construction methodology, drainage, boundary treatment, landscaping and lighting.
- 5.12 **Cadent Gas** – No objections, informative note recommended.
- 5.13 **Trowell Parish Council** – Objection on the following grounds:
- The site is located in Green Belt and so it should be preserved as Green Belt to maintain the character of Trowell.
  - Ecological impact – loss/disruption of local wildlife.
  - Flood risk – the site is a flood plain. Potential surface water flood risk increased on surrounding areas caused by the proposed development.
  - Litter and pollution into the River Erewash and potential ground water contamination.
  - Highway safety – increased traffic affecting users of A609, proposed access is adjacent to an existing access ‘The Forge’ increasing the possibility of conflict/misunderstanding and increased chance of accidents.
  - Noise and odour pollution related to increased traffic, events and animals on the site affecting living conditions of nearby residents.
  - Potential on street parking affecting areas of Trowell.
  - Character and appearance impact on locality.
- 5.14 **Resident comments:** A total of 965 comments have been received. 462 support in support, 484 objections and 19 comments making observations. Comments received have been summarised below:

Objections:

*Principle of development*



- Inappropriate development in the Green Belt
- Brownfield land better suited
- Contrary to aims of Green Belt
- Loss of recreation space

#### *Visual amenity*

- Adverse impact on landscape / character
- Loss of openness
- Site has historic value

#### *Residential amenity*

- Noise disturbance from animals / business operation on neighbouring properties
- Odour pollution from animals / waste on neighbouring properties
- Nearby railway line – noise pollution impact future occupiers

#### *Highway safety*

- Increased traffic on a busy road
- Proposed access inadequate in terms of visibility
- There is a public footpath through the site
- Under provision of onsite parking
- Pedestrian safety risk due to new access (no footway on opposite side of Ilkeston Road)

#### *Other matters*

- Unacceptable impact on local wildlife – including protected species
- Increased pollution from increased traffic
- Increased flood risk / drainage issues / FRA inadequate
- Site not big enough for a zoo
- Zoo licence required
- Lack of pre-application consultation
- Consultation period should be extended / inappropriate timing over Christmas
- Ethical concerns relating to animal captivity
- Public safety risk for users of public footpath / animals
- No local demand for this type of development in this location
- Security issues
- Café should be publically accessible
- What animals will be housed on the site?
- The proposal could be used as a precedent for future housing in the Green Belt
- Issues of controlling / regulating the proposed development
- Ecology survey inadequate / lack of surveys
- Loss of green space / walking area

- Lower property values in area
- Increased potential of protests in this location
- Business would not be successful in this location
- Should permission be granted the site could be used for housing instead
- Information submitted includes inaccuracies

In support:

- Create jobs
- Educational opportunities
- Increase tourism in Broxtowe
- Supports local businesses
- Provides high standard of animal care
- Helps rescue animals
- Carbon neutral development
- Supports wildlife conservation
- Supports local community

6 Assessment

6.1 The main issues to take into account when assessing this application are:

- Green Belt – Principle
- Green Belt – Openness
- Local and Landscape Character
- Living Conditions
- Access and Safety
- Flood Risk
- Town Centres
- Ecology
- Contamination
- Sustainability

**Green Belt – Principle**

6.2 Policy 8 - Development in Green Belt of the Part 2 Local Plan states that applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points 1-4.

6.3 Paragraph 142 of the NPPF explains that the government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment.

6.4 Paragraph 152 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in

very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.

- 6.5 Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 155 lists further exceptions subject to them preserving the openness.
- 6.6 This proposal does not fall within any of the exceptions referred to in paragraphs 154 and 155 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.
- 6.7 This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually, amount to the VSCs necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.

### **Green Belt – Openness**

- 6.8 The essential character of the Green Belt is its openness (lack of development) and permanence (enduring in the long term). Paragraph 142 of the NPPF advises that openness is an essential characteristic of the Green Belt and is generally defined as the absence of built form.
- 6.9 The National Planning Practice Guidance (PPG), advises in part 64 paragraph 1 that the matters that require consideration include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
  - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
  - the degree of activity likely to be generated, such as traffic generation.
- 6.10 The applicants Planning Statement highlights that the site was assessed as part of the Broxtowe Borough Council's 'Preferred Approach to Site Allocations (Green Belt Review)' (February 2015) as 'Zone 49: West of Trowell'. In the assessment of the sites assistance in safeguarding the countryside from encroachment, the assessment acknowledges the urban context of the site. A grading system was used for the assessment of sites. The score given with regards to the criteria 'Assist in safeguarding the

countryside from encroachment' was 2 out of 5, with higher scoring sites being the most important in Green Belt terms. Notwithstanding this score, the assessment identifies that the site is nonetheless open countryside. Furthermore, the score given with regards to the criteria 'Prevent neighbouring settlements from merging into one another' was 4 out of 5 stating that there would be some significant but not total merging between Trowell Village and Ilkeston.

- 6.11 The site was also assessed as part of the review of potential development sites as part of the Part 2 Local Plan process contained within the Landscape and Visual Analysis of Potential Development Sites – January 2017. The site falls under LS17 – Land to the west of the railway line Trowell and was assessed for its impact on the landscape and its visual impact. The susceptibility of the landscape was rated 15/25.
- 6.12 The applicants supporting Planning Statement indicates that the site is not isolated within the Green Belt or immediately surrounded by open countryside and is well contained by built and natural features on all sides of the site boundary. The railway line to the east, river to the west and south and the existing vegetation (to be retained) to the north of the site, define the boundaries of the site. It is suggested that these established boundaries limit views of the proposal, therefore reducing the impact upon openness.
- 6.13 Whilst it is suggested that the site is well screened from public viewpoints outside of the site, Trowell Footpath 3, runs through the site. It should be noted that the effects on openness are not purely created by built form. 'Openness' is not simply a matter of the absence of buildings from an area – it is also results from the degree of visibility of both built form - and urban activity - within an area. Another consideration is 'the degree of activity likely to be generated, such as traffic generation'. The proposed development would introduce a tourist development comprising 27 guest cabins, reception, restaurant and animal enclosures / barns. However, the applicants Planning Statement suggests that there would be limited visual effects resulting from the development, due to the location of the site in close proximity to the residential settlement of Trowell to the east and nearby industrial units to the north and south of the site.
- 6.14 There are concerns regarding the spatial impact on the openness in this area of the Green Belt. The proposal would result in a significant increase in built form from open undeveloped grassland. The reception, cabins and restaurant are two storey whilst the three larger animal barns are significant in bulk. The creation of the access off Ilkeston Road would cut open the existing hedgerow boundary and open views into the site. It is likely the creation of the vehicular access would increase the prominence of the reception building by increasing its visibility.
- 6.15 Cumulatively these would significantly reduce the openness of this part of the Green Belt. A relatively significant area of site would be filled with the cabins, reception, restaurant, animal barns and associated infrastructure. Spatially

there would be a significant loss of openness due to the presence of buildings, enclosures and associated infrastructure.

- 6.17 In terms of the visual aspect (the visual element of the Green Belt is not an assessment of visual quality) the site is open grassland with hedgerow and trees to some boundaries. The development would impair the visual aspect of the Green Belt through the change in character from a low lying wetland containing natural features into a tourism development comprising of 27 cabins. Buildings, associated infrastructure and equipment relating to the keeping of animals would be introduced across a significant site area where none exist at present.
- 6.18 In terms of mitigation, it is suggested planting would be proposed, however limited details of a screening strategy have been provided in terms of quantity and location of screening. Notwithstanding this, the public footpath which runs through the site makes the site highly visible to the public.
- 6.19 During construction there will be high levels of disturbance to the site as outlined above and this will largely be across all of the red line area. The agricultural nature of the site will be lost and the wetland character changed. Two years is the expected time period required for full construction. During the operation period, the site will be relatively active with guest comings and goings, education visits and servicing and maintenance of the enclosures.
- 6.20 It is noted that part of the site is low lying which slopes near the bank of the River Erewash, however the site is relatively flat and can be viewed from several public vantage points. It was observed from visiting the site that views can be accessed from the bridge which runs over the River Erewash on the northern boundary of the site. A public footpath also runs along the Erewash canal to the west of the site, beyond the Gallows Inn playing fields and it is considered that the proposed buildings which are mostly two-storey in height would be visible. The applicant has indicated that Trowell can be viewed from the site and the proposal would not affect this view, however loss of view is given limited weight in the planning balance. It is considered that the whilst the site is relatively low lying the site has reasonable inter-visibility with nearby public viewpoints. The applicant suggests that Gallows Inn Fields between the application site and Trowell helps with providing separation and avoiding any coalescence of settlements. This forms one of the five purposes of the Green Belt under paragraph 143 of the NPPF 'to prevent neighbouring towns merging into one another'. However, this carries limited weight as the proposal comprises inappropriate development and therefore requires very special circumstances to be weighed in the planning balance.
- 6.21 The fundamental aim of Green Belts is to prevent urban sprawl and keep land permanently open; the essential characteristics of the Green Belts are their openness and permanence. It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a significant reduction in the openness. Due to the scale and extent of the proposal and the built additions to the site, the development would severely impair the openness of the Green Belt both spatially and visually.

- 6.22 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. The degree of harm will be discussed in more detail in the final section of this appraisal.

### **Local and Landscape Character**

- 6.23 This section of the report assesses the impact of the proposed development on the character of the site and wider landscape.
- 6.24 The site is located within local character area (LCA) 'Erewash River Corridor' (NC01) part of the Greater Nottingham Landscape Character Assessment (GNLCA) which is protected under Policy 30 – Landscape of the Part 2 Local Plan. Policy 16 – Green Infrastructure, Parks and Open Space of the Part 1 Local Plan advises that the approach will require that: e) Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment (GNLCA).
- 6.25 Relevant policies in respect of the design and impacts on the character of the area include Policy 17 – Place-making, Design and Amenity of the Part 2 Local Plan. Policy 30 – Landscape of the Part 2 Local Plan states all developments within, or affecting the setting of, local landscape character areas should make a positive contribution to the quality and local distinctiveness of the landscape. They should therefore be consistent with the 'landscape actions' for the area concerned, as set out in the GNLCA and in Appendix 7 the Part 2 Local Plan.
- 6.26 The site sits within the GNLCA 'The Erewash River Corridor' as a character area displaying the following characteristic features:
- Narrow low alluvial floodplain lying in a broad valley;
  - The meandering river channel of the Erewash is not visually prominent although the effects of its presence are clearly seen in the landscape e.g. wetland habitats and marginal bank side vegetation;
  - Urban fringe character which is strongly influenced by surrounding built and industrial development along the valley sides. In certain locations, the river is heavily enclosed by urban development;
  - Low lying floodplain pasture is frequently used as grazing meadow primarily for horses and cattle;
  - Typical wetland habitats such as reeds, rushes, ponds and open water are characteristic features;
  - Native woodland dominated by wet woodland species such as alder and willow is characteristic of the area. Young regeneration scrub is also common;
  - Belts of linear woodland are often used on the valley sides and along the railway corridor to screen and filter views of transport infrastructure, industry, large warehouses and residential expansion.

- 6.27 The landscape condition is identified as 'moderate'. There is evidence of management of the landscape with consideration towards the sensitive ecological habitats which have a naturalistic appearance. The various urban influences surrounding and within the river corridor have an effect on the overall perception of the landscape. The landscape strength is identified as 'strong'. This area is a narrow floodplain lying in a broader valley associated with the River Erewash. The wetland habitats and scrub woodland are distinctive features of the valley floor. The overall landscape strategy is to 'conserve' and 'enhance'. The overall LCA covers land alongside the River Erewash from the south-west of Toton to north-west of New Brinsley.
- 6.28 The identified 'Landscape Actions' are:
- Conserve the distinctive flood plain character of the river valley;
  - Conserve and enhance the enclosed feel of the river corridor along the valley sides;
  - Conserve the predominantly pasture grazing on the valley floor;
  - Conserve and enhance the long views along the valley by managing the distribution of woodland to ensure views are not obscured;
  - Conserve and enhance the diversity of wetland habitats which add visual interest to the area;
  - Conserve and enhance the areas of linear woodland and riparian vegetation along the river corridor;
  - Ensure that further built development does not affect the character of the valley and suitable mitigations measures are put in place for larger developments, such as woodland planting to soften and screen it; and
  - Conserve historic features associated with the former use of the area such as the viaduct railway bridge near Awworth.
- 6.29 Paragraph 180 of the NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes; and b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 6.30 In terms of the impact on the character of the area, the application has been supported by a Landscape and Visual Appraisal (LVA). The LVA comprises a description of existing baseline conditions, an assessment of the landscape character and the effects on identified visual receptors. The applicant has identified that the site has been assessed previously by Broxtowe Borough Council for its landscape and visual sensitivity under reference LS17 of potential development sites as part of the Part 2 Local Plan process (Landscape and Visual Analysis of Potential Development Sites – January 2017). The assessment concluded that: 'The study area is relatively degraded and has been influenced by industrial and residential development. Overall, there is a low landscape sensitivity and visual sensitivity to development of the site.'

- 6.31 Overall, it scored 29/50 for landscape sensitivity stating that the site is low value and medium susceptibility to change resulting in a low landscape sensitivity. The applicant suggests that comments within the 2017 assessment indicate that despite the PRoW through the site, the busy road and railway line and the degraded nature of the site means that it contributes less to the experience of receptors.
- 6.32 The LVA suggests that potential construction and operational effects upon landscape character is considered at two levels; firstly, effects on the site itself as a standalone resource and secondly, effects on the local context and subsequent indirect effects on defined landscape character areas within or adjacent to the site. The submitted LVA identifies the site as having a low a low sensitivity to change.
- 6.32 The LVA states although the development presents a complete change to the character of the site, that overall, it will have very low levels of adverse effect. There are concerns with this assessment. The proposed development represents wholesale change to the landscape of the site. The agricultural floodplain character will be lost and replaced with built elements.
- 6.33 As a result of the wholesale changes to the site, it is considered that loss of the agricultural wetland character would represent a significant adverse impact on the landscape in this location. Based on the supporting information, the site may have a low sensitivity to change and have a low - medium landscape quality, however the proposed development fails to conserve or enhance characteristic features of this LCA. Whilst the site may be influenced by its urban fringe character, the proposal would increase the perceived coalescence of the settlements of Trowell and Ilkeston. The proposed design includes use of timber cladding on the elevations for the reception, restaurant and cabins to be sympathetic to the agricultural character of the site. However, a development of this scale would nonetheless detract from the open character in this location.
- 6.34 The LVA suggests that the layout helps to maintain pockets of openness through the use of the animal enclosures. However, the openness of the site would be fragmented by the installation of fencing and infrastructure. Furthermore, there is potential for the proposal to expand if granted permission. 'Area 23' within the submitted Landscape Design Statement shows the southern plot of open space currently proposed as an enclosure could be a further development of the site. The LVA advises that the magnitude of the effect on the site is high with moderate significance. There are concerns with this appraisal, given the proposal results in wholesale changes due to the amount of built form proposed in an area free of development, the significance of this is high.
- 6.35 The LVA uses a number of viewpoints to assess the visual impact of the development in the surrounding area. It is agreed that views within the site on the PRoW are the most sensitive receptors to the development as the PRoW passes through the core of the development. Comments have been provided



about the experience of the PRow that runs through the site suggesting that it feels 'insecure' and 'not welcoming' due to the fact the route is open and the path is not delineated, however it is considered that this judgement is subjective. The changes to views from the PRow within the site would be highly sensitive to change when walking through the development site. The agricultural wetland character would be lost and the PRow would be formalised and enclosed in fencing. The resulting impact is likely to detract from the sense of openness when walking through the site.

- 6.37 There are concerns that some relevant receptors have not been considered. The LVA has failed to include the potential impact post development taken from Ilkeston Road looking into the site when the access is created which will be a significant break in the mature hedgerow along this road. Furthermore, views can be achieved into the site from Ilkeston Road on the north boundary of the application site. This comprises a footway which forms the bridge over the River Erewash. It is agreed that views are limited from the east from Trowell and south beyond the site boundary along the PRow due to the extensive vegetation. Directly to the west, is a playing pitch used by local communities which is used for local sports teams and by dog walkers. As such, views of the development site would be highly sensitive from Gallows Inn recreation ground which runs parallel southwards. Views from the Erewash Canal are in part screened by the existing trees and the separation distance would lessen the visibility of the development. However, views into the development site will be possible from various points along this long footpath and as such this would have a moderate to high sensitivity to change.
- 6.39 The LVA concludes that in the balance there will be a moderate adverse impact on the site but this reduces to minor in the immediate locality. Notwithstanding the conclusions of the LVA, there are concerns regarding the adverse landscape and visual effects. Whilst inter-visibility is variable due to the site being partly screened and low lying, the construction period would amount to significant harm to the landscape and there would be harm to the immediate receptors. Whilst the site may include a varied natural landscape and is influenced by its urban fringe location, the proposal would result in the loss of this agricultural wetland landscape. The formalising of the PRow within the site would change the user experience and is likely to detract from the sense of openness in this location.
- 6.40 No screening strategy has been provided which may lessen the magnitude of the impact from nearby receptors. The proposal would represent wholesale redevelopment of the site with the potential for further expansion which would add to the sense of the merging of neighbouring settlements. The proposal fails to demonstrate compliance with the landscape actions associated with the Erewash River Corridor LCA. Whilst the site is a relatively smaller parcel of the wider LCA, its floodplain characteristics are lost which would result in harm to the overall strength of this LCA.
- 6.41 Given limited details have been provided demonstrating the potential mitigation effects of screening the development by use of planting, it is

considered that the scheme will have a materially adverse impact on the character and appearance of the area due to the significant scale of the proposal and the change in character of the wetland landscape. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 30 – Landscape of the Part 2 Local Plan.

### **Living Conditions**

- 6.42 This section of the report assesses the impact of the proposed development on the living conditions of existing or future occupiers.
- 6.43 Policy 10 - Design and Enhancing Local Identity of the Part 1 Local Plan requires that development is assessed in terms of its treatment of the impact on the amenity of nearby residents or occupiers. Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan states that permission will be granted to new development which ensures a satisfactory level of amenity for neighbouring properties. Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution, contamination to groundwater resources. It also seeks to ensure that contaminated land is investigated and handled appropriately.
- 6.44 To the east of the site, beyond the railway line, includes residential properties off Ilkeston Road. To the north of the site, on the opposite side of Ilkeston Road, includes an industrial building. To the west of the site, beyond the River Erewash, includes Gallows Inn playing fields. To the south of the site, beyond the River Erewash includes mature trees and shrubbery that borders the Erewash Canal. Beyond the Erewash Canal includes industrial units. As such, the site is relatively contained with few residential properties within the immediate vicinity.
- 6.45 The nearest residential property to the proposed development lies along The Forge - Station House. The proposed new access, which will serve all vehicular access to the site, is from Ilkeston Road approximately 50 metres north-west of The Forge. The Forge will not be used by the proposed development which will reduce any potential disturbance caused as a result of comings and goings on Station House. The outlook for the residents of Station House would change to a degree with the creation of the car parking to the west of the property and the change of use from grazing land to the animal retreat facility. The Forge is bordered by mature planting on its western side which will provide screening from the proposed car park. The change of use of the site will create a higher level of activity than its current use which has the potential to create disturbance. To lessen the impact of the guest cabins and animal buildings/enclosures, they have been sited further to the west and south of the site. Comprehensive landscaping throughout the site would limit the inter-visibility and limit any potential privacy concerns. The nearest cabin to Station House would be sited to the west set behind the proposed car park and existing mature vegetation that runs along The Forge.

Whilst the cabins are two-storey, the layout has been designed to reduce any potential loss of privacy or any potential overbearing impact.

- 6.46 The nearest animal enclosure to Station House is to the south at the edge of the storage compound. The building has been positioned to have its open aspect facing southwards with guest cabins positioned around the enclosure. Due to the separation distances and intervening structures, this would lessen potential disturbance caused by the proposed development. To limit any potential disturbance caused during the operation of the site, it is considered that plant, lighting, odour and ventilation details could be conditioned in the interests of protecting the living conditions of any neighboring properties.
- 6.47 There would be some temporary noise during the construction phase, given the scale of the proposed development comprising 27 cabins, reception, restaurant and enclosure buildings. To limit potential disruption on any nearby residential properties a construction and demolition statement, construction hours and any noise and vibration mitigation measures could be conditioned to help to lessen any potential impact on residential properties during the construction period. The construction activities may increase noise levels within the vicinity of the site however any related noise during construction would be intermittent, localised and temporary in nature.
- 6.48 Environmental Health have reviewed the application and have provided no objections subject to conditions relating to noise, construction noise, plant noise, lighting, odour and restrictions relating to the general operation of the premises. Environmental Health have assessed the application as an application for a zoo. As such, it is a reasonable expectation that as the site evolves and legislative and care standards change, it is likely that additional facilities would be required to maintain safety and animal welfare conditions. As a result, potential alterations or expansion of the premises is likely in the future. Due to the nature and extent of the proposal, further clarification about the facilities was required by Environmental Health, however this information has not been provided by the applicant. Notwithstanding this, the applicant has confirmed that the facility will be subject to the Zoo Licensing Act 1981 and the implementing Standards of Modern Zoo Practice and thereby governed by separate legislation.
- 6.49 Due to the location of the proposed cabins near to a railway line and any nearby road traffic, Environmental Health have also requested that a scheme for protecting the proposed cabins from potential noise and vibration should be conditioned ensuring mitigation is installed prior to the use commencing.
- 6.50 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening) it is considered that the proposed development would not have any adverse effects on living conditions. Having regard to the above and subject to the aforementioned condition, it is considered that the impact on residential amenity would be acceptable in accordance with Policies 10 of the Part 1 Local Plan and Policies 17 and 19 of the Part 2 Local Plan.

### Access and Safety

- 6.50 This section of the report assesses the impact of the proposed development on the capacity and safety of the local highway network including an assessment of parking provision on site.
- 6.51 Paragraph 108 in the NPPF encourages developers to consider the potential impacts of development on transport networks, and how these can be addressed, and opportunities to promote walking, cycling and public transport use. Paragraph 115 in the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.52 Policy 17 - Place-making, Design and Amenity of the Part 2 Local Plan advises that for all new development, permission will be granted for development which; i) Provides sufficient, well-integrated, parking and safe and convenient access. The applicant has submitted a Transport Assessment including swept path analysis for larger vehicles entering and exiting the site.
- 6.53 There is an existing site access via The Forge, a private road off Ilkeston Road approximately 100 metres north-west of Stoney Lane. The Forge serves one existing dwelling and a builder's storage yard. The Forge also includes a public footpath which continues across the site to the Erewash Canal south of the site. Ilkeston Road is an A-road (A609). In the vicinity of the site, it connects Ilkeston and Trowell and is subject to a 30 mph speed limit, with regular street lighting, and frontage accesses. Ilkeston Road has a footway on its southern side, providing pedestrian connection between Trowell and Ilkeston along the site frontage.
- 6.54 The site can be accessed by public transport, there are two bus stops located south-east of the site 90 metres from the Forge on both sides of Ilkeston Road. The nearby bus stops are served by the 'two', 111 and 'my15' bus routes. These combine to provide a comprehensive daily service linking the site with Ilkeston, Wollaton, Nottingham City Centre, Stapleford, Long Eaton and destinations to East Midlands Airport. The closest railway station to the site is Ilkeston station, located approximately 3 kilometres equating to a 40-minute walk from the site. Ilkeston station has services to Nottingham to the south and Chesterfield to the north, both of which provide connections to multiple lines.
- 6.55 It was originally proposed that The Forge would provide access for deliveries and maintenance for the zoo element, with all other vehicular access to be provided through a proposed new access; however, given its geometry, County Highways have requested that no vehicular access be made via The Forge. The proposed new access, which will serve all vehicular access to the site, is from Ilkeston Road approximately 50 metres north-west of The Forge.

- 6.56 County Highways are satisfied with the location and design of the proposed access with regard to the Nottinghamshire Highways Design Guide. The proposed access includes corner tapers of 1:5, corner radii of 10 metres and an access width of 6 metres. The submitted Transport Assessment includes swept path analysis for maximum legal length coaches (15 metres) which would be the largest vehicles attending the site. The submitted visibility plan demonstrates splays of 2.4 x 61.8 metres achieved to the nearside kerb line in both directions from the proposed site access. Automatic traffic count surveys were undertaken which recorded an 85th percentile southbound traffic speed of 36 mph and a northbound traffic speed of 31 mph. No personal injury traffic collisions are identified as having occurred within a 400-metre drive of the site access during the previous five years. Visibility splays demonstrated and the access width comply with minimum standards contained within the Highways Design Guide.
- 6.57 The Applicants Transport Assessment advises that the cabins will each house up to four guests, generally families. Guests would typically stay for two to three nights, checking in from 13:00 to 15:00 and checking out by 11:00. It is envisaged that there may be some overlap between guests arriving at the site before their cabin check-in, and guests remaining on-site until after their cabin check-out. Travel to and from the site by cabin guests on local roads would generally be outside of the network peak hours. Guests would utilise the on-site restaurant for meals, while the restaurant would also be open to the general public during the evenings. The restaurant would be open to guests only from 07:00 to 10:00 for breakfast and from 11:30 to 16:00 for lunch and to the public from 18:00 to 22:00 for dinner. The Transport Assessment suggests that the general public will make up 75% of covers for evening meals, which would equate to approximately 40 cars.
- 6.58 Use of the restaurant by the general public and guests choosing to eat elsewhere would mean some trips occurring on the local roads towards the end of the PM network peak hour. The proposal has been designed with the entrance to the zoo itself only available to those staying at the cabins, with just occasional non-residential visitors allowed, such as for school educational days, with pupils travelling to the site by coach. On such days the cabins would not be bookable by the general public.
- 6.59 As the proposed use does not neatly conform to land use classes, a bespoke approach has been taken, informed by the Nottinghamshire Highways Design Guide parking standards. The approach to determine appropriate parking provision had regard to 'sharing' of spaces between the different elements of the site, as the cabins and restaurant have differing peaks in parking demand. County Highways parking standards for restaurants comprises a space per two FTE plus a space per five square metres of open public area. In subsequent working up of the proposal, including establishing the economic case, additional staffing requirements were identified. A revised site layout plan has been submitted and a Transport Addendum was provided. Staffing requirements have increased from 60 to 72 FTE. Staffing numbers have been summarized below:

Table 1: Updated staff requirements

Full Time Equivalent		
Type	Use	No.
Animal staff	Animal Keepers	16
Restaurant	Catering	12
	Waiting Staff	10
Maintenance	House Keeping	8
	Maintenance and Grounds	6
Reception	Spa	6
	Reception	4
	Education	2
Other (work from home)	Marketing, Social Media, Administration	4
	Management	4
Total	-	72

- 6.60 The Transport Addendum confirms that the maximum staff on-site at any given time would be 41 comprising: 16 animal staff, 12 restaurant staff, 7 maintenance staff and 6 reception staff.
- 6.61 It is important to note that the restaurant would only be open to the general public in the evening, meaning that at other times, the restaurant guest requirement would be met by parking for the cabins. The restaurant includes 396 square metres of public space and has the capacity of 175 covers. Data from the 2011 Census was used to ascertain the likely modes of travel by staff of the proposed site. Modal share data showed that 70.8% of people employed within the local area reported driving to work at the time of the 2011 Census. This information has been used to assist calculating parking requirements for staff. County Highways have accepted this methodology used to calculate demand for parking. It is proposed that up to 75% of covers might be used by the general public, taking 75% of the 396 square metres open public area gives 297 square metres, or 59 spaces for restaurant guests in the evening (with all other restaurant guests parking demand being provided by the cabin guest parking).
- 6.62 The proposed 22 FTE restaurant staff would require 11 parking spaces (a space per two FTE staff), while the maximum of 29 non-restaurant staff that would be present on-site at any given time would require 23 parking spaces (1 space for 80% of staff, which exceeds the 71% modal share of local journeys to work being undertaken by driving from the 2011 Census). This totals 34 staff parking spaces, in addition to 59 spaces for attendees of the on-site restaurant who are not staying overnight, plus 27 spaces for guests staying overnight at the site; this totals 120 on-site parking spaces. In the daytime there would be no parking demand for non-cabin restaurant guests, hence allowing additional spaces for any overlap between arriving and departing cabin guests.

- 6.63 The Transport Assessment concludes that the proposed site access has sufficient capacity to accommodate the proposed development. In the absence of any comparable sites being available in the TRICS database, a more bespoke method of trip generation is given based on likely shift patterns and visitor arrival/departure times. The Transport Assessment identifies development traffic flows will largely take place outside of the AM and PM peak hours which is reasonable given the proposed use and so any impacts on the network are unlikely to be severe.
- 6.64 The site layout includes 2 parking areas for staff and visitors equating to 120 spaces. A coach drop-off bay is also proposed to facilitate trips by schools. A servicing area is included in the eastern part of the site. Swept path analysis of a 15-metre coach, pumping appliance and delivery vehicle show that site provides acceptable turning facilities. It is envisaged that these delivery and servicing trips would be undertaken by 7.5-tonne vans or similar. On this basis, suitable access throughout the site will also be achievable by ambulances. Restaurant waste would be transferred to the main car park area using a maintenance vehicle. A commercial refuse vehicle would access the main car parking and swept path analysis has been provided to show this. Animals taken to or collected from their enclosures would be carried out by either a 4x4 car with a trailer, or a 7.5-tonne van travelling through the site to the enclosure. It is expected that animal waste from the enclosures would be collected 1-2 times per month, animal medicine delivery 1 per month and restaurant food delivery 4-7 times per month.
- 6.65 Staff and visitor cycle storage would be provided. It is proposed that 10 cycle spaces would be provided for all staff on site (i.e. for 25% of the maximum number of staff on-site at any one time); 20 spaces for cabin guests; plus 10 short-stay spaces for external/non-cabin restaurant guests.
- 6.66 County PRow have advised that Trowell Footpath 3 runs along The Forge and the crosses the application site. The proposed layout includes the creation of paths that would connect the various elements of the site, including one looping along the southern boundary of the site. The paths within the site cross the public footpath at four points within the site, which will also be managed to ensure sufficient site security, while also ensuring that the public footpath is never blocked: guests staying at the site as well as staff would be provided with a code to open the gates, which would have a self-closing mechanism. The public footpath is currently maintained to a level commensurate for its use. NCC PRow team have provided no objections to the proposed development subject to a condition requiring any areas of the PRow to be maintained for the lifetime of the development.
- 6.67 County Highways have provided no objections subject to conditions relating to the implementation of proposed access, parking to be provided, maintenance of public footpath and a revised Travel Plan to be submitted. Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on the safety or capacity of the highway would be acceptable.

## Flood Risk

- 6.67 This section of the report assesses the impact of the proposed development on flood risk including an assessment of the submitted sequential test.
- 6.68 Policy 1 - Climate Change of the Part 1 Local Plan states that development will be supported which individually or cumulatively does not increase the risk of flooding elsewhere and where possible, reduces flood risk. It also states that all new development should incorporate measures to reduce surface water runoff whilst managing surface water drainage in a sustainable manner and that Sustainable Drainage Systems should be incorporated into all new development unless it can be demonstrated that such measures are not viable or technically feasible.
- 6.68 Policy 1 – Flood Risk of the Part 2 Local Plan states that development will not be permitted in areas at risk from any form of flooding unless:
- 1) There are no suitable and reasonably available alternative locations for the proposed development in a lower-risk area outside the Green Belt; and
  - 2) 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 standard of protection; and
  - 3) Provision is made for access to watercourses (8 metres for ‘main river’) and flood risk management assets; and
  - 4) Measures are included to:
    - a) mitigate any residual fluvial flood risk;
    - b) provide flood compensation where it is appropriate; and
    - c) ensure, including by the use of Sustainable Drainage Systems (SuDS), that:
      - i) developments on greenfield sites maintain greenfield (pre-development) surface water run off rates;
      - ii) developments on brownfield sites reduce surface run off by a minimum of 30% compared with pre-development rates.
- 6.69 In applying these tests, the minimisation of development in the Green Belt in Broxtowe will be treated as a ‘sustainability benefit’ and the Green Belt will be treated as a major constraint with regard to whether other sites are ‘reasonably available’. In all cases where the Exception Test is applied a site-specific flood risk assessment must be submitted, in accordance with NPPF and PPG requirements, and this must address the impact of potential breaches of the flood defences.
- 6.70 Paragraph 165 of the NPPF states that 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.
- 6.71 Paragraph 167 of the NPPF states that all plans should apply a sequential, risk-based approach to the location of development – taking into account all



sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test.

- 6.72 The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 6.73 Paragraph 169 of the NPPF states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 of NPPF.
- 6.74 Paragraph 170 of the NPPF states that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Paragraph 171 of the NPPF states that both elements of the exception test should be satisfied for development to be allocated or permitted.

- 6.75 Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 6.76 Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 6.77 The site lies partly within flood zone 2 and 3 along the northern-western, western and southern boundaries that lie adjacent to the River Erewash. The proposed access and some central and eastern areas of the site are located in flood zone 1. It would appear that 17 of the 27 cabins are located either partly or completely in flood zone 2, and 4 of the cabins are partly in flood zone 3 by a small extent. The reception building and 3 out of the 5 animal buildings are located partly within flood zone 2. The restaurant is located in flood zone 1. The application has been supported by a Flood Risk Assessment and Drainage Strategy. In accordance with NPPF Annex 3: Flood risk vulnerability classification, it is considered that the cabins and education facility fall under 'more vulnerable' classification. It would appear nature conservation falls under 'water compatible development'. Table 2: Flood risk vulnerability and flood zone 'incompatibility' within the NPPF advises that more vulnerable development is permitted in flood zone 2. Vulnerable development is only acceptable in flood zone 3a, subject to an exception test. No vulnerable development should be permitted in flood zone 3b (functional floodplain).
- 6.78 The applicant has submitted a sequential test as part of the development lies within flood zone 2. The sequential test provided has been produced in line with the Broxtowe Part 1 Local Plan (2014), Preferred Approach Site Selection Report – Appendix A Broxtowe (2022), the Brownfield Land Register (2017) and the SHLAA (2021/2022). Windfall sites with planning permission have also been assessed alongside land that is for sale on the market. It should be noted that limited information has been provided to explain why the applicant has chosen this specific site in the first instance.
- 6.79 PPG part 7 paragraph 24 states the sequential test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the sequential test should go on to compare reasonably available sites:
- Within medium risk areas; and
  - Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

- 6.80 PPG part 7 paragraph 28 advises that ‘reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered ‘reasonably available’. PPG part 7 paragraph 29 advises that the planning authority will need to determine an appropriate area of search, based on the development type proposed and relevant spatial policies.
- 6.81 The submitted sequential test identifies that it would not be reasonable to divide the proposed tourism development into multiple smaller sites and therefore this approach would be inappropriate. The sequential test suggests that larger sites than required for the proposed development may not be viable and therefore should be discounted also.
- 6.82 The applicant has suggested that the sequential test can only fully assess the information provided by Broxtowe Borough Council, ‘as legally required’, in full, alongside further research into sites that are for sale within the borough. If the borough has no clear available, deliverable, and developable sites after assessing all of the quoted housing information as well as online platforms; it is evident that no sites are available to facilitate the proposed development.
- 6.83 Concerns are raised regarding this approach, as PPG advises that it is for the local planning authority to determine the search area and the onus is on the applicant to undertake a sequential test of reasonable available sites. The applicant has been previously advised during the course of the application about the potential scope of the search area. Reasonably available sites would relate to sites that are available, suitable and viable.
- 6.84 Paragraph 27 of part 7 of PPG advises that for individual planning applications subject to the sequential test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. As the proposal is for a bespoke use including overnight accommodation and a zoo which are not allocated in the Part 2 Local Plan, it is a reasonable expectation that the nature of this development would include a bespoke search area. For nationally or regionally important infrastructure the area of search to which the sequential test could be applied will be wider than the local planning authority boundary. It is considered that on the basis of the location of the site on the border of Erewash Borough Council and the potential regional economic impact the application is likely to generate; it is considered that the search area of the borough only is insufficient and unjustified.
- 6.86 It is considered that the sequential test search area should be based on the identified need associated with the proposed tourism development. There is an expectation that the search area would be extensive. The Economic Benefits Statement submitted by the applicant identifies that jobs would be provided for residents across the East Midlands. If the potential catchment area for employment and customers is greater than the borough, the search

area for reasonably available sites should be consistent. The Planning Statement submitted advises that zoo visitors are prepared to travel up to 100 miles for a day visit and further for an overnight stay. Limited evidence has been submitted to demonstrate an identified need in the location of the site for the proposed use. As such, it appears contrived to restrict the search area to only the borough when the identified need for the proposed use has not been established, whilst staff and / or visitors could be travelling from outside the borough.

- 6.87 The sequential test identified that out of 257 sites that were assessed from the Brownfield Land Register 2017, Preferred Approach Site Selection Report 2022 and the Broxtowe SHLAA 2021-2022; only two sites were considered suitable in terms of size and flood risk.
- 6.88 The first site assessed includes SHLAA reference 138 - Walker Street, Eastwood which is an allocated housing site under Policy 6.1 and is allocated informal open space under Policy 28 of the Part 2 Local Plan. This was discounted as it conflicts with the residential allocation. Further to this the site was discounted based on other planning constraints including the sensitivity of the location of the site in a predominately residential area which is wrapped around Lawrence View Primary School. The site was also discounted based on the potential impact on Grade 2 listed building 28 Garden Road north of the site.
- 6.89 The second site assessed includes SHLAA reference 192 - West of Awsworth Lane and South of Newtons Lane which is not allocated under the Part 2 Local Plan, however the site is located within the Green Belt. This site was discounted on the basis that the development would have considerable ecological and arboricultural impact. Further to this, it is suggested that this site would not be suitable due to its proximity to residential properties. Notwithstanding this, there are concerns that SHLAA Site 192 was discounted on the basis that it would result in significant potential ecological harm. However, the purpose of the sequential test is to find reasonably available sites in areas of lower flood risk. As such, the sequential preference for the application site appears unjustified given it is in the Green Belt, in flood zones 2 and 3 and contains multiple ecological constraints.
- 6.90 The sequential test is accompanied by an exception test, which is required for 'more vulnerable' development located in flood zone 3a. The applicant has submitted a flood risk assessment which assesses the impact of flooding on the proposed development. The FRA provides a number of flood mitigation design measures such as restricting the finished floor levels of the cabins to at least 42.91 metres above Ordnance Datum and an 8-metre easement from the left bank of the River Erewash.
- 6.91 The Environment Agency have reviewed the FRA and have provided no objections subject to conditioning the development to be carried out in accordance with the mitigation measures. Notwithstanding this, as some of the cabins (more vulnerable development) will be located in flood zone 2, the

EA have amended the recommended condition to ensure all vulnerable uses restricted to areas of Flood Zone 1 and 2 only.

- 6.92 The County Council Lead Local Flood Authority have raise no objections to the proposed development after reviewing the submitted FRA, subject to conditioning a detailed surface water drainage scheme.
- 6.93 Having regard to the above, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. Further to this, whilst the FRA may demonstrate that the development would be made safe, there are concerns as to whether the development would provide wider sustainability benefits to the community that outweigh the flood risk. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 1 – Flood Risk of the Part 2 Local Plan.

### **Town Centres**

- 6.94 This section of the report assesses the impact of the proposed development on the viability and vitality of town centres including an assessment of the submitted sequential test.
- 6.95 Policy 6 - Role of Town and Local Centres of the Part 1 Local Plan states that main town centre uses should be located in centres. Development should be appropriate in scale and nature to the role and function of the centre. If no suitable sites are available in centres then edge of centre locations should be used, and only if there are no suitable sites will out of centre sites be considered. Proposals for edge of centre and out of centre sites should satisfy the sequential test and show how the development will not have a severe adverse impact on any centre.
- 6.96 Policy 13 - Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Part 2 Local Plan states permission will be granted for retail, leisure, office or food and drink uses in edge of centre and out of centre locations providing:
- a) It does not result in a unit of 500 square metres gross floor space or more; and
  - b) It is in an area of deficiency and meets local needs, including that generated by major new housing development; and
  - c) Such a use does not result in a significant adverse impact on the vitality and viability of any nearby centre taking account of both extant permissions and the cumulative effect of previous increases in floor space in edge-of-centre and out-of-centre locations.

Impact assessments will be required for all edge-of-centre and out-of-centre retail, leisure, office or food and drink uses of 2,500 square metres gross or more.

- 6.97 Paragraph 91 of the NPPF advises that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.98 Paragraph 94 of the NPPF advises that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. A sequential test is required for the application as the proposal comprises tourism and leisure which are main town centre uses in accordance with Annex 2: Glossary of the NPPF.
- 6.99 The sequential test provided has been produced in line with the Broxtowe Part 1 Local Plan (2014), the Brownfield Land Register (2017) and the SHLAA (2021/2022). All sites within the Council's SHLAA were assessed to determine whether any suitable alternate sites were available within the borough. A commercial land search was also carried out to assess suitable sites, including sites not allocated within the local plan but sites which have been granted planning permission, as well as sites which have not been granted planning permission but would likely be acceptable in principle based on the adopted Local Plan.
- 6.100 There are concerns with the proposed search area limited to the borough only. It is considered that the sequential test search area should be based on the identified need associated with the proposed tourism development. The search area for flooding and town centres should be consistent. Similar to flooding, there is an expectation that the search area would be extensive. Given the location of the site on the border of Erewash Borough and the regional economic attraction the proposed development is likely to cause; it is considered that the search area of the borough is insufficient.
- 6.101 Any sites larger than 11.10 hectares would be discounted from the search as the site would be too large to accommodate the proposed development and be unviable. The sequential test concluded that no alternative sites were located within town centre or edge of centre locations that were between 7.39 and 11.10 hectares.
- 6.102 The Planning Statement submitted shows that the floor space of the restaurant is 534 square metres and the reception building (including a spa, café and classroom) comprises 555 square metres. As such, it is considered that the proposed development would not require an Impact Test. Notwithstanding this, the above buildings would exceed the 500 square metres limitation for out of centre development for town centre uses. No information has been submitted to evidence that the site is located within an identified area of deficiency and meets local needs; and that such a use would not result in a significant adverse impact on the vitality and viability of any

nearby centre. However, the applicant has highlighted that given the bespoke use proposed offering a unique overnight zoo experience; the site has been chosen for its serenity detached from nearby settlements. Further to this, it is a reasonable expectation that alternative sites of a suitable size (+/- 9.24 hectares) are unlikely to be available in a town centre location.

- 6.103 In summary it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 13 – Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Part 2 Local Plan.

### **Ecology**

- 6.105 This section of the report assesses the impact of the proposed development on protected species, environmental assets and biodiversity.
- 6.106 The application has been supported by Preliminary Ecological Appraisal and Biodiversity Impact Assessment. Further to this, an Ecological Impact Assessment (EclA) has been provided. There are no statutory ecological sites on the site. However, to the south-east adjacent to the site includes Trowell Marsh Local Nature Reserve (LNR) which is a statutory designated nature conservation site under the National Parks and Access to the Countryside Act 1949. The site for the proposed development is Trowell Junction Grassland Local Wildlife Site (LWS) which is non-statutory designated nature conservation site. Along the western and southern boundary of the site includes the River Erewash which is a Green Infrastructure Corridor protected under Policy 28 - Green Infrastructure Assets of the Part 2 Local Plan. To the west and south of the site also includes the Erewash Canal which is a LWS. To the north, on the opposite side of Ilkeston Road includes Erewash Grassland LWS. Beyond the site, 170 metres north-east includes Nottingham Canal LNR which also functions as a Green Infrastructure Corridor. Grange Wood LWS is also located north-east of the site.
- 6.107 Policy 16 - Green Infrastructure, Parks and Open Space of the Aligned Core Strategy states that existing and potential green infrastructure corridors and assets are protected and enhanced. Furthermore, where new development has an adverse impact on green infrastructure corridors or assets, alternative scheme designs that have no or little impact should be considered before mitigation is provided (either on site or off site as appropriate). The need for and benefit of the development will be weighed against the harm caused. Policy 17 - Biodiversity of the Aligned Core Strategy states that development on or affecting other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development and that adequate mitigation measures are put in place.
- 6.108 Policy 28 – Green Infrastructure Assets of the Part 2 Local Plan states that permission will not be granted for development that results in any harm or loss

to the Green Infrastructure Asset, unless the benefits of development are clearly shown to outweigh the harm. Green Infrastructure Assets include: Green Infrastructure Corridors and nature reserves. For the purposes of the Part 2 Local Plan, Green Infrastructure is defined as a network of living multi-functional natural features, green spaces, rivers, canals and lakes that link and connect villages, towns and cities. The corridors that are identified bring a variety of environmental and socio-economic benefits and any loss of assets within them would have serious implications.

- 6.109 Policy 31 – Biodiversity Assets of the Part 2 Local Plan states that 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. All development proposals should seek to deliver a net gain in biodiversity and geodiversity and contribute to the Borough's ecological network. 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. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. Policy 31 lists Local Wildlife Sites as Biodiversity Assets.
- 6.110 Paragraph 186 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 6.111 The site is greenfield that is used for grazing cattle with large areas of scrub and grassland. Trowell Junction LWS is located on the site, which is designated for its grassland with a flood meadow character and scrubby herb-rich areas, with botanical interest. The site comprises a variety of habitats including riparian habitat alongside the River Erewash, scrub, hedgerows, and grassland. The EclA has confirmed that 21 Habitats of Principal Importance (HPI) forming deciduous woodland were observed on site.
- 6.112 The EclA includes a number of surveys that have been undertaken on the site to identify habitats occurring within the site, identify the presence of or the potential for the site to support legally protected and/or notable species, identify any potential impacts of the proposed development on protected or notable habitats and species, assess biodiversity losses and gains on site and provide recommendations for mitigation, enhancements and further surveys relating to the proposed development.
- 6.113 Trowell Marsh LNR lies directly adjacent to the southern boundary of the site. There is potential for indirect impacts as a result of the proposal, such as pollution and dust caused during the construction phase drifting onto the LNR, resulting in the destruction of habitat or the killing and/or injuring of species utilising the LNR. The site lies within the Trowell Junction LWS and therefore the proposed works will result in direct habitat removal during construction and degradation during the operational phase. Also, increased disturbance to any retained areas of the LWS during the operational phase is likely. The



EclA advises that impact avoidance measures should be utilised to minimise any impacts upon the LNR to the south. These should include pollution prevention measures to prevent pollution run-off into the river and dust control to prevent dust from ground work activities drifting on to the neighbouring land. Notwithstanding this, the EclA advises that the proposed development will likely result in the entire loss of the Trowell Junction LWS.

- 6.114 The EclA demonstrates that the site accommodates a variety of habitats which provide appropriate conditions for breeding birds and foraging grounds for bats. Other legally protected / notable species which could be affected by the proposed development include badgers, great crested newt, otter, water vole, white-clawed crayfish, hedgehogs and brown hare; unless appropriate precautionary working measures are implemented.
- 6.115 The EclA has identified that a native hedgerow was present in the northern section of the site. It is considered the proposal would directly and negatively impact this Habitat of Principal Importance, either by complete or partial loss of the habitat to facilitate the proposal, or due to gradual degradation during the operational phase.
- 6.116 In light of the above, where possible the proposal has been designed to retain in part areas of dense scrub, grassland and mature trees that help assist retain biodiversity. To increase biodiversity net gain, extensive tree planting is proposed as well as scrub planting throughout the site. The proposal includes a 10-metre fenced buffer from the River Erewash to minimise impacts upon the river and its bank. Ecological enhancements are proposed which comprise of bat and bird boxes and invertebrate hotels in areas of open grassland or close to scrub and hedgerows.
- 6.117 Notwithstanding this, Nottinghamshire Wildlife Trust (NWT) have objected to the proposal and have raised significant concerns in relation to the contents of the EclA, notably the interpretation of the survey results in relation the implications of the proposed development plan, the impact assessments, and absence of evidence relating to the mitigation hierarchy procedure. Concerns have been raised in relation to the level of detail of assessment provided notably in relation to the potential impact on bats as a result of the proposal. In total (transects & static monitoring), at least 7 species of bat were recorded on site.
- 6.118 The EclA suggests that there is a significant reduction in the overall plant species and the number of LWS qualification species on site since previous LWS surveys undertaken in 2018. NWT have raised concerns with this assessment of the current condition of the LWS. The degradation of a LWS is not sufficient cause to develop the site. A LWS cannot be de-designated unless the site is irreparably damaged, which NWT have advised is not the case with this site. As such, the site must be considered as a LWS during the planning process and measures should instead be made to restore the habitats on site and protect the biodiversity asset. Furthermore, NWT have raised concerns with the proposed pre-cautionary working measures which include conflicting timescales.

- 6.119 A main badger sett has been discovered on site. The location of the badger sett is proposed to be fully enclosed within one of the animal enclosures, and as a result the badger sett will no longer be accessible to the local badger population. Furthermore, a badger sett with almost complete loss of adjacent foraging habitat will no longer be viable. Concerns have been raised by NWT as the EclA has not provided any impact assessment in relation to the location of the sett (within a proposed enclosure), nor have they provided any recommendations in relation to avoidance and re-design of site layout. As a direct consequence of the above impacts, a sett closure will likely be required, and a Natural England license obtained. To be eligible for a badger sett closure license, the applicant must be able to demonstrate that they have tried so far as is reasonably practicable to avoid affecting the sett. There appears to be no evidence to support this. The EclA has advised that further surveys are undertaken in April-May 2024 to determine the activity status of the sett. Badgers are a material consideration in planning. Consequently, these surveys should be undertaken prior to the determination of the application.
- 6.120 Three breeding bird surveys have been undertaken on site. NWT have raised concerns that the EclA does not provide any strong measures to avoid, mitigate and compensate for effects upon the breeding bird assemblage, to facilitate compliance with legislation, aside from recommending a range of bird boxes. Though some of the habitats are proposed to be retained, these habitats will be confined within animal enclosures and therefore will not provide the same level of opportunities for the local bird populations.
- 6.121 The headline scores return a -16.24% biodiversity net loss of habitat units. It is suggested that the proposal could deliver a net gain of 296.21% for hedgerow units, however no detailed plan demonstrating this quantum of hedgerow planting has been provided. NWT, have raised concerns that the net loss is likely to be significantly higher given that many of the retained habitats will be inaccessible to 'native wildlife' and confined within animal enclosures. To provide a biodiversity gain, habitats must be accessible to the local wildlife and offer opportunities for nesting, foraging, and commuting etc. In its current form, the proposals will result in considerable fragmentation of habitats, a green corridor and a biodiversity asset (LWS). Furthermore, losses or changes to these habitats will likely have significant impacts on those species confirmed as being present including European Protected Species, Species of Principal Importance for conservation (NERC 2006), and Nottinghamshire priority species (Species Action Plans; SAPs).
- 6.122 As compensation, the applicant has suggested a smaller site (approximately 3.6 hectares) within Strelley could be used to deliver offsite biodiversity gains to mitigate any net loss of habitat units secured by a legal agreement. Notwithstanding this, no biodiversity net gain metric which supports the proposed offsite biodiversity gains has been provided. NWT have reviewed this proposal in principle and have raised concerns. Based on the biodiversity off setting details provided, it is considered that offsetting to this site in Strelley is unacceptable given the distance from the site (3km) and significant barrier between the two locations including the M1. Offsetting is designed to provide

habitats for the range of species to be affected by the development, in this case, this includes badger, otter, water vole, breeding birds, bats, amphibians etc. Thus, offsetting on land with no direct connection to the application site, particularly in relation to riparian mammals (otter, water vole) in the absence of a watercourse, will not mitigate for the loss of onsite habitat for these species.

- 6.123 The EclA has not provided any level of impact assessment in relation to the loss of a local biodiversity asset nor has there been any evaluation of local and national planning policy. NWT have advised that as per the mitigation hierarchy, it must first be demonstrated that efforts have been made to avoid impacting on the LWS. Planning should only be granted if the development will not adversely affect the integrity of the designated site, or if there are imperative reasons of overriding public interest.
- 6.124 The submitted landscaping masterplan does not appear to show planting ecological enhancements. As such, it is not clear what would be the overall functionality and appearance of such planting that is required to reduce the overall net loss caused by the development. Whilst nesting boxes are proposed as an enhancement, they should not be a substitute for 'real' habitat creation. Artificial nesting boxes have a limited lifespan and not all species will utilise them.
- 6.125 Overall, it is considered that this application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a net gain to the detriment of the locality. The degree of harm will be weighed up within the planning balance in more detail in the final section of this appraisal in regard to any benefits that may outweigh any harm with regards to Policy 28 - Green Infrastructure Assets and 31 – Biodiversity of the Part 2 Local Plan.

### **Contamination**

- 6.127 This section of the report assesses the impact of the proposed development on ground water and land contamination.
- 6.128 Policy 19 - Pollution, Hazardous Substances and Ground Conditions of the Part 2 Local Plan states that permission will not be granted for development that would result in an unacceptable level of pollution, contamination to groundwater resources. It also seeks to ensure that contaminated land is investigated and handled appropriately. Paragraph 180 of the NPPF advises that planning decisions should contribute to and enhance the natural environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

- 6.129 Paragraph 191 of the NPPF advises that planning policies and 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.
- 6.130 The Environment Agency have identified that the site is situated on Secondary A aquifers and Secondary B aquifers and is adjacent to the River Erewash which is located to the south and southwest of the site; therefore, in a highly sensitive location with respect to controlled waters.
- 6.131 The Environment Agency have identified that the previous use of the site as an industrial forge with extensive industrial buildings, industrial waste dumps and more recently a site visit showed waste storage stockpiles and evidence of previous burning of waste. Overall these activities present a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located immediately adjacent to the River Erewash and is in close proximity to the Erewash Canal. The applicant has submitted a Phase 1 Contaminated Land Desk Study. The Phase 1 report recommends a Phase 2 Site Investigation and Generic Quantitative Risk Assessment, and the EA have provided no objections to the proposed development subject to conditions including a remediation strategy and verification report demonstrating the completion of works set out in the approved remediation strategy.
- 6.132 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on the groundwater and land contamination would be acceptable.

### **Sustainability**

- 6.133 This section of the report assesses the sustainability of the proposed development, in terms of its location and design.
- 6.134 Policy 1 – Climate Change of the Part 1 Local Plan states that all development proposals will be expected to mitigate against and adapt to climate change, to comply with national and contribute to local targets on reducing carbon emissions and energy use unless it can be demonstrated that compliance with the policy is not viable or feasible. Furthermore, this policy advises that development should demonstrate how carbon dioxide emissions have been minimised:
- a) using less energy through energy efficient building design and construction;
  - b) utilising energy efficient supplies; and
  - c) maximising use of renewable and low carbon energy generation system.

- 6.135 Policy 20 – Air Quality of the Part 2 Local Plan states for any development proposals, all reasonable steps will be required to be taken to provide effective alternatives for users of the development to utilise modes of transport other than the private car. Permission will not be granted for development which would directly result in a significant deterioration in air quality either through poor design or as a consequence of site selection.
- 6.136 The applicant has submitted a Sustainability Plan and Sustainability Statement in support of the application. It is suggested that the facility will be energy-positive by design - it will produce electricity to meet the demand on site. The proposed development is based on low energy design principles and follows a 'fabric first' approach, incorporating passive design measures to help reduce the energy demands of the site. The use of building materials with high grade thermal performance is proposed to assist reducing energy consumption on site. The layout of the proposed development has been designed to maximise daylight and solar gain. It is proposed that soft landscaping including use of trees would assist energy conservation to screen buildings on site. With regards to viable forms of renewable energy technologies to be utilised on site during the operation of the proposal, solar photovoltaic panels and ground source heat pumps would be integrated into all buildings on site.
- 6.137 The submitted Sustainability Statement provides estimates of expected energy demand of all the buildings proposed on site. These energy demands, combined with the installed PV arrays on site, mean the site is expected to generate more energy than it uses over the year, making it a net carbon negative development. Furthermore, the proposal has been designed to reduce carbon emissions during the construction period by adopting sustainable building principles including reducing material quantities, using materials which have lower emissions and use of recycled materials. Water reduction and retention principles will be applied to buildings. Blue roofs would be installed to assist water collection and it is proposed that all rainwater on the site will be captured for re-use.
- 6.138 In terms of the sustainability of the location, the site can be accessed by public transport, there are two bus stops located south-east of the site 90 metres from the Forge on both sides of Ilkeston Road. The site is also in 40 minutes walking distance of Ilkeston train station. It is proposed that a Travel Plan Coordinator would be appointed to support the development, implementation, and review of the site's Travel Plan, including raising awareness of the sustainable travel initiatives on the site. The Sustainability Statement suggests that most staff members would be recruited locally and all members of staff will be provided with a local bus pass or bike to enable and encourage them not to drive to the site. Furthermore, electric vehicle car sharing points would also be provided on the site for both staff and visitors. Notwithstanding the above, due to the location of the site outside of neighbouring settlements of Ilkeston and Trowell and given the expected catchment area for visitors it is a reasonable expectation that the majority of customers would travel by private vehicle.

### Other Matters

- 6.139 The application site falls partly within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The planning application is accompanied by a Coal Mining Risk Assessment (CMRA) report (October 2022). The Coal Authority have reviewed the CMRA and have provided no objections. The report concludes that historic coal mining activity poses a negligible risk to stability of the site. As such, the report advises that no specific coal mining legacy related investigations or mitigation measures are required.
- 6.140 The application site is situated to the west of an active railway line. Network Rail have been consulted and provided no objections subject to several conditions in the interests of protecting the adjacent railway assets and future occupiers from noise from the railway. Conditions have been recommended to cover construction methodology, drainage, landscaping, boundary treatment and lighting to protect the ongoing use of the adjacent railway asset. Railway noise mitigation is also recommended to ensure future occupiers of the cabins are protected from potential railway disturbances.
- 6.141 As this application is for tourism development, no financial contributions towards affordable housing will be sought. No open space contribution has been requested. A transport contribution of £10,100 has been sought for improvements to the bus stop BR0018 Stoney Lane but has not yet been agreed. No health contributions have been requested as the proposal is not for full time residents.

## Planning Balance

### Very Special Circumstances

- 6.142 What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 6.143 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the Green Belt. Neither is there any categorical way of deciding whether any particular factor or factors would constitute VSC but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 6.144 In weighing up any of the circumstances put forward, the positive measures outlined in the above paragraphs to mitigate the impacts of the development, do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development. Therefore, the acceptability or not of this development in the Green Belt is based on an assessment of VSC.
- 6.145 The applicant's Planning Statement and VSC Addendum suggest the very special circumstances to be considered include: economic benefits; promoting animal conservation through education; rescue of animals at threat of disposal; relocation of wild animals from Strelley and restoration of existing wild animal enclosure; promoting health and wellbeing; sustainable design and biodiversity enhancements.

### Economic Benefits

- 6.146 The development constitutes inappropriate development in the Green Belt as it does not fall within any of the list of exceptions of appropriate development set out in paragraphs 154 and 155 of the NPPF. The application has been supported by an Economic Benefits Statement (August 2023) which considers the quantifiable economic impact as well as the additional social benefits that will be generated by the proposed development during both its initial construction phase and subsequent operational lifetime.
- 6.147 Paragraph 85 of the NPPF advises that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 of the NPPF advises that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.148 The Economic Benefits Statement (EBS) identifies tourism as a key sector which can lead to economic growth and prosperity of the UK's economy. A

Tourism Sector Deal was agreed by the government in 2019 (HM Government (2019) Industrial Strategy – Tourism Sector Deal: Building a world-class experience economy). The Deal sets out how the government and industry will work in partnership to boost productivity in the visitor economy, develop the skills of the sector’s workforce and support destinations to enhance their tourism offer. The EBS suggests zoos and safari parks are noted as generating a number of positive socio-economic impacts. The British and Irish Association of Zoos and Aquariums (BIAZA) report that as of 2019, their members generated an annual £658 million contributions to the UK and Irish economies and attracted combined visitor numbers of over 35.7 million.

- 6.149 At sub-regional scale, the D2N2 Local Enterprise Partnership (LEP) covers the areas of Derby, Derbyshire, Nottingham and Nottinghamshire, aiming to connect employers, education and government to promote investment, identifying unique opportunities for innovative partnership working. The D2N2 Recovery and Growth Strategy highlights that that around 3 million visitors – generating approximately £475 million in visitor spending – are attracted to the area each year (70% above the Midlands average); as such the visitor economy is highlighted as a ‘priority sector’.
- 6.150 The Nottinghamshire County Council Visitor Economy Strategy (VES) 2019 and Visitor Economy Framework (VEF) 2022 set out the means by which Nottinghamshire County Council seek to add value and stimulate market growth in the visitor economy, aiming to provide people with more opportunities to “explore and enjoy the Nottinghamshire countryside, market towns and villages”. The VES 2019 highlights that, whilst Nottinghamshire’s visitor economy is worth £1.75 billion annually, and supports around 15,000 jobs, over the last decade the volume and value of tourism in Nottinghamshire has been growing much more slowly than the national average. It is therefore stated that there remains work to be done to re-energise the visitor economy, boost performance and realise potential, including more bookable product and more accommodation to enable the County to grow its number of overnight trips and its short break market. Focusing on quality experiences is highlighted as fundamental towards ensuring that Nottinghamshire is competitive in the marketplace.
- 6.151 The VEF 2022 considers the wider visitor economy landscape in the context of recovery from Covid-19, which had a significant impact on the sector. The VEF seeks to identify how the short-term recovery of the sector as a whole could be supported, whilst maintaining long-term resilience. The VEF continues to emphasise the importance of increasing visitor dwell-time and spending in the county, and states that “we want to create an environment that stimulates and supports small businesses to thrive – now and in the future”.
- 6.152 Policy 4 – Employment Provision and Economic Growth of the Part 1 Local Plan advises that new employment development is vital to the growth of the plan area’s economy and this can be achieved by encouraging economic development of an appropriate scale to diversify and support the rural economy. Policy 13 - Culture, Tourism and Sport of the Part 1 Local Plan



advises that new cultural and tourism facilities of more local importance will be located in or adjoining town or district centres, or existing facilities will be improved. Policy 13 highlights that maintaining a critical mass of attractions and facilities is an important part of the tourism and visitor 'offer', also stating that such facilities are important in the ongoing economic development of the area.

- 6.153 The EBS has demonstrated the functional economic geography for labour market containment, this analysis has resulted in economic impacts of the proposal measured at 3 spatial scales: local impact area i.e. Broxtowe, sub-regional impact area i.e. Nottinghamshire, and the wider impact area i.e. East Midlands. The 2011 census showed that around 38% of people who work in Broxtowe also live in the borough. Around 71% of people working in Broxtowe live in Nottinghamshire, indicating a relatively high level of containment at this geography. The vast majority around 96% of all jobs in Broxtowe are taken by people residing in the region, suggesting a high level of containment. It is considered, this data highlights that the majority of socio-economic effects would be concentrated within the East Midlands. This data also highlights that a reasonable proportion of people who work in Broxtowe travel to work from outside the borough.
- 6.154 Further to this, the EBS suggests that economic activity and employment rates are slightly higher in Broxtowe than recorded across wider spatial scales. As per the 2021 Census, an average of 80% of the working-age population of Broxtowe were recorded as economically active, which is higher than the rates across Nottinghamshire (75%) the East Midlands (79%) and England as a whole (79%). Manufacturing is the largest employment sector in Broxtowe (employing 5,000 jobs, or 13% of the local workforce). Other high-representation sectors include retail (4,500, 12%), health (3,500, 9%), construction (3,000, 8%). The accommodation & food services sector employs 2,500 people (7%).
- 6.155 Strategy at all spatial scales identifies that tourism and the visitor economy can be a significant contributor to economic growth, with more accommodation to enable the area to grow its number of overnight trips and its short break market being highlighted as a key priority for Nottinghamshire. Economic outcomes in Broxtowe are generally positive in comparison with the wider Nottinghamshire and East Midlands area, with higher rates of economic activity and wages. It is suggested that the delivery of new growth opportunities should therefore help Broxtowe to continue its relatively strong recent economic performance in the context of inflationary pressures and the ongoing cost-of-living crisis.
- 6.156 The EBS identifies employment would be generated within the local, regional and wider impact areas. The economic benefits are quantified with regards to the construction phase and operational phase below.
- 6.157 The EBS projects 60 construction-related FTEs would be created throughout the approximate two-year construction period. The creation of temporary construction jobs during the build period would provide new employment

opportunities for the local and wider labour force in Broxtowe and across the county of Nottinghamshire and the wider East Midlands region. It is suggested that an average of 60 direct, indirect and induced net additional FTE employment opportunities in the East Midlands throughout construction, inclusive of 40 for residents of Nottinghamshire and 20 for Broxtowe residents. The proposed development would contribute to a total net additional £8.2 million GVA to the East Midlands economy during construction, of which £7.2 million will be concentrated in Nottinghamshire, inclusive of £6.4 million in Broxtowe. GVA measures the value of output created (i.e. turnover) net of inputs purchased and used to produce a good or service (i.e. production of the output). GVA therefore provides a key measure of economic productivity.

- 6.158 The operation of the proposed development will be supported by a total of 72 gross on-site FTEs, in a wide range of occupations and skills types. It is estimated that the proposed development once delivered and fully operational will generate a total of 75 direct, indirect and induced net additional FTEs in the East Midlands, including 55 in Nottinghamshire and 35 for Broxtowe residents. Proposed development will contribute £3.3 million GVA to the regional economy each year, including £3.1 million in Nottinghamshire and £2.3 million in Broxtowe.
- 6.159 The EBS indicates that proposed development could deliver overnight visitor capacity in Broxtowe and has the potential to accommodate up to 31,540 visitors per annum. It is suggested that this number of visitors staying overnight will have an additional impact on the local economy over and above the effects derived from the direct operation of the proposed development. Visitors will generate additional economic impacts through their expenditure on wider leisure and tourism activities, for example in local shops, and on transport. It is suggested that guests accommodated could be expected to spend a total of £5.3 million annually in the local and regional economy. The applicant has confirmed that guests will be provided with free use of bicycles during their stay, which they can take off-site, encouraging expenditure on day-trips at other local businesses in the area. The EBS also identifies that it is estimated that the proposed development could generate business rate payments of £160,000 per annum to be collected by BBC.
- 6.160 Furthermore, it is suggested that the proposed development would deliver social impacts over the long term. By providing employment in the construction and operation phase it is indicated the proposed development would provide wellbeing benefits for both individuals and society as a whole. An education facility would be delivered as part of the proposal and would be staffed by qualified teachers and deliver educational courses for visitors of all ages, from pre-school through to adult learners, including visitors with special educational needs. The education unit will provide a location for classroom-based teaching, which will be supplemented by use of the site and its animals for 'outside the classroom' learning opportunities. These sessions will be linked to the national curriculum and learning packs will be provided to teachers. In collaboration with further and higher educational institutions, both formal teaching and vocational practical teaching will be provided on-site at

the proposed development once operational. The applicant has confirmed that this includes the delivery of apprenticeship programmes in partnership with Nottingham Trent University and Derby College. It is suggested that the delivery of the proposed development in terms of its educational offer is likely to benefit individuals and the economy as a whole through increasing access to education and skills.

- 6.161 The Councils Economic Development team have reviewed the EBS and have provided observations. It is recognised that the proposal would contribute to economic growth by creating new job opportunities in the short and long term. This could lead to increased consumer spending which in turn stimulates other sectors within the borough and the economy through the multiplier effect. The proposal could also attract further local investment through demand and supply boosts in areas that directly complements the tourism sector and generate further revenue streams. These contribute to continued economic growth through entrepreneurial activity. In terms of human capital offered by the proposal, in principal, it is noted that the intention to increase education provision would be a benefit to the proposed development. However, there are concerns regarding the level of detail provided to substantiate educational benefits. In terms of any wider impacts, it is noted that the proposed development could drive competition and foster innovation with particular focus on sustainability which encourage market expansion to more remote parts of the borough.
- 6.162 Broxtowe Economic Development have advised that despite the impact of the short and long term benefits brought by pre and post-delivery of the development, the overall benefits are overestimated by the socioeconomic impact retention within the borough due to the site location and its proximity to neighbouring authorities. Based on the analysis provided, the level of retention estimated is largely dispersed to other areas of Nottinghamshire. Furthermore, the estimated human capital value is inferred and lacks detail to substantiate the potential educational benefits offered. Whilst there is a potential overestimation this does not outweigh the scale at which the project can deliver most of the acknowledged benefits. As such, an economic case is identified for this project which is afforded weight.
- 6.163 Notwithstanding the economic benefits associated with the development, limited justification has been given to identify why this site in the Green Belt, is more economically preferable to alternative sites potentially outside of the Green Belt. It would appear no identified need for the bespoke proposal has been given to justify the proposal in this location. It is noted that policy at national, regional and local scale supports tourism growth and investment generally. Weight is afforded to the creation of on-site employment as well as direct and non-direct jobs which benefits the borough and beyond, however there are concerns with the magnitude of the economic benefits offered as a VSC. Given the nature of this bespoke proposal, on the border of Erewash Borough it would appear appropriate to undertake a search of alternative sites outside of Broxtowe given the catchment area of potential employment and visitors which extends to as far as Nottinghamshire the East Midlands. However, the application has not been supported by an alternative site

assessment which considers sites of a similar size not in Green Belt within a suitable catchment area. As such, it is considered the locational justification for the proposal has not been demonstrated.

#### Animal Conservation and Education Opportunities

- 6.164 The applicant proposes to relocate rescued wild animals from a separate site in the borough. It is proposed that these animals would be relocated and a legal agreement would be made to cease the use of the existing private wild animal site located in Strelley with the option of the site to return to its former condition. It is suggested that animals that would be housed at the retreat would be those that would normally be euthanized that could not be housed elsewhere. Under the Zoo License Act 1981 Zoos must participate in one of the following: research from which conservation benefits accrue, training in conservation skills exchange of information relating to species conservation, captive breeding or repopulation into the wild. It is a requirement that there is a conservation, research and education strategy. The proposal will run education programmes in accordance with the Zoo Licensing Act 1981, staffed by qualified teachers. It is proposed to work with Derby college in providing educational opportunities. A conservation organisation will be established with the zoo providing office space and project management staff to manage a portfolio of conservation programmes funded from zoo profits, external grant funding and private donations. It is proposed that the zoo will initially support five conservation programmes with further projects being developed.
- 6.165 Notwithstanding this, based on the information provided it is considered that animal conservation and education opportunities would not contribute collectively to VSC. The above measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site. As such, educating people in animal conservation is given limited weight as VSC.

#### Climate Change Agenda working towards Net Zero

- 6.166 In 2019, the Council declared a Climate Emergency and made an ambitious commitment to become carbon neutral by 2027. The Climate Change Strategy and the Climate Change and Green Futures Programme followed, providing a framework and strategic direction to achieve this ambition. Primarily the report is aimed out reducing Broxtowe Councils carbon footprint but it acknowledges that the Council cannot tackle climate change in isolation and will need to encourage and influence positive behaviour change with regards to reducing carbon emissions. In October 2021 the Government published the Net Zero Strategy. This set out the government's vision for transitioning to a net zero economy and the policies and proposals for decarbonising all sectors of the UK economy to meet the net zero target by 2050, making the most of new growth and employment opportunities across the UK. The Sustainability Statement outlines the approach to 'passive design' in order to achieve a net zero development. It is proposed that the buildings utilise the 'fabric first' approach and renewables and grounds source

heat pumps are installed to make the operation of the site self-sufficient and therefore a carbon negative development.

- 6.167 Notwithstanding the above, it is considered that sustainable building design and use of renewable energy to support on site operation would not contribute collectively to VSC. The above measures are designed to make the proposal acceptable and do not provide any site specific justification for development of this site. As such, use of sustainable building technologies is given limited weight as VSC.

#### Biodiversity Enhancements

- 6.168 The proposed development offers ecological enhancement measures including use of bat and bird boxes to be used on buildings. It is suggested that invertebrate hotels could be installed across the site in areas of open grassland. Notwithstanding this, the proposed development would amount to - 16% biodiversity net loss of habitat units. As compensation, the applicant has suggested a site within Strelley could be used to deliver offsite biodiversity gains to mitigate any net loss of habitat units secured by a legal agreement. Notwithstanding this, no biodiversity net gain metric which supports the proposed offsite biodiversity gains has been provided, and as such limited weight is afforded to biodiversity enhancements as VSC.

#### Other harm

- 6.169 The proposal would fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy 8 of the Part 2 Local Plan and the NPPF. As such, weight should be afforded to the impact upon the openness of the Green Belt in this location. The harm arising from the development includes the harm to the character and appearance of the area which is located within the Erewash River Corridor local landscape area under Policy 30 – Landscape of the Broxtowe Part 2 Local Plan. No screening strategy by way of planting has been provided in support of the application. Notwithstanding this, it is considered the proposed development would amount to wholesale changes to the site resulting in a significant change to the landscape in this location. As such, it is considered that significant weight is attached to any potential harm to the character and appearance of the landscape in this location.
- 6.170 The application fails to demonstrate that the proposed development will not result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a net gain to the detriment of the locality. It is important to note that from 12<sup>th</sup> February 2024 for major planning applications it is a legal requirement to deliver biodiversity net gain of 10%. Whilst this application was made prior to this new legislative requirement and is therefore exempt, the proposed development amounts to - 16% net loss and as such the proposed development would be unlawful contrary to Schedule 7A of the Town and Country Planning Act 1990. In the absence of demonstration that such impacts can be avoided; mitigated or

adequately compensated, it is considered that significant weight is attached to any potential harm to ecology in this location.

- 6.171 The proposed development would be located on land which is identified by the Environment Agency as being within flood zones 2 and 3. It is national and local policy that development should be directed away from areas at the highest risk of flooding and that if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that development should not be permitted. In this case, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. As such, insufficient evidence to justify the proposed development in an area of high probability to flooding has been submitted. It is considered that substantial weight is attached to any potential harm to flood risk.
- 6.172 The proposed development includes tourism and leisure which are main town centre uses. The proposed development would be located on land outside of any nearby town centre or edge of centre. It is national and local policy that main town centre uses should be located in town centres then in edge of centre locations; and only in edge of centre if suitable sites are not available. In this case, it is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature. As such, insufficient evidence to justify the proposed main town centre use in an out of centre location has been submitted. It is considered that substantial weight is attached to any potential harm to the vitality and viability of any town centres.

#### Balancing whether VSC

- 6.173 Moderate weight is afforded to the proposal which contributes to supporting tourism development and the visitor economy in Broxtowe, offering employment opportunities and economic benefits at regional scale.
- 6.174 Limited weight is afforded to animal conservation, education opportunities, building a carbon negative development or biodiversity enhancements.
- 6.175 Substantial weight is afforded to the harm to the openness of the Green Belt and character and appearance of the local landscape.
- 6.176 Substantial weight is afforded to the adverse impact on protected species, loss of a local wildlife site, harm to a wildlife corridor and failure to demonstrate a biodiversity net gain.
- 6.117 Substantial weight is afforded to the inadequacy of the search area for both the flood risk and retail sequential test, therefore insufficient evidence to justify the proposed development in an area of medium to high flood risk and in an out of centre of location has been submitted.
- 6.178 It is considered that, the above factors taken collectively do not amount to VSC and are insufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm

to the character and appearance of the area, the harm to flood risk, the harm to town centres and the harm to ecology.

Conclusion

- 6.179 The application proposes the change of use of land to construct an animal sanctuary and retreat venue. The proposed scheme comprises of 27 guest cabins, a reception building containing a spa facility for guest use spa and an education centre for visitors, restaurant/café, a number of animal enclosures and 120 parking spaces. The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.
- 6.180 The impacts of the development are acceptable with respect to residential amenity, highway safety, drainage and contamination.
- 6.181 The proposed development would be harmful to the character and appearance of the locality.
- 6.182 The development would also be harmful to ecology in this location.
- 6.183 Insufficient evidence to justify the proposed development in an area of high probability to flooding and in an out of centre of location has been provided.
- 6.184 Overall, it is concluded that there are no VSC which, taken collectively, are sufficient to outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt, the harm to the character and appearance of the area, the harm to ecology, the harm to flood risk and town centres.
- 6.185 The application forms inappropriate development in the Green Belt and Very Special Circumstances are required to approve it. Should the Committee be minded to grant planning permission, the application would be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2024 with the Planning Committees’ resolution to support it.

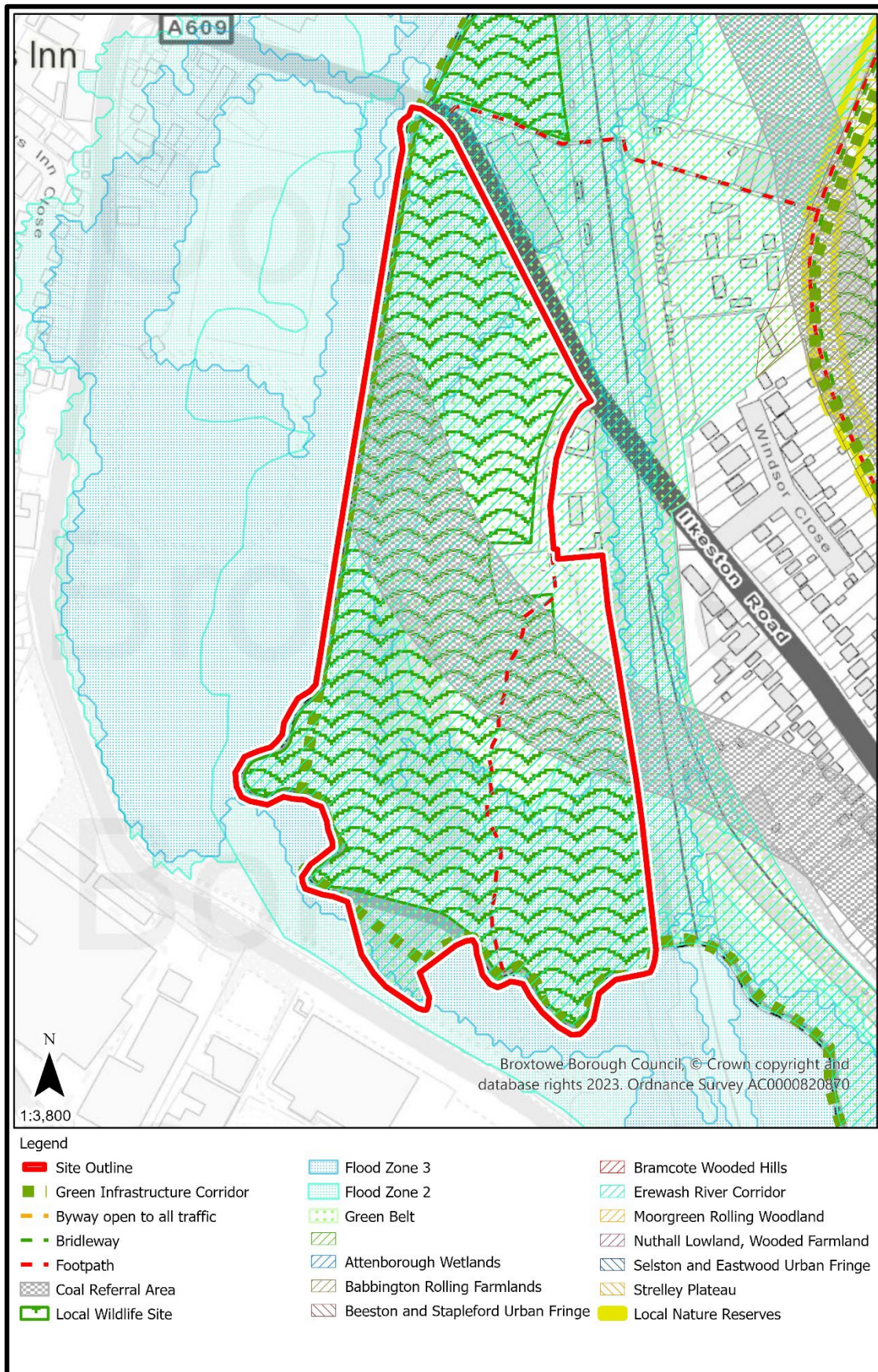
<b><u>Recommendation</u></b>	
<b>The Committee is asked to RESOLVE that planning permission be refused in accordance with the following reasons:</b>	
<b>1.</b>	<b>The site lies within the Nottinghamshire Green Belt where inappropriate development is by definition harmful and should not be approved except in very special circumstances. In the opinion of the Local Planning Authority the proposed development represents inappropriate development and it is considered that very special circumstances have not been demonstrated to justify the granting of planning permission in this instance. The application is therefore not in accordance with</b>

	<b>Policy 3 - The Green Belt of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014), Policy 8 - Development in the Green Belt of the Broxtowe Part 2 Local Plan (2019) and Part 13 – Protecting Green Belt land of the National Planning Policy Framework 2023.</b>
<b>2.</b>	<b>The submitted scheme, by virtue of its siting, size, scale and design would represent an unsatisfactory form of development to the detriment of the character of the Erewash River Corridor landscape area and the openness of the Green Belt in this location. The proposed development is therefore contrary to Policy 10 - Design and Enhancing Local Identity and Policy 16 - Green Infrastructure, Parks and Open Space of the Broxtowe Aligned Core Strategy (2014) and Policy 17 - Place-making, Design and Amenity and Policy 30 – Landscape and of the Broxtowe Part 2 Local Plan (2019).</b>
<b>3.</b>	<b>The proposed development would be located on land which is identified by the Environment Agency as being within flood zones 2 and 3. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an area of high probability to flooding has been submitted. The application is as such contrary to the aims of Policy 1 - Climate Change of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 1 – Flood Risk of the Broxtowe Part 2 Local Plan (2019).</b>
<b>4.</b>	<b>The proposed development is a main town use and would be located on land outside of any nearby town centre and edge of centre. It is considered that the submitted sequential test search area is inadequate for a development in this location and of this nature and insufficient evidence to justify the proposed development in an out of centre of location has been submitted. The application is as such contrary to the aims of Policy 6 - Role of Town and Local Centres of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and Policy 13 - Proposals for Main Town Centre Uses in Edge-of-Centre and Out-of-Centre Locations of the Broxtowe Part 2 Local Plan (2019).</b>
<b>5.</b>	<b>The site lies within Trowell Junction Grassland Local Wildlife Site (LWS) and is bordered by the River Erewash which forms a Green Infrastructure Corridor. The proposal would result in an adverse impact on protected species, as well as the loss of a biodiversity asset (LWS) and fragmentation of a key wildlife corridor and ecological network. Furthermore, the proposal fails to deliver a biodiversity net gain to the detriment of the locality. The application is as such contrary to Policy 16 - Green Infrastructure, Parks and Open Space and Policy 17 - Biodiversity of the Broxtowe Aligned Core Strategy Part 1 Local Plan (2014) and</b>



	<p><b>Policy 28 - Green Infrastructure Assets and 31 – Biodiversity of the Broxtowe Part 2 Local Plan (2019).</b></p>
	<p><b>NOTES TO APPLICANT</b></p>
<p><b>1.</b></p>	<p><b>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</b></p>

Map



Photos



View from Ilkeston Road (north) into site



View of Station House - The Forge, from inside the site



View of wetland habitat on site



View of rubble piles and storage containers

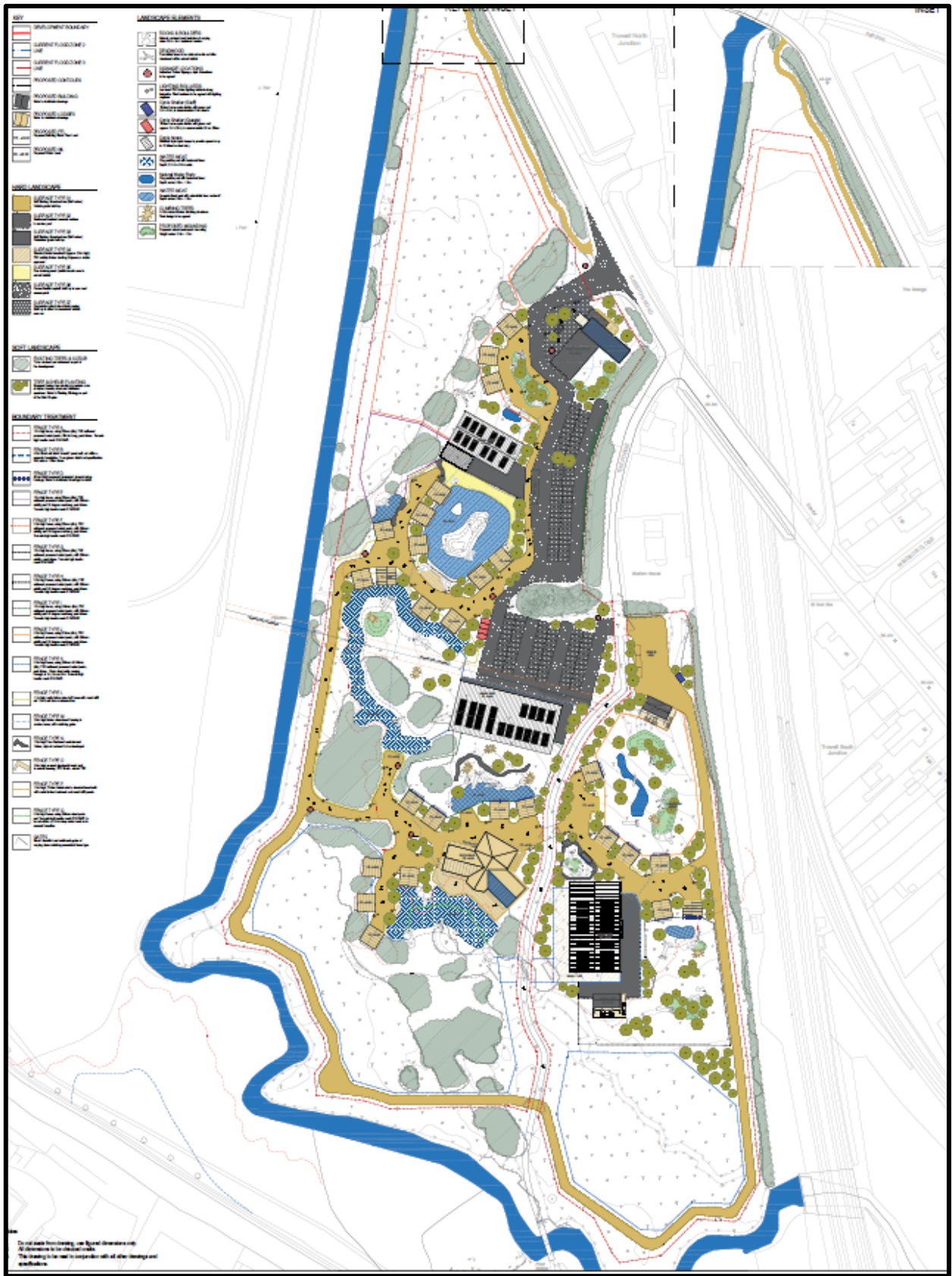


View of The Forge and public right of way leading into site

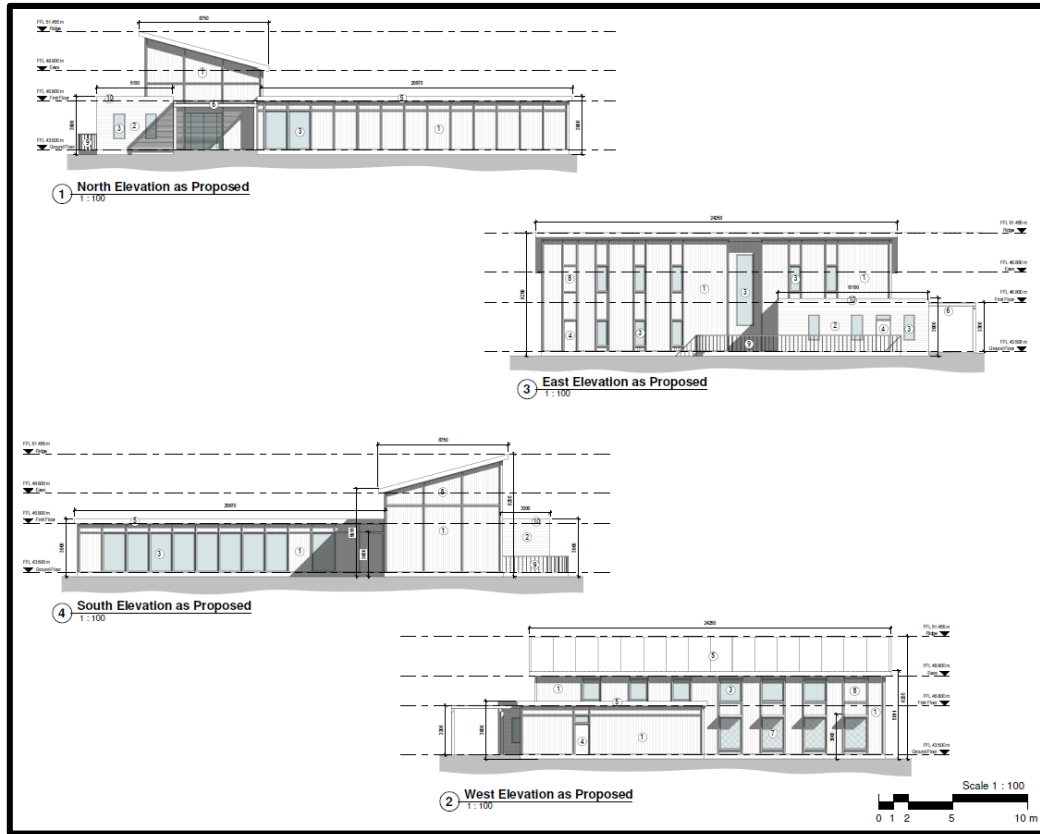


View of River Erewash around southern boundary of site

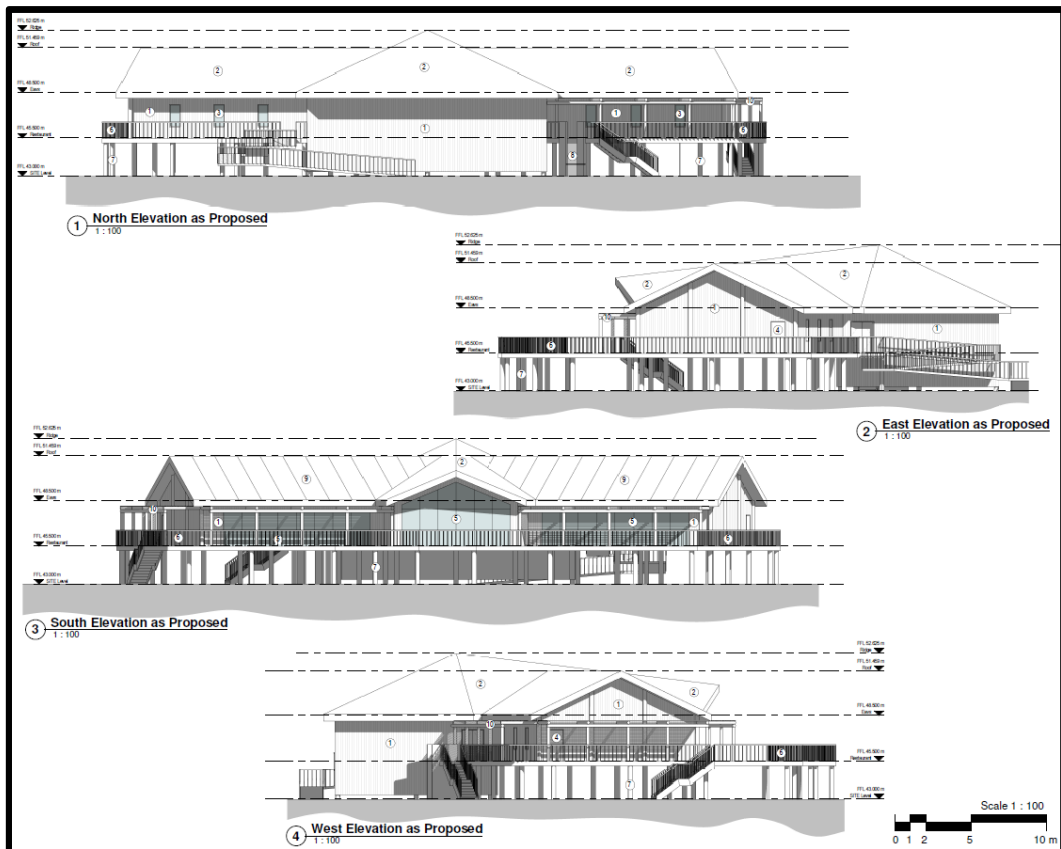
Plans



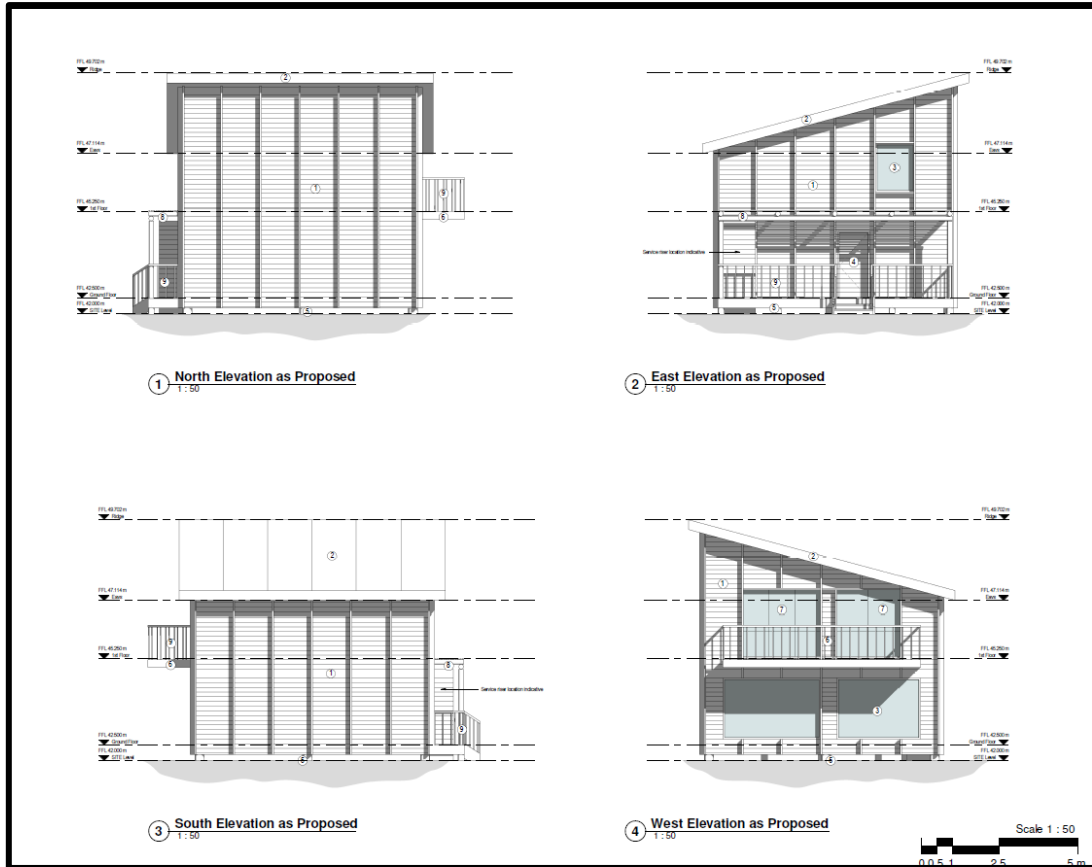
Proposed Site Layout Plan



Proposed Reception Building Elevations



Proposed Restaurant Building Elevations



Proposed Cabin Building Elevations

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>23/00903/FUL</b>
<b>LOCATION:</b>	<b>Beeston Car Centre, Broadgate, Beeston, Nottinghamshire, NG9 2HD</b>
<b>PROPOSAL:</b>	<b>Proposed demolition of existing car garage and construction of residential accommodation comprising 12 studio flats and 2x6 bedroom cluster flats (HMO) (revised scheme)</b>

The application is brought to the Committee at request of Councillor B C Carr.

1. Purpose of the Report

- 1.1 The application seeks full planning for the demolition of an existing commercial garage and car sales building and the erection of a four storey block of flats for the use of student accommodation. The building will contain 12 self-contained units and two 6-bedroom cluster flats within the building which will measure 16m by 24m with a maximum height of 11m.

2. Recommendation

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

3. Detail

- 3.1 The site consists of an existing single storey detached vehicle car repair and sales building located on a corner plot of Broadgate and Cedar Avenue. The existing building is set to the rear of the site with a canopy and forecourt to the front of the site fronting Broadgate.
- 3.2 The site is located within the Beeston Article 4 area for HMO's.

4. Financial Implications

- 4.1 The comments from the Head of Finance Services were as follows: There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

- 5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

None.



**APPENDIX**

1. Details of the application

1.1 The application seeks full planning for the demolition of an existing commercial garage and car sales building and the erection of a four storey block of flats for the use of student accommodation. The building will contain 12 self-contained units and two 6-bedroom cluster flats within the building which will measure 16m by 24m with a maximum height of 11m. Access to parking at the rear to serve the development will be from Cedar Avenue.

2. Site and surroundings

2.1 The site consists of an existing single storey detached vehicle car repair and sales building located on a corner plot of Broadgate and Cedar Avenue. The existing building is set to the rear of the site with a canopy and forecourt to the front of the site fronting Broadgate.

2.2 The site is located out with the town centre of Beeston but has a row of commercial properties located to the south west. To the north and north east of the site are residential properties all of which are two storey and traditional in appearance. To the south on the opposite side of the road is a previously three-storey building which has been converted and extended up to four storeys for student accommodation.

2.3 The site is located within the Beeston Article 4 area for HMO's.

3. Relevant Planning History

3.1

**Planning**

00/00417/FUL	Change use to motor vehicle repairs and car sales	Permitted
00/00466/FUL	Change use and construct extension to form office accommodation	Permitted
83/00709/FUL	FORECOURT CANOPY	Permitted
89/00187/FUL	INSTALL 12,000 GALLON SPIRIT TANK AND NEW BUILDING SHOPFRONT	Permitted
99/00772/FUL	Change use and construct extension to form office and showroom	Refused
05/00904/FUL	Renew permission (00/00466/FUL) change use and construct extension to form office accommodation	Permitted

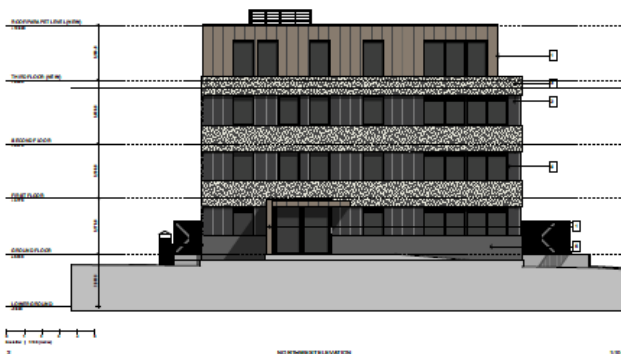
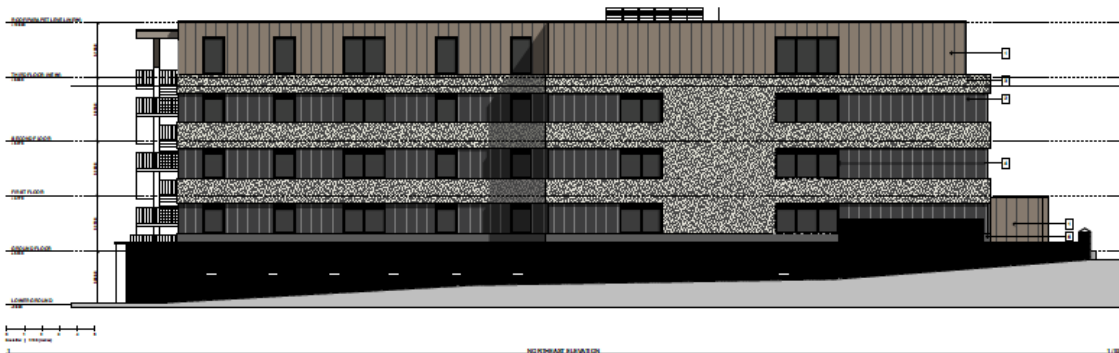
22/01004/FUL

Proposed demolition of existing petrol station and garage to construct 32 no. studio flats over 4 floors

Refused

3.2 Two applications on adjacent sites have been approved for additional student accommodation set over multiple floors. 21/00758/FUL is located to the south east on the opposite side of the public road and 21/00971/FUL is located to the south west approx. 30m on the same side of the public road:

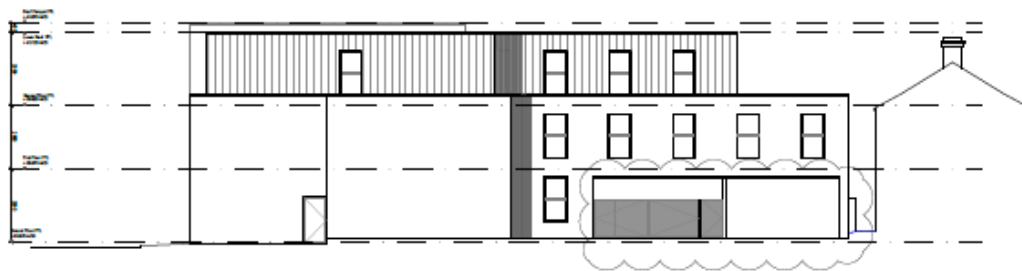
21/00758/FUL - Change of use to 84 bed student accommodation (Class C4 HMO including an additional floor)



3.3 21/00971/FUL - Construct 3 storey building comprising 7 apartments and provision of parking area (revised scheme) Approved at appeal.



1. Marlborough Road Elevation



2. Marlborough Road Courtyard Elevation

- 3.4 An application on this site for student accommodation was refused. 22/01004/FUL - Proposed demolition of existing petrol station and garage to construct 32 no. studio flats over 4 floors.



Proposed Front Elevation (Broadgate) 1:100



Proposed Side Elevation (Cedar Avenue) 1:100

4. Relevant Policies and Guidance

**Broxtowe Aligned Core Strategy 2014:**

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

- Policy A - Presumption in Favour of Sustainable Development
- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.
- Policy 17 - Biodiversity

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 9 - Retention of Good Quality Existing Employment Sites
- Policy 15 - Housing Size, Mix and Choice.
- Policy 17 - Place-making, design and amenity
- Policy 31 - Biodiversity Assets
- Policy 32 – Developer Contributions

**4.3 National Planning Policy Framework (NPPF) 2023**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 5 - Delivering a sufficient Supply of Homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring the Vitality of town centres
- Section 8 – Promoting healthy and safe communities
- Section 9 – Promoting Sustainable Transport
- Section 12 - Achieving well-designed places

**5. Consultations**

**5.1 Councillors:**

- Councillor S J Carr - No Comments Received
- Councillor B C Carr – Requested the application is called into Committee if an approval is to be recommended.

**5.2 Consultees:**

- Highways – No objection received but conditions requested on any approval with regards to the existing and proposed access, finished materials and parking provision. Conditions have also been requested with regards to tree protection.
- Environmental Health – No objection subject to a condition requiring a remediation strategy to deal with possible contamination be submitted and approved. Further conditions were also requested regarding the submission of a verification report, SUDS details, restrictions on penetrative foundation methods and an additional contamination condition, Informatives were also requested regarding contamination, drainage and waste.
- Parks and Environment – Financial contributions will be required towards the maintenance and improvements at Broadgate Park
- Nottinghamshire Police – No objection subject to a condition requiring the proposal be developed in line with the secured by design standards.
- Environment Agency – No Response Received
- Nottinghamshire County Council – No education contributions will be required and no contributions towards transport or travel are required. The proposal raises no considerations in regards to minerals or waste management.
- Flood Risk Team – No Objection subject to conditions being added to any approval regarding the submission and approval of a surface water drainage plan.

- Private Sector Housing – No Objection as the proposal is exempt from HMO licensing.
- NHS – No Objection. The proposal does not reach the threshold for the requirement for developer contributions.

### 5.3 Neighbours

- Eight neighbours were consulted on the application with 1 comment being received from neighbouring properties and 9 comments from third parties. The comments received are summarized below.

#### Visual Amenity

- The appearance of the proposal is not in keeping with the surrounding area,
- Inclusion of greenery in visualisations not shown within site plan,
- Inaccurate visualisations have been provided which fail to show the newly built student accommodation on the Kings Carpets site,
- Contrary to settlement pattern
- Lack of housing types and tenures

#### Residential Amenity

- Impact on the locality from temporary residents,
- Impact on neighbour amenity from additional noise and smells,
- Overlooking of neighbour's properties
- Loss of daylight/sunlight
- Impact on neighbours from excessive building work

#### Highway Safety

- Lack of parking impacting on neighbouring streets,
- Narrowing of the footpath,
- Increased vehicle movements and traffic generation
- Lack of onsite parking,

#### Biodiversity

- Loss of sunlight to the trees on Cedar Avenue,
- Integrity of the bat survey as it was commissioned by the applicant
- Impact on the trees due to proximity to the site
- Bat presence within close proximity to the site

#### Policy

- The site fails to comply with the HMO policies due to sandwiching,
- Increase in housing density is contrary to SHLAA,
- Not in accordance with Policy 8 of the Part 1 Local Plan,
- Inaccurate description as a HMO
- Sites location within Beeston Article 4 area
- Number of HMOs exceed the saturation policy

#### Other Points Raised

- Existing contamination on site and petrol storage tanks still in situ
- Inaccuracies within the application form

- Inaccurate supporting documents
- Site notice positioning
- Previous appeal decisions for neighbouring applications
- No EIA submitted with the application.
- Inaccurate visualisations
- Increased students pose a danger to local inhabitants

#### **Non Material Considerations**

- Additional maintenance cost incurred by the council due to the increase in traffic,
- Disruption and impact on the health of neighbouring residents from the additional construction works,
- Impact on the local economy from additional student accommodation,
- Expansion of the student residential area out of Nottingham City,
- Inaccuracies within the application form relating to the existing business on the site,
- Loss of a local business,
- Increase in anti-social behaviour,
- Validity of application given it is the third application on the site for the same proposal. (authority should refuse to determine)
- Students driving businesses out of the area,
- Reduced income into the area
- Objections from previously refused application (22/01004/FUL) should be taken into account for this application
- Negative impact on the economics of the area
- Applicants other businesses
- Loss of potential housing for the elderly
- Licensing requirements
- Creation of additional rental properties impacting on the housing market
- Saturation of students into the town

## 6. Assessment

### 6.1 **Principle**

The principle of a four storey flatted development within a residential area in this location, is deemed acceptable subject to a suitable design being achieved and in regard to the existing character of the surrounding area and the impact on the amenity of the neighbouring properties.

### 6.2 **Description**

The application was submitted with the description 'Proposed demolition of existing car garage and construction of student accommodation comprising 12 studio flats and 2, 6 bed room cluster flats (revised scheme)'. Concerns with regards to the description were raised with the agent with in respect of the use of the wording student accommodation and how it could be restrictive and cause issues in the future over any none student occupiers. It was also agreed to include HMO into the description. The description was agreed to be amended to 'Proposed demolition of existing car garage and construction of

residential accommodation comprising 12 studio flats and 2 x 6-bedroom cluster flats (HMO) (revised scheme)'.

### 6.3 Design

6.3.1 Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that development should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.3.2 The proposal is for a four storey building encompassing 12 self-contained units and 2 cluster flats. The proposed building is of substantial scale measuring 11m in height in comparison to the neighbouring residential two storey properties with maximum heights of around 8.5m. Given the height of the neighbouring properties the proposed building would significantly exceed the height of the neighbouring properties and would appear out of context with the surrounding area which currently maintains a domestic sense of scale and character. However, given the approval of 21/00971/FUL for student accommodation on the same side of the Broadgate with a height of just over 10m along with the reduction in height of this new proposal compared to the previous refusal 22/01004/FUL which had a height of 13m, it is considered that the height of the proposed building can be considered acceptable and could sit comfortably within the street scene.

6.3.3 A previous application for a student accommodation building was approved on the opposite side of Broadgate under reference 21/00758/FUL which involved the conversion of an existing building of a similar height to the proposal. Even with the similar heights of the buildings, with the overall scale and massing of the Broadgate house building and its location on the opposite side of the public road, the visual separation is apparent and it is considered that these cannot be visually read in conjunction with one another.

6.3.4 The site is located on a corner plot of Broadgate and Cedar Avenue and as such is a prominent location within the streetscape. The existing development within the area on this side of Broadgate and Cedar Avenue maintains a constant and obvious building line, the proposal would build forward of this line by around 3.5m on Broadgate and by 1m on Cedar Avenue which would create an anomalous appearance within the streets. This was discussed as part of the previous refusal and this distance has been reduced on Cedar Avenue but the step forward on Broadgate has subsequently been increased pulling the building closer to the road. However, given that the existing built form within the site already protrudes forward of the building lines on both Cedar Avenue and Broadgate, it is considered that although the proposed building would provide a more visually substantial feature within the street scene than the current site structures, the proposed projection forward of the development line would be less than is currently in place. Given this fact the setting of the proposal within the street scene is considered acceptable.

- 6.3.5 The mixed palette of materials proposed within the building and the darker panel to the principal elevation along with a matching material to be used on the upper floor element of the building along Cedar Avenue assists with assimilating the building into the surrounding street scene by matching colours with adjacent buildings. The darker colours to the lower sections of the building also assist with detracting from the top floor of the building with its lighter colour reducing the visual impact of this section of the building and providing for a visually lower building to what is actually proposed.
- 6.3.6 Concerns were raised with the agent regarding the design, scale and massing of the proposal during the course of the previous application (22/01004/FUL). Discussions were had with the agent regarding changes that could be made to the design to make for a more visually acceptable building. Following these discussions, the overall height of the building has been reduced and the design has been modified to create recesses into the façade of the building to add interest. Changes have been forthcoming also with regards to the upper floor by stepping the walls back from the lower section of the building and also changing the finish materials on this section of the building to reduce visual impact. These changes are considered an improvement on the original refused application and are therefore acceptable.

#### 6.4 **Amenity**

- 6.4.1 Policy 10 of the Aligned Core Strategy states that the impact of a development on neighbour amenity will be a consideration. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.
- 6.4.2 The previous application was for a full three storey building in close proximity to the neighbouring properties. This was considered to have a negative impact on the amenity of the occupants of these properties. This new proposal has reduced the height of the building immediately adjacent to the residential property on Broadgate down to single storey and has pulled the gable of the building on Cedar Avenue further away from the adjacent neighbouring property.
- 6.4.3 135 High Road directly abuts the site to the south west. This is a two storey property with a commercial unit on the ground floor and a residential property to the first and second floor. There are two windows within the gable wall of the neighbouring property which it was stated as part of the previous application serves a bedroom on the second floor and a bathroom on the first floor. The proposed building has been designed so that it is single storey at the ground floor level and the upper floors have a separation distance of 4.9m. given this separation distance is greater than other properties within the surrounding street scene and there are no windows present in the proposed building facing in the direction of this neighbour it is considered that the proposal will have no impact on 135 High Road in terms of negative impact on amenity.



- 6.4.4 1 Cedar Avenue is located to the north west of the site. This is a two storey semi-detached residential property of traditional appearance. There are several windows on the neighbouring property that face onto the application site. The main windows in this elevation are a kitchen window and a bathroom window neither of which serve primary habitable rooms. The proposed building has been redesigned from the refused application to move the building further away from this property with the ground floor having a separation distance of 3.6m and the upper floor having a separation of 4.5m. as above the proposed building has blank elevations facing onto this neighbour and the separation is such as it can be considered that the building would have no negative impact on neighbour amenity.
- 6.4.5 These changes have overcome all the concerns previously raised with the agents on the refused application (22/01004/FUL). The separation distances between the upper floors of the proposal and the neighbouring buildings are such that it is considered the proposal would create no negative impact on the occupiers of these buildings.
- 6.4.6 The existing boundary wall on the common boundary between the site and the neighbouring properties on Cedar Avenue and Broadgate is proposed to be increased in height from its current height up to 2m. Once completed this is considered to improve the proposals impact on neighbour amenity spaces and is in line with what could be achieved under permitted development rights.
- 6.4.7 The proposed building is made up of 12 self-contained studio flats and 2 six bed cluster flats. The studio flats have gross internal floor areas ranging from 18.4m<sup>2</sup> to 26.1m<sup>2</sup>. The minimum space standards for a 1-person studio flat with a shower room is 37m<sup>2</sup>. As such all of the studio flats within the proposal are well under the nationally described space standards. However, as the building is a purpose built student accommodation building and the use of the building for student use only will be locked in by the S106 agreement then reduced room sizes as set out in Broxtowe Borough Councils 'House in Multiple Occupation (HMO) Property Standards' can be used. This is set out in the table below. As such all of the accommodation within the building complies with these minimum standards and are commensurate with other similar proposals approved with the Borough.

<b>Individual rooms:</b>	<b>1 Person Unit</b>	<b>2 Person Unit</b>
A. Bedroom	8 m <sup>2</sup>	12 m <sup>2</sup>
B. Combined bedroom and living/dining room	10 m <sup>2</sup>	15 m <sup>2</sup>
C. Combined bedroom, living room and kitchen	14 m <sup>2</sup>	18 m <sup>2</sup>

**6.5 Access and Parking**

- 6.5.1 Policy 17 of the Part 2 Local Plan 2019 states that planning permission will be granted for new development that provides sufficient, well-integrated parking and safe and convenient access.

- 6.5.2 The proposal is suggesting an allocation of 6 on-site parking spaces. This accounts to 1 space per 4 flats. The two previously approved student accommodation buildings in close proximity to the site were assessed on the old parking standards of 1 space per 6 flats. Each parking bay will measure 2.4m by 5m and with a minimum 6.3m reversing space to allow for turning. Highways were consulted on the application and they have used the same approach for this proposal as the neighbouring student blocks and have raised no objections with regards to the proposed parking arrangements. A condition shall be placed on any decision with regards to the creation of these spaces prior to first occupation of the building.
- 6.5.3 There are currently two vehicular accesses into the site. One from Broadgate and one from Cedar Avenue. It is proposed to close off the existing access onto Broadgate and reinstate this into a footpath. No objections have been received from Highways Authority on this matter subject to a condition requiring the access to be closed off and the footpath reinstated prior to first occupation of the proposal.
- 6.5.4 Conditions have also been requested by Highways Authority with regards to surfacing and drainage.
- 6.5.6 The proposal includes secure cycle storage on site for 10 bicycles. This is considered to be an acceptable addition to the site and will be the subject of a condition requiring its completion prior to occupation.
- 6.6 Houses in Multiple Occupation (HMO)**
- 6.6.1 The site is located within the Beeston Article 4 Direction area. Comments have been received regarding the proposal failing the requirements of the Houses in Multiple Occupation – Supplementary Planning Document (SPD) due to saturation levels and also sandwiching.
- 6.6.2 The proposal would fail the saturation test if the total number of known HMO properties within a 100m radius of the site would exceed 20% of the total number of properties within the same area. In this instance the total number of known HMO's is 15% of the total housing and so the proposal does not fail this test.



6.6.3 In terms of sandwiching the proposal would have two residential properties between it and the adjacent student accommodation block on Marlborough Road and High Road. Therefore, as no single property will be sandwiched between two HMO properties, it is considered acceptable in this respect.

**6.7 Biodiversity**

6.7.1 Policy 17 of the Aligned Core Strategy states that development will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development. Policy 31 states that permissions 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.

6.7.2 The site has a row of mature trees running in close proximity to the proposed building and access point to the site from Cedar Avenue. Although not protected trees they do provide an essential part of the landscaping to the area. Of all the trees surrounding the site, the one which raises concerns is T2 lime which is situated near where the access is to be widened. Given the proximity of the tree, the extended part of the dropped kerb access will need to be hand dug and a condition imposed on any approval granted with regards to tree protection, and development within 2m of the tree.

6.7.3 A bat survey has been carried out and submitted as part of the application. The building was classified as providing negligible bat roosting potential. Whilst 'negligible bat roosting potential' does not definitively suggest a building is not suitable for use by bats, it does suggest there is little chance of it supporting a roost. In view of this, no follow-up nocturnal surveys are recommended in connection with the proposed development. A condition will be added stating that should any protected species be found on site during either the demolition or construction phase of the development works should cease and notification provided to the Planning Authority.

**6.8 Contamination**

6.8.1 Given the sites previous and existing use there is the potential for contamination to be located within the ground within the site. Environmental Health and the Environment Agency were both consulted on the application in regards to potential contamination. Environmental Health had no objections to raise with regards to contamination but requested conditions should be added to any subsequent approval for the application. No response was received from the Environment Agency

**6.9 Developer Contributions**

6.9.1 As this application is for student accommodation, no financial contributions towards affordable housing will be sought.

To secure the accommodation as student accommodation only, a restriction will be included within the subsequent S106 agreement ensuring this use. Any future change from student accommodation only would need to be requested through an additional application to amend the s106 agreement.

No contributions have been requested towards transport by the Highways Authority.

The application is under the threshold of 25 units for any contributions towards the National Health Service.

An open space contribution is required towards the maintenance and improvements of Broadgate Park as set out below.

S106 Contributions July 2023			
	Cost per dwelling	No of dwellings	
Capital:	£984.73	12	£11,816.76
Maintenance:	£754.18	12	£9,050.16
		Total	£20,866.92

**7. Conclusion**

7.1 It is recommended that conditional planning permission be granted subject to the S106 Agreement.

7.2 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

<b><u>Recommendation</u></b>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:</p>	
<b>1.</b>	<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>
<b>2.</b>	<p>The development hereby permitted shall be carried out in accordance with the following plans received by the Local Planning Authority on 20 December 2023:</p> <ul style="list-style-type: none"> <li>• Proposed Site Location and Layout Plan (Drawing Reference 22-27 03 Rev H),</li> <li>• Proposed Ground Floor Plan (Drawing Reference 22-27 04 Rev i),</li> <li>• Proposed First Floor Plan (Drawing Reference 22-27 04FL Rev F),</li> <li>• Proposed Second and Third Floor Plan (Drawing Reference 22-27 05 Rev H),</li> <li>• Proposed Front and Side Elevations Plan (Drawing Number 22-27 06 Rev H),</li> <li>• Proposed Rear and Side Elevations Plan (Drawing Number 22-27 07 Rev C),</li> <li>• Tree Protection Plan Rev A</li> </ul> <p><i>Reason: For the avoidance of doubt.</i></p>
<b>3.</b>	<p>No development or work shall commence until a detailed specification for all proposed external materials and finishes (including trade names and samples where necessary) has been submitted to, and approved in writing by, the Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<b>4.</b>	<p>No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:</p> <ul style="list-style-type: none"> <li>i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;</li> </ul>

	<ul style="list-style-type: none"> <li>ii. A plan showing existing landscaping features and vegetation to be retained;</li> <li>iii. The location and design, including materials, of any existing or proposed walls, fences and gates;</li> <li>iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and</li> <li>v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.</li> </ul> <p>Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.</p> <p>Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.</p> <p><i>Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No part of the development hereby approved shall commence until a detailed surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>• Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.</li> <li>• Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.</li> <li>• Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.</li> </ul> <p>Calculations should demonstrate the performance of the designed system for a range of return periods and storm</p>

	<p><b> durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.</b></p> <ul style="list-style-type: none"> <li><b>o No surcharge shown in a 1 in 1 year.</b></li> <li><b>o No flooding shown in a 1 in 30 year.</b></li> <li><b>o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.</b></li> </ul> <ul style="list-style-type: none"> <li><b>• Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.</b></li> <li><b>• Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.</b></li> <li><b>• Evidence of approval for drainage infrastructure crossing third party land where applicable.</b></li> <li><b>• Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.</b></li> <li><b>• 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 effectiveness.</b></li> </ul> <p><b><i>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site and in accordance with the aims of Policy 1 of the Broxtowe Part 2 Local Plan (2019).</i></b></p>
<p><b>6.</b></p>	<p><b>No part of the development hereby approved shall be commenced until an</b></p> <p><b>investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</b></p> <p><b><i>Reason: In the interest of public health and safety and in accordance with with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b></p>
<p><b>7.</b></p>	<p><b>No part of the development hereby approved shall commence until a report, prepared in accordance with the provisions of BS8233 to predict noise levels at and within the proposed noise sensitive location has been submitted to and approved in writing by the Local Planning Authority. Predictions shall be contained in a report which sets out: a large scale plan of the proposed development; noise sources and measurement/prediction points marked on plan; a list of</b></p>

	<p>noise sources; a list of assumed noise emission levels; details of noise mitigation measures; description of noise calculation procedures; noise levels at a representative sample of noise sensitive locations; a comparison of noise level with appropriate current criteria.</p> <p>Where current criteria are exceeded at any location the applicant should explain why that excess is immaterial or what further mitigation will be undertaken to ensure that criteria will be met. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To protect future occupiers from excessive environmental noise and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>No development within the full planning permission phase hereby approved shall take place until a Demolition and Construction Method Statement has been submitted to and approved in writing by the Planning Authority. The statement shall include:</p> <ul style="list-style-type: none"> <li>a) The means of access for construction traffic;</li> <li>b) parking provision for site operatives and visitors;</li> <li>c) the loading and unloading of plant and materials;</li> <li>d) the storage of plant and materials used in constructing the development;</li> <li>e) a scheme for the recycling/disposal of waste resulting from construction works; and</li> <li>f) details of dust and noise suppression to be used during the construction phase.</li> </ul> <p>The approved statement shall be adhered to throughout the construction period.</p> <p><i>Reason: To protect the amenities of neighbouring residents and in accordance with with the aims of Policy 17 and Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>9.</p>	<p>Prior to commencement of the permission hereby approved a 2-metre construction exclusion zone (CEZ) must be in place around the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20<sup>th</sup> December 2023. This CEZ must remain in place for the duration of the demolition and construction phases of the building hereby approved.</p>



	<p><b><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></b></p>
10.	<p>No part of the development hereby approved shall commence until a report in line with current Health and Safety guidance for the identification and safe removal of asbestos containing material shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><b><i>Reason: In the interest of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b></p>
11.	<p>No part of the development hereby approved shall be brought into use until the dropped vehicular footway crossing has been constructed and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.</p> <p><b><i>Reason: In the interests of Highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b></p>
12.	<p>No part of the development hereby approved shall be brought into use until the existing site access that has been made redundant as a consequence of this consent has been permanently closed, and the access crossing reinstated as footway with full height kerbs.</p> <p><b><i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b></p>
13.	<p>No part of the development hereby permitted shall be brought into use until the site access is surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drive and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.</p> <p><b><i>Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></b></p>
14.	<p>The development hereby permitted shall not be occupied until a scheme detailing the developments adherence to Secured by Design principles has been submitted to and approved in writing by the Local</p>

	<p>Planning Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p>Reason: To reduce the potential for crime and in accordance with the aims of Policy 10 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</p>
15.	<p>No building to be erected pursuant to this permission shall be occupied or brought into use until:-</p> <ul style="list-style-type: none"> <li>i. All necessary contamination remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</li> <li>ii. It has been certified to the satisfaction of the Local Planning Authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</li> </ul> <p>Reason: <i>In the interest of public health and safety and in accordance with the aims of Policy 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
16.	<p>No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the access to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.</p> <p>Reason: <i>To ensure surface water from the site is not deposited on the public highway causing dangers to road users and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
17.	<p>No part of the development hereby permitted shall be brought into use until the parking and turning areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number 22-27-03 Revision H. The parking and turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.</p> <p>Reason: <i>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 and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
18.	<p>No part of the development hereby approved shall be brought into use until the cycle parking facility as shown on the proposed site layout plan drawing number 22-27-03 rev H received by the Planning</p>

	<p>Authority on the 20<sup>th</sup> December 2023 has been completed in full and brought into use and shall not thereafter be used for any purpose other than the parking of bicycles.</p> <p><i>Reason: to ensure that cycle parking is available for use and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>19.</p>	<p>Should statutorily protected species be found within the application site at any time during the demolition stage, then all work shall cease immediately and written notification shall be sent by the developer to both the Planning Authority and Nottingham Wildlife Trust. Development shall only recommence once written approval for commencement has been issued in writing by the Planning Authority and any mitigation measures required as conditions of such approval shall be implemented in full and in accordance with the approved timescales.</p> <p><i>Reason: To minimise disturbance to nature conservation interests within the application site and ensure the protection of protected species and habitats and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
<p>20.</p>	<p>Any excavation works outside of the CEZ but within the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20<sup>th</sup> December 2023 must be carried out carefully by hand so that any roots greater than 25mm in diameter are not damaged or severed. Thereafter, if any significant roots greater than 25mm in diameter are identified to be cut or pruned, full details of the root system in question shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, development and work shall progress in accordance with these approved details.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
<p>21.</p>	<p>No cement washings or any other toxic substances are to be disposed of beneath the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20<sup>th</sup> December 2023.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of</i></p>

	<i>Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i>
22.	<p>No materials or equipment is to be stored within the crown spread of the trees identified as T1 and T2 on the proposed Tree Protection Plan received by the Planning Authority on the 20<sup>th</sup> December 2023.</p> <p><i>Reason: To ensure the highway trees are fully protected and no damage to the tree roots occur and in accordance with the aims of Policy 31 of the Broxtowe Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).</i></p>
	<b>NOTES TO APPLICANT</b>
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <a href="http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries">www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</a></p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal</p>

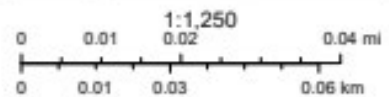
	<p><b>Authority Permit for such activities is trespass, with the potential for court action.</b></p> <p><b>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:</b>  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
<p><b>3.</b></p>	<p><b>You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).</b></p>
<p><b>4</b></p>	<p><b>The Lead Local Flood Authority ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to the LLFA objecting to the discharge of conditions. The LLFA will provide the LPA with bespoke comments within 21 days of receiving a formal consultation.</b></p>
<p><b>5.</b></p>	<p><b>Burning of commercial waste is a prosecutable offence. It also causes unnecessary nuisance to those in the locality. All waste should be removed by an appropriately licensed carrier.</b></p>
<p><b>6.</b></p>	<p><b>The development makes it necessary to construct/improve/reinstate 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:</b>  <a href="http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities">http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities</a></p>

Map

23/00903/FUL



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Photos



Photograph of the site looking towards the properties on Cedar Avenue.



Photograph of the site looking towards the Neighbouring property on Cedar Avenue.



Photograph of the site looking towards the Neighbouring property on Cedar Avenue.



Photograph of the site looking towards the properties on Cedar Avenue.



Photograph of the site looking towards Broadgate House from Cedar Avenue.



Photograph of the site looking towards Broadgate House from Cedar Avenue.



Photograph of the site looking down Broadgate.



Photograph of the site.



Photograph of the site looking down Broadgate.



Photograph from the site looking down Broadgate showing the Kings Carpets site.



Photograph of the site looking towards the Neighbouring property on Broadgate.



Photograph of the site looking down Broadgate.





Photograph of the site looking towards the Neighbouring property on Broadgate.



Photograph of the first site notice in place.

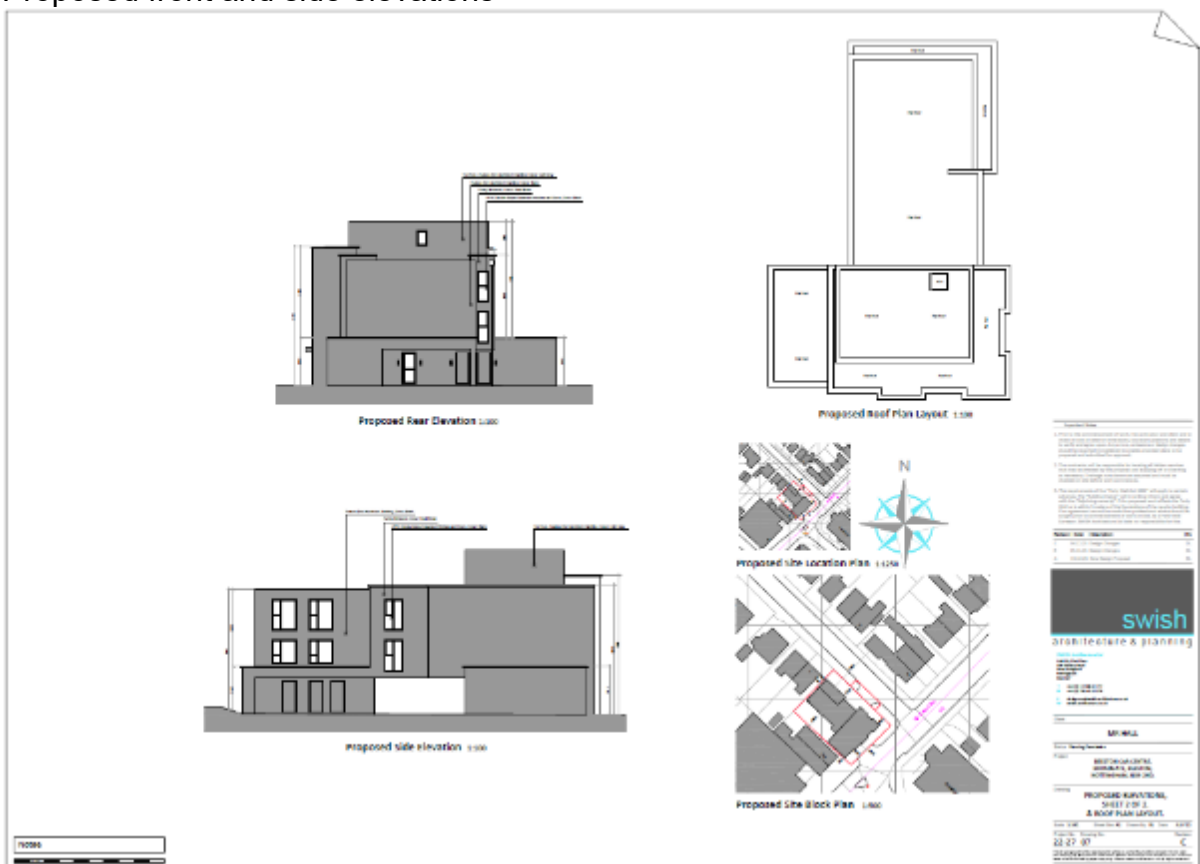
**Plans**



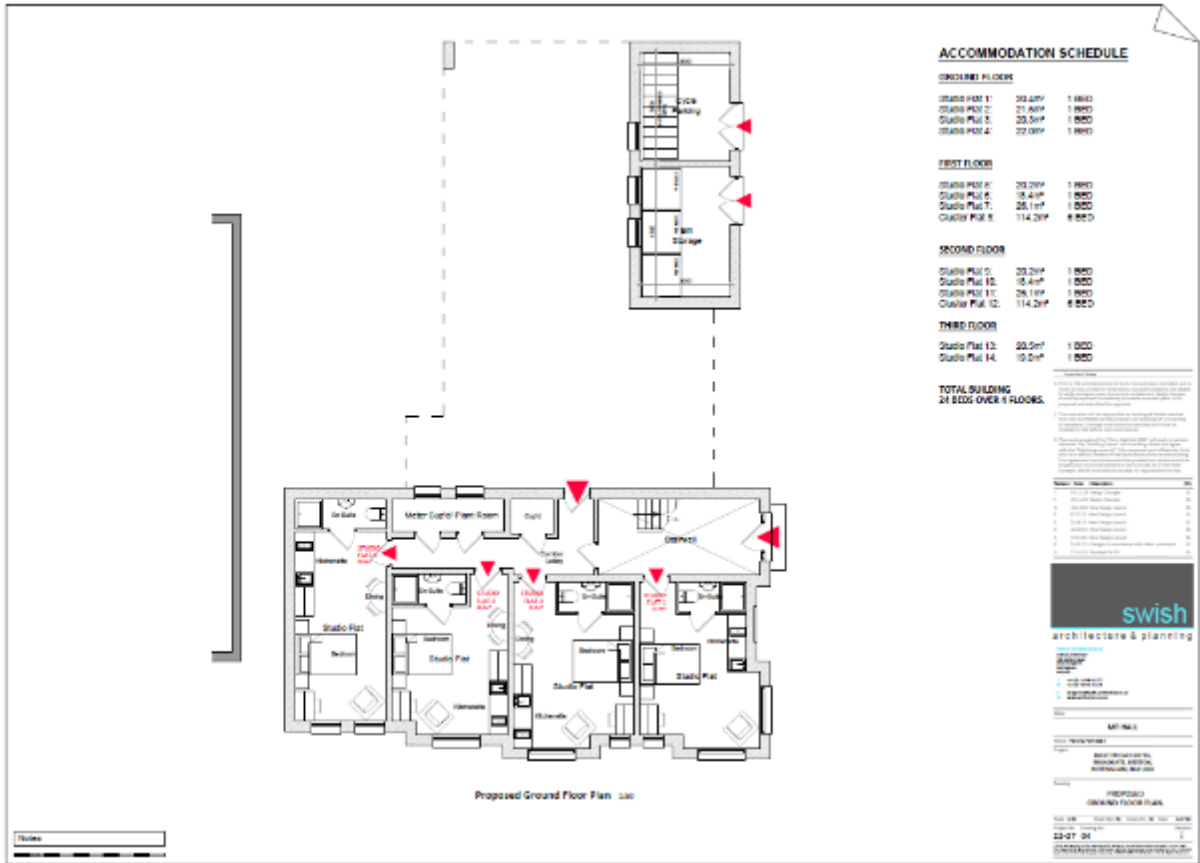
Proposed Site Layout Plan



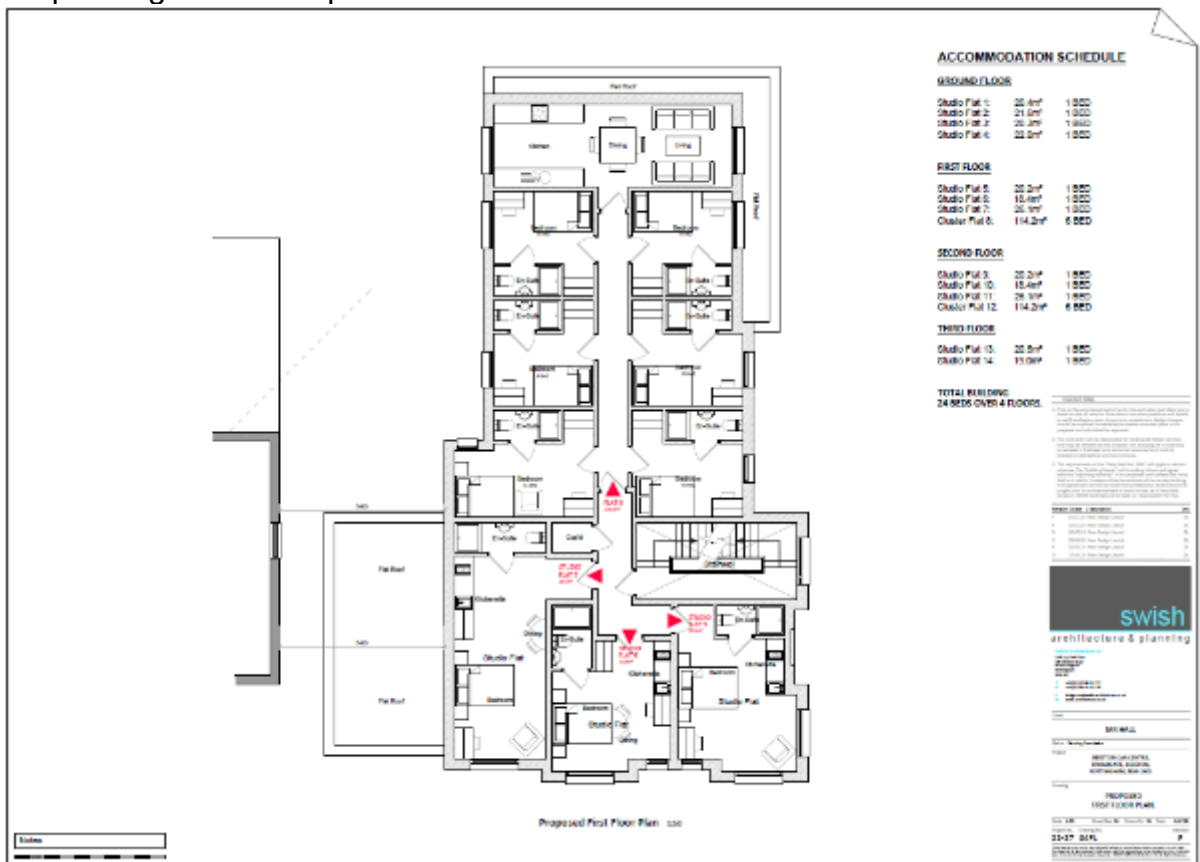
Proposed front and side elevations



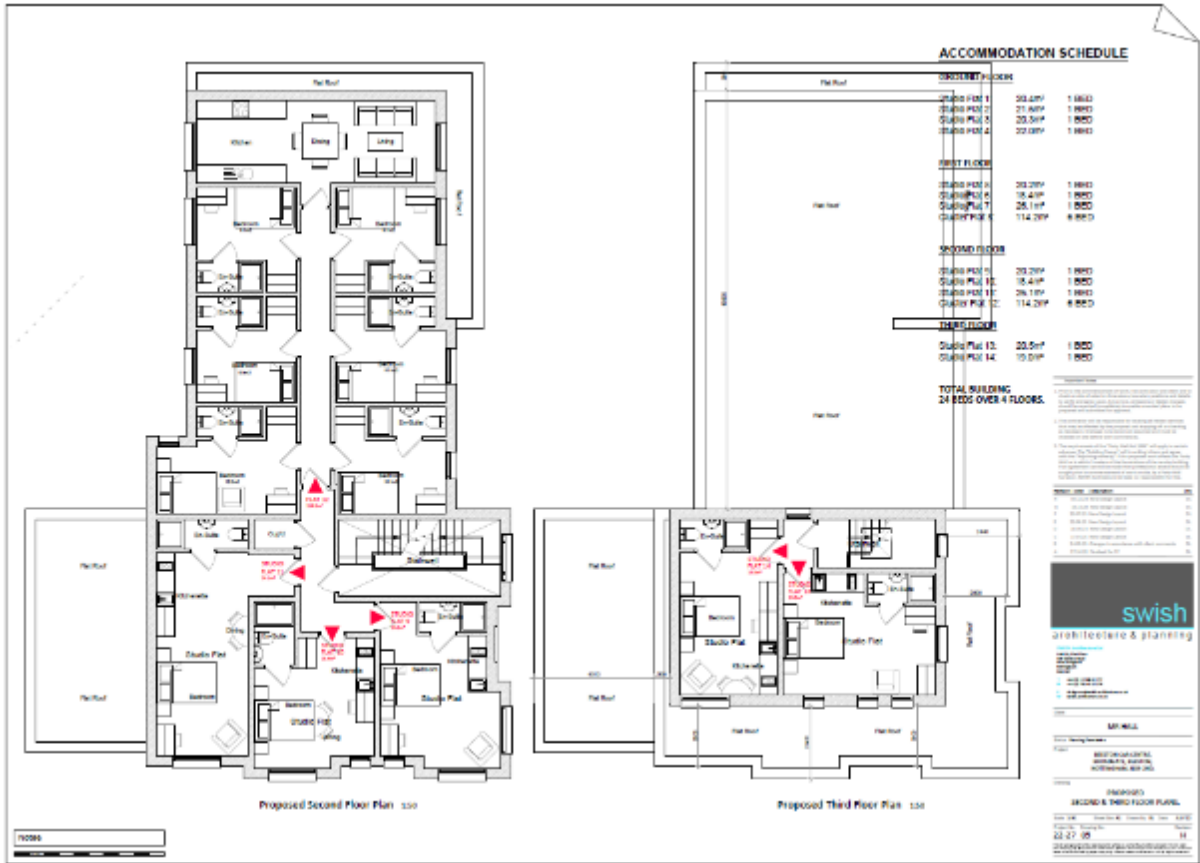
Proposed rear and side elevations



Proposed ground floor plan



Proposed first floor plan



Proposed second and third floor plan



Proposed tree protection plan





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**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>24/00013/FUL</b>
<b>LOCATION:</b>	<b>193 Station Road, Beeston, NG9 2AB</b>
<b>PROPOSAL:</b>	<b>Change of use from existing HMO (Use class C4) to a large House in Multiple Occupation (Sui-Generis use). Construction of dormer and single storey side and rear extensions</b>

The application is brought to Committee at the request of Councillor V C Smith.

1. Purpose of report

The application seeks full planning permission for the change of use from existing HMO (Class C4) to a large House in Multiple Occupation (Sui-Generis), construction of dormer and single storey side and rear extension.

2. Recommendation

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

3. Detail

3.1 This application seeks full planning permission to change the use of the building from House in Multiple Occupation (C4) to a larger 8 bedroomed house in multiple occupation (Sui Generis) along with the construction of a single storey side and rear extension and a rear dormer window.

3.2 The main issues relate to whether the principle of the change of use from a small HMO (up to 6 persons) to an eight bedroomed HMO (Sui Generis) and proposed extensions would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours, and impacts on parking.

3.3 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. The change of use would not appear out of character with the surrounding area and would be in accordance with policies contained within the development plan which is given significant weight. There will be some impact on neighbour amenity and parking, which is discussed in the appendix. On balance, the scheme is acceptable and should be approved.

4. Financial implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

5. Legal implications

The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. General Data Protection Regulation compliance implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are included within the report.

8. Background papers

None.

## APPENDIX

1. Details of the application

- 1.1 This application seeks full planning permission to change the use of the building from a small HMO (C4) to a larger eight bed roomed house in multiple occupancy (Sui Generis). Also included within the application are the construction of a single storey side and rear extension and a rear dormer window.
- 1.2 The internal layout of the building will consist of two studio bedrooms with kitchenette and en-suite facilities, a bedroom with en-suite and a kitchen/living area at ground floor. At first floor level there would be 3 studio bedrooms, each with kitchenette, and at second floor level there would be two bedrooms and a shower room.
- 1.3 The single storey rear extension would have a length of 3m and a width of 3.7m. The extension would have a flat roof with a maximum height of 3m. Both side elevations will be blank and there would be a window on the rear elevation. The single storey side extension will replace the existing conservatory, it would have a small window serving the kitchen/living area and a door on the rear elevation.
- 1.4 The proposed rear dormer would be set in 0.3m from the eaves and set down 0.3m from the ridge. It would extend out by 3.7m and would be 4.8m wide. The dormer would be 2.5m high with a flat roof. It would have two windows on the rear elevation, the side elevations would be blank.

2. Site and Surroundings

- 2.1 The site consists of a two storey semi-detached dwelling with gable roof located in a built up area of Beeston. The property has a two storey rear projecting wing which forms a gable with a matching projection at no. 195 and has been extended to the rear and side in the form of a lean-to roof single storey side and rear extension. The property consists of red brick, off-white render to the rear and slate on roof.
- 2.2 Directly behind the site, to the north and north east, are located nos. 1, 2, 3 and 4 Roseacre Queens Road, semi-detached two storey properties. These properties are located approx. between 25m and 46m away from the boundary with the application site.
- 2.3 To the north west of the application site is located 191 Station Road, a semi-detached three storey property. This property has a ground floor bay window and a second floor window in the facing elevation. The common boundary is a 1.8m high fence.
- 2.4 To the south east of the application site is located 195 Station Road, the adjoining two storey property.
- 2.5 Opposite to the site, on the other side of Station Road, is located a car park associated with a retail store (Co-op).

2.6 There are a mix of uses in the surrounding area, including retail units facing Queens Road and residential uses; further south east along Station Road is Beeston Train Station.

2.7 The site is within Flood Zone 2 and 3.

3. Relevant Planning History

3.1 A Certificate of Lawfulness was granted under reference 23/00801/CLUE for an existing use as a HMO (C4).

4. Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan 2014**

4.1.1 The Council adopted the ACS on 17 September 2014

- Policy 1: Flood Risk
- Policy 8: Housing Size, Mix and choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Broxtowe Part 2 Local Plan (2019)**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019

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

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 12: Achieving well-designed and beautiful places

5. Consultations

5.1 **Councillors** –

- Councillor G Bunn – no comment received
- Councillor V Smith – Requested the application be called into committee due to concerns regarding intensification, impact on neighbour amenity and parking issues.

5.2 **Environmental Health** – No Objections. Recommends a Note to Applicant to advice about recommended working times during construction and burning of commercial waste.

5.3 **Environmental Services** – Developer to purchase first provision of bins. Information about bins size. Bins need to be presented at the edge of the highway for emptying.

5.4 **Private Sector Housing Officer** – Advised that the room sizes appear adequate, and made the following observations:

- No fire alarms / heat detectors are labelled
- All rooms with cooking facilities should have a heat detector
- No fire doors are labelled
- The rear room off the kitchen must have a fire escape window of adequate size to comply with regulations and be used effectively in event of an emergency.

5.5 Five neighbouring properties were consulted on the application, with two objections received raising concerns in respect of:

- Amenity issues
- Damage to property due to lack of maintenance and presence of Japanese Knotweed
- Request a decision in principle to convert neighbouring property from C3 to C4 should permission be granted so as to be able to sell
- High concentration of HMOs in the area
- Design: dormer is not in keeping with surrounding properties
- Parking issues
- Potential occupancy by more than 8 persons given the characteristics of the proposed layout
- Noise and disturbance
- Loss of privacy from existing window.

## **6. Assessment**

6.1 The main issues relate to whether the principle of the change of use from a HMO (C4) to an eight bedroomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.

### **6.2 Principle**

6.2.1 Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential development should contain adequate internal living space. Policy 15 of the Part 2 Local Plan seeks to ensure that residential developments provide a mix of housing to ensure that the needs of the residents of all part of the borough, and all age groups, are met. It is considered that the creation of an eight-bedroom HMO would contribute to providing a mix of housing types, and is in a highly sustainable location.

6.2.2 The property is located within a mix of residential and commercial uses. The residential units also present a mix of different housing tenures comprising flats, family homes and houses in multiple occupancy. The site is located within walking distance of Beeston Town Centre and Beeston Train Station which provide access to regular bus, tram and train links. The site is within an urban, sustainable location with access to regular transport links and provides additional space in a property.

6.2.3 It is acknowledged that a number of properties in the area have been changed into houses in multiple occupancy (Beeston Article 4's Map indicates that there

are 121 dwellings within a 100m radius from the application site with only 20 known in use as a HMO), and the Article 4 Direction is in place to remove permitted development for houses (Class C3) to convert to C4 use of between three and six unrelated residents living together without the need to apply for a change of use. However, this is not a family dwelling, having an established use as C4 (5 bedrooms) and there are no policies that currently restrict this change of use to a larger HMO (Sui Generis use), subject to planning permission, and given the location being within walking distance to Beeston Town centre and with transport links to Nottingham City centre and beyond, it is considered the principle of the change of use is acceptable.

6.2.4 To conclude, this development would add to the housing mix and it is considered that the character of the area would not be harmed given the proximity to Beeston Town Centre. It is also considered that because in this case, no family home will be lost with the proposed conversion, and because the proposed use of the building will retain the residential nature of a dwelling and as such, subject to the matters outlined below, the change of use is considered acceptable in principle.

### **6.3 Design and Visual Amenity**

6.3.1 Policy 10 of the ACS states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.3.2 Whilst the dormer appears to be overly large and bulky, the dimensions of the dormer are within those set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B. Based on size alone (that is, independent of the proposed use of the building) the dormer could be constructed without planning permission as it only adds 18m<sup>3</sup> to the original roof. The proposed single storey side and rear extension does not represent a disproportionate addition and will appear subservient to the main dwelling, as it will occupy a similar position to the existing side conservatory and rear extension with a slight increase of the existing footprint (approx. 3.77m<sup>2</sup>).

6.3.3 Information provided on the submitted plans indicates the use of matching materials. In term of design, the proposed extensions are simple, however it is considered an acceptable design for a single storey extension located to the side and rear of the dwelling which would not be visible from the street.

6.3.4 The proposed extensions are not considered to have any significant detrimental impact upon the character of the street scene or visual amenity of the area.

### **6.4 Residential Amenity**

6.4.1 It is considered that the development would have a layout appropriate for the intended purpose for multiple occupiers. It would provide 5 studio/bedrooms, one

bedroom with en-suite and two bedrooms sharing bathroom facilities. All bedrooms will have access to natural light. Direct access to the rear garden would be maintained from the rear of the property and from outside the site. The property benefits with a long rear garden which will provide a suitable level of outside amenity. Therefore, it is considered that the property would have an acceptable level of amenity for future occupiers.

6.4.2 The properties that will be mostly affected by the change of use are nos.191 and 195 Station Road.

6.4.3 191 Station Road is a three storey property located to the north west of the application site. The existing side extension is a conservatory with glazed panels facing no.191. As proposed, the side extension would replace the existing glazed panels with a brick wall, which would have a narrow window serving the kitchen. The single storey rear extension would have a blank side (north west) elevation. It is considered that the proposed extensions will not have any significant impact on the amenity of this neighbouring property in terms of loss of light, outlook or privacy.

6.4.4 195 Station Road is the adjoining house located to the south east of the application site. As the single storey side extension is positioned to the opposite side (north west) elevation and will not project beyond the existing rear wall, it will not be visible and therefore will have no significant impact on the amenity of the occupants of no. 195. The single storey rear extension will project 0.3m beyond the existing rear extension, will have an overall height of 3m with a window facing the rear garden. It is considered that the proposal will not have any significant impact on the amenity of this neighbouring property in terms of loss of light, outlook or privacy.

6.4.5 Within the representations that have been received, concerns have been raised with regard to noise and disturbance from potential occupiers, intensification of the site and potential occupancy by more than eight persons. The proposed change of use will result in an increase in occupiers, which may lead to an increase in noise. However, it is considered that there are insufficient grounds to suggest that the property will be occupied by more than eight persons and it would be difficult to attribute the increase in noise to any particular group of households. It is considered that an increase of 3 occupants would not result in a significant increase in noise and disturbance.

6.4.6 Whilst it is acknowledged that the conversion will result in an intensification of the site, the property is considered to be capable of accommodating the development.

6.4.7 Overall, it is considered that the conversion will not result in an over-intensification of the site and would not have such a detrimental impact on the amenity of these neighbouring properties.

## 6.5 Parking

6.5.1 There are two off street parking spaces to the front of the dwelling. Concerns have been raised in respect of parking issues associated with the proposed use.

In terms of parking provision for future occupiers, there are restrictions for on-street parking on Station Road. However, on balance, two parking spaces are considered acceptable given the location of the site and its proximity to Beeston Town Centre and Beeston train station.

## 6.6 Other matters

- 6.6.1 Concerns were raised regarding the impact of the existing use on the adjoining property. Impacts on private rights such as damage to property is not a material planning consideration. Japanese Knotweed infestation should be dealt by a pest control professional and is not a material planning consideration.
- 6.6.2 With regard to granting permission in principle to convert the neighbouring property from C3 to C4, the site is within Article 4 Area and the conversion of a dwellinghouse (C3) to HMO (C4) will require planning permission.
- 6.6.3 The applicant has been made aware of Private Sector Housing comments and these matters will be addressed.

## 7. Planning Balance

- 7.1 The benefits of the proposal are that it would provide additional space within an existing house which will contribute to the mix of housing in the area. Although there will be some impacts on neighbour amenity and that only two parking spaces would be provided, it is considered this will not have a significant detrimental impact on neighbour amenity or highway safety. The change of use would not appear out of character in the surrounding area and would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

## 8. Conclusion

- 8.1 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

### **Recommendation**

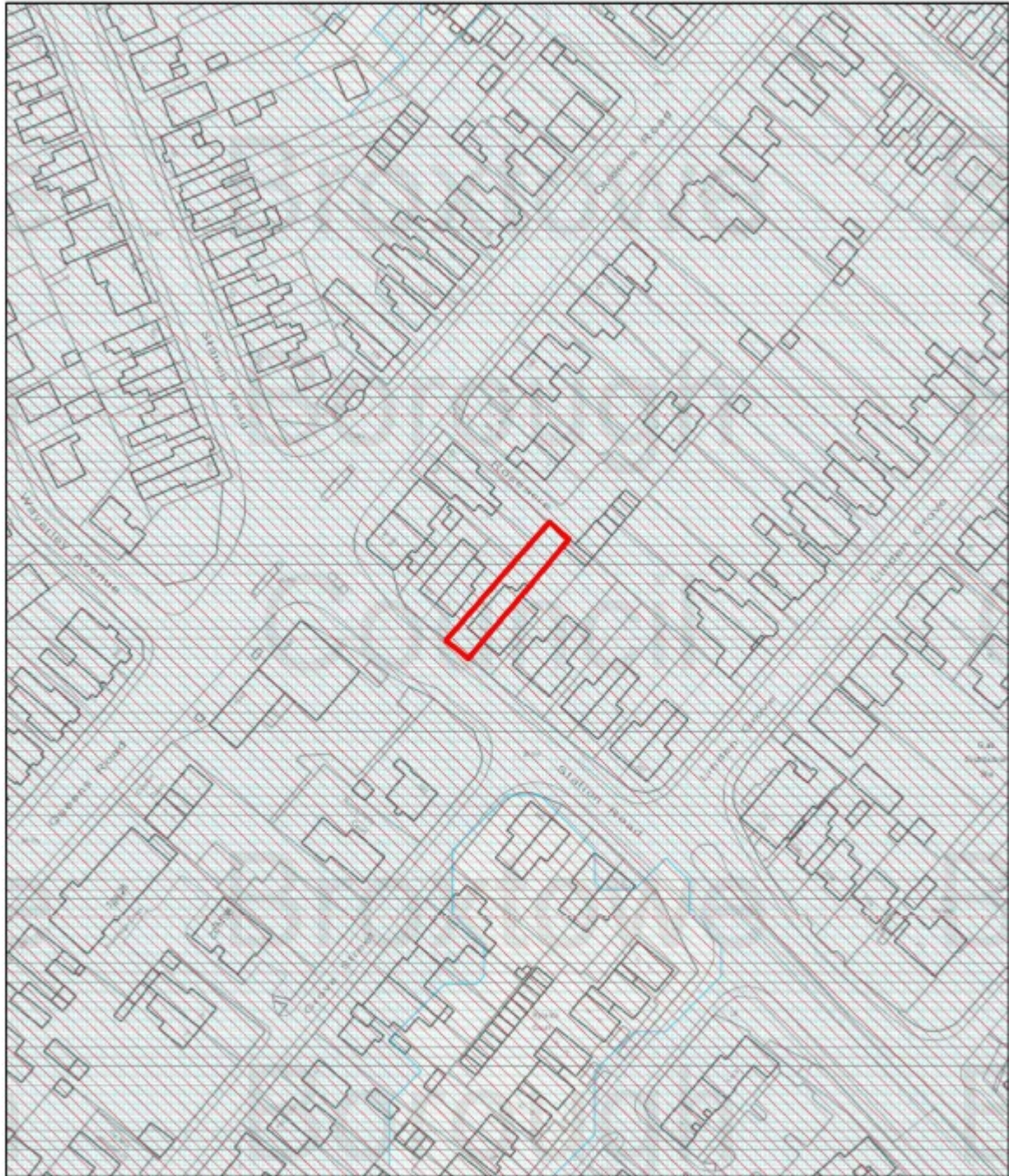
**The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:**



<p>1.</p>	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
<p>2.</p>	<p>The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 9 January 2024, Proposed Block Plan (drawing no.23121-P-200), Proposed Floor Plans and Roof Plan Revision C (drawing no.23121-P-210) and Proposed Elevations Revision A (drawing no.23121-P-220A) received by the Local Planning Authority on 22 January 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
<p>3.</p>	<p>The extensions and dormer shall be constructed using materials as annotated on the approved plans unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of Part 2 Local Plan (2019).</i></p>
<p><b>NOTES TO APPLICANT</b></p>	
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and</p>

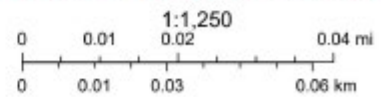
	<p>environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:  <a href="http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries">www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</a></p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:  <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></p>
<p>3.</p>	<p>The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E.</p>
<p>4.</p>	<p>The proposal will involve building works. 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.</p> <p>Burning commercial waste is a prosecutable offence and all waste should be removed by an appropriate licensed carrier.</p>

24/00013/FUL - 193 Station Road, Beeston NG9 2AB



2/14/2024, 5:16:14 PM

-  Coal Standing Advice
-  Flood Zone 3
-  Article 4 Direction
-  Site
-  Flood Zone 2



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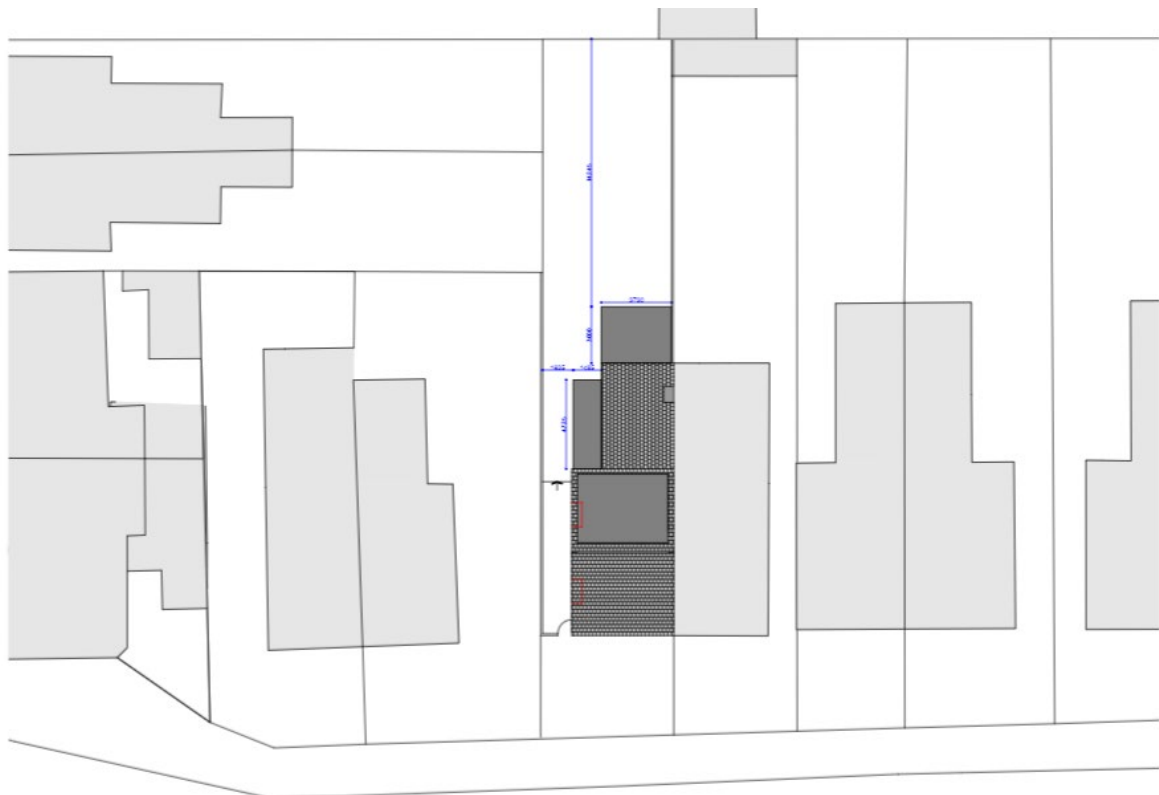
**Site Location Plan**

**Plans**



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**Site Location Plan**



**Proposed Block Plan**



Proposed Elevations



Proposed Floor Plans and Roof Plan

**Photos**



Front and side elevations



View of rear elevations



View of side elevations



View of rear outbuilding



Relationship with no.195



Relationship with no.191

**Report of the Chief Executive**

<b>APPLICATION NUMBER:</b>	<b>23/00614/FUL</b>
<b>LOCATION:</b>	<b>Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ</b>
<b>PROPOSAL:</b>	<b>Retain static mobile home</b>

The application is brought to the Committee at request of Councillor L A Ball BEM.

1. Purpose of the Report

1.1 The application seeks retrospective planning permission for the siting of a static caravan to be used for permanent residential use.

2. Recommendation

**The Committee is asked to resolve that planning permission be refused subject to reasons outlined in the appendix.**

3. Detail

3.1 The application site consists of an area of agricultural land that has been used for the growing of farm produce which is subsequently sold within the on-site café and shop. The land consists of multiple agricultural buildings, a shop, a café, 3 existing unauthorised caravans and the rest of the land is utilised for the growing of farm produce.

3.2 The site is located within the Green Belt.

4. Financial Implications

4.1 The comments from the Head of Finance Services were as follows: There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

Any climate change implications are contained within the report.

8. Background Papers

None.



APPENDIX

1. Details of the application

1.1 The application seeks retrospective planning permission for the siting of a static caravan and associated infrastructure to be used for permanent residential use.

2. Site and surroundings

2.1 The application site consists of an area of agricultural land that has been used for the growing of farm produce which is subsequently sold within the onsite café and shop. The land consists of multiple agricultural buildings, a shop, a café, 3 existing unauthorised caravans and the rest of the land is utilised for the growing of farm produce.

2.2 The site is located within the Green Belt.

3. Relevant Planning History

3.1

14/00131/FUL	Retain timber building to be used as a farm shop (Class A1)	Permitted
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4. Relevant Policies and Guidance

4.1 **Broxtowe Aligned Core Strategy 2014:**

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

- Policy 3 - Greenbelt
- Policy 8 - Housing Size, Mix and Choice.
- Policy 10 - Design and Enhancing Local Identity.

4.2 **Part 2 Local Plan 2019**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 8 - Development in the Greenbelt
- Policy 15: Housing Size, Mix and Choice.
- Policy 17 - Place-making, design and amenity.

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making.
- Section 12 - Achieving well-designed places
- Section 13 - Protecting Greenbelt Land

5. Consultations

5.1 **Councillors & Parish/Town Councils:**

- Councillor L A Ball – Requested the application be called into committee
- Councillor D Pringle – No Comments Received

- Cossall Parish Council – No Comments Received

## 5.2 **Consultees:**

- Environmental Health –no objection, but would need to ensure that additional requirements for this activity are met, to satisfy all relevant environmental health legislation, so that the operator is compliant and has adequate and additional facilities as necessary, for the provision of toilets and a potable water supply and suitable waste collection arrangements. If approval is granted we would need to work with the operator to sample the water supply, ensure satisfactory operational procedures and ensure that risk assessments are implemented and periodically reviewed for site activities.

## 5.3 **Neighbours**

- Two neighbours were consulted on the application with no comments being received from neighbouring properties or from any third parties.

## 6. Assessment

### 6.1 Design

Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential developments should contain adequate internal living space and a proportion of homes should be capable of being adapted to suit the lifetime of its occupants. Policy 10 states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development.

- 6.1.1 The caravan is of a standard design and appearance for a unit of this nature. The caravan is located to the eastern area of the site and is located to the rear of the existing poly-tunnels. Due to its location there are no views of the caravan from any public viewpoints and so the caravan raises no issues in terms of its public visual amenity.
- 6.1.2 There are three existing unauthorised caravans on the site used for residential accommodation. These caravans are now lawful through the passage of time under section 171B of The Town and Country Planning Act 1990. The occupiers of the caravan which is the subject of this application previously resided within one of the unauthorised caravans and have recently moved into the new caravan. When questioned on this matter the applicants responded with the fact that the older caravans were needed for the increase of temporary staff to come and work within the agricultural holding along with the requirement for improved living conditions for the applicants on medical grounds.
- 6.1.3 The siting of a caravan would not normally be considered as an acceptable form of development, however given the existing magnitude of structures of a temporary nature within close proximity to the area of land in question it is

considered that the inclusion of an additional temporary structure within the landscape would not look out of place. Therefore, the siting of a temporary structure is considered acceptable subject to a condition limiting the use to a temporary period and site restoration.

## 6.2 Amenity

Policy 10 of the Aligned Core Strategy states that development will be assessed in terms of the impact on the amenity of nearby residents or occupiers. Policy 17 of the Part 2 Local Plan 2019 states that any development should not cause an unacceptable loss of amenity for the occupiers of neighbouring properties.

- 6.2.1 Given the location of the works and the large separation distances between it and the neighbouring properties, it is considered that the proposal would have no negative impact on the neighbour amenity of the surrounding properties.

## 6.3 Green Belt

- 6.3.1 Paragraph 143 of the NPPF (2023) states that Green Belt serves five purposes:

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

Paragraph 152 of the NPPF (2023) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 of the NPPF (2023) states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF (2023) states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- f) buildings for agriculture and forestry;
- g) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- h) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- i) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- j) limited infilling in villages;
- k) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- l) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - i. – not have a greater impact on the openness of the Green Belt than the existing development; or
  - ii. – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

6.3.2 Policy 8 of the Part 2 Local Plan 2019 states that Applications for development in the Green Belt will be determined in accordance with the NPPF, as supplemented by the following Broxtowe-specific points. 1. Proposals for diversification of the rural economy will be supported provided that they comply with the relevant paragraphs the NPPF.

6.3.3 The site in question is located within the Green Belt. By definition a caravan for residential purposes is not considered to be a building as set out in the Caravan Sites and Control of Development Act 1960 and therefore could not be considered to be an exception to paragraph 154 of the NPPF.

6.3.4 The siting of a caravan on agricultural land for residential purposes within the Green belt is considered to be inappropriate development. Further information with regards to an agricultural justification statement and a business justification was requested from the applicant to provide some form of reasoning for the siting of the residential caravan but nothing was forthcoming. Financial projections and a short supporting statement were provided but the information submitted did not provide any justification for the proposal. As such it is considered that there are no very special circumstances which could be taken into consideration for the siting of a caravan in this location and therefore the proposal is contrary to the Part 2 Local plan and also the NPPF.

#### 6.4 Land Use

The operator of the land has a lease agreement in place with the landowner which only has a short period of time left to run. The siting of the caravan would not be of an acceptable permanent feature within the landscape. Any subsequent approval of the proposal would need to include a condition restricting the lifetime of the approval and the site's reinstatement.

#### 7. Conclusion

The proposal fails to demonstrate that the proposed works conform to any very special circumstances that would justify the siting of a caravan for residential purposes within the Green Belt. It is considered that the proposal does not accord with the principles and policies contained within the

Development Plan or the NPPF and is unacceptable in terms of applicable material considerations and planning permission should be refused.

**Recommendation**

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

<p><b>1.</b></p>	<p><b>The permanent siting of a caravan for residential use within the Green Belt by virtue of its temporary nature and appearance along with there being no very special circumstances which would warrant the siting of the proposal is considered to be an unacceptable development within this location. Therefore, the proposed development would be contrary to the aims of Policy 8 of the Part 2 Local Plan (2019) and Section 13 of the NPPF, and there are no other material considerations that justify treating this proposal as an exception to these policies.</b></p>
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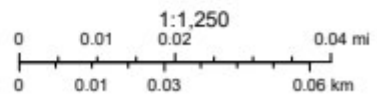
Map

23/00614/FUL



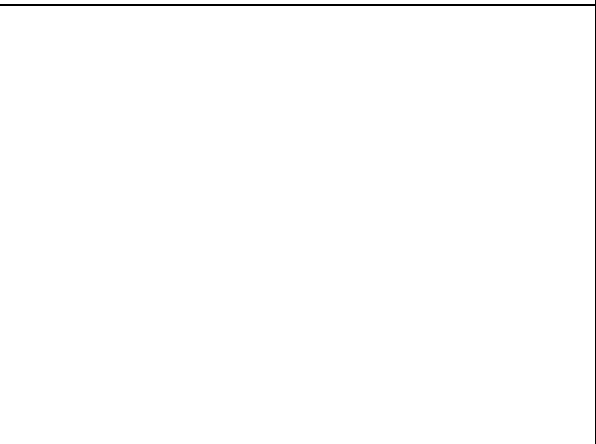
2/9/2024, 1:06:08 PM

-  Green Belt
-  Site



Photos



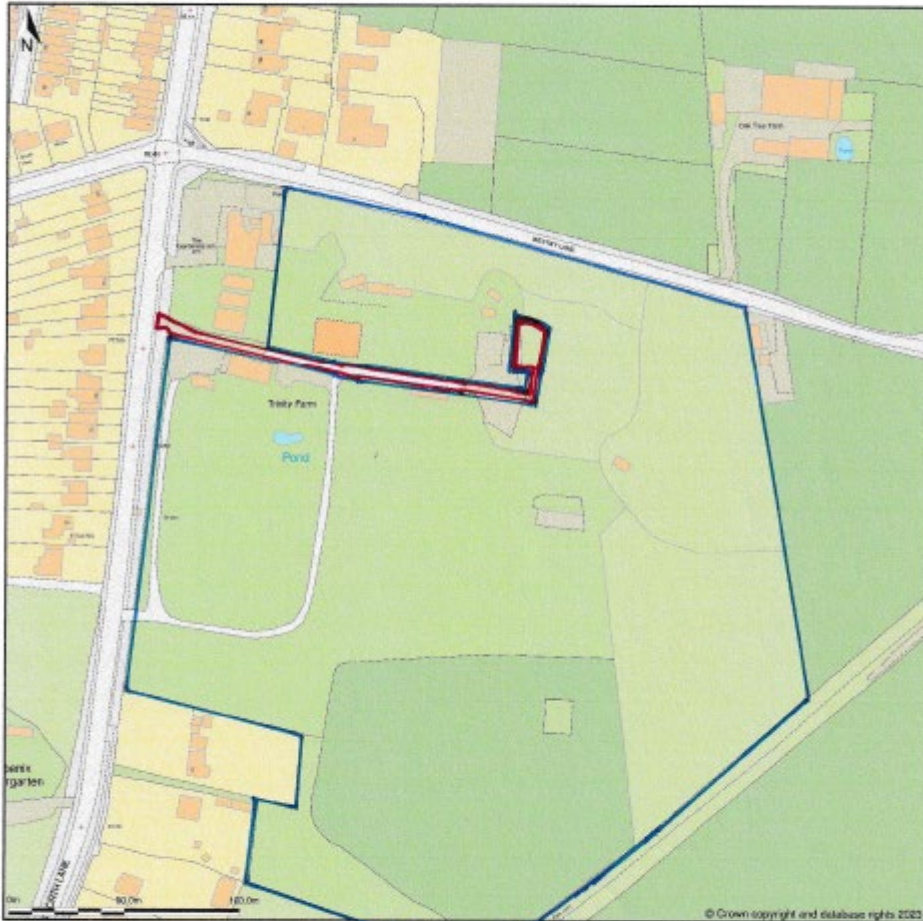




Plans



Trinity Farm, Awsworth Lane, Cossall, Nottinghamshire, NG16 2RZ

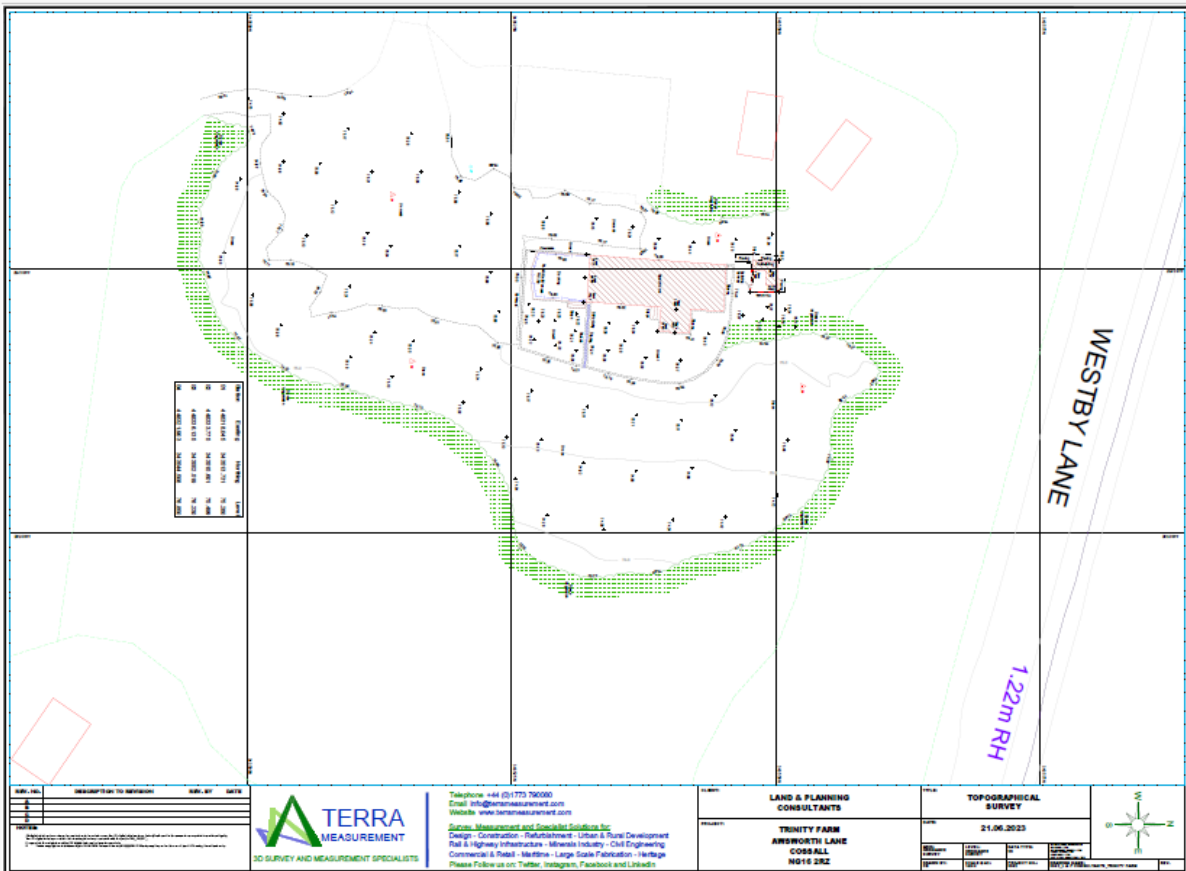
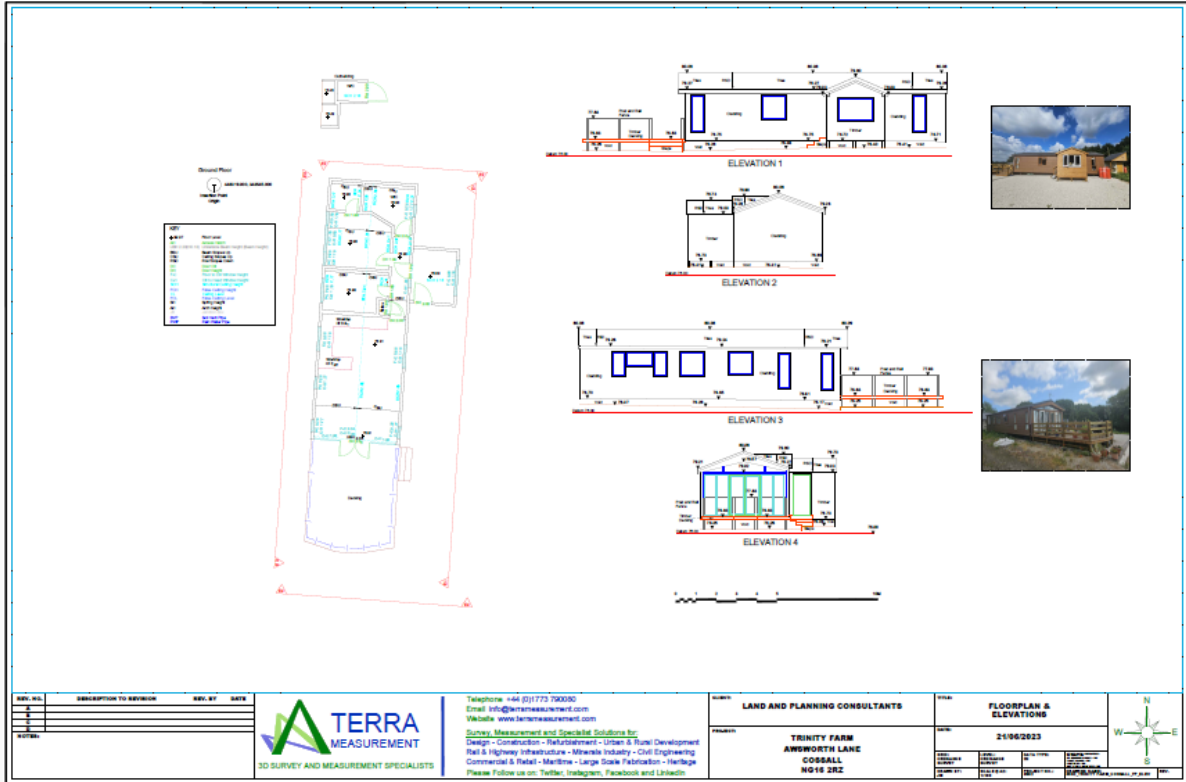


Location Plan shows area bounded by: 448103.13, 343282.03 448503.13, 343682.03 (at a scale of 1:2500), OSGridRef: SK48304348. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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## **BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT**

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**PLANNING APPLICATIONS DEALT WITH FROM  
15 JANUARY 2024 TO 23 FEBRUARY 2024**

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### **CONTENTS**

Planning applications dealt with under Delegated Powers

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

**BROXTOWE BOROUGH COUNCIL**  
**DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT**

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

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**ATTENBOROUGH & CHILWELL EAST WARD**

Applicant : Mr & Mrs Walters 23/00631/FUL  
Site Address : 15 Lime Grove Avenue Chilwell Nottinghamshire NG9 4AR  
Proposal : **Construct two storey side extension**  
Decision : **Conditional Permission**

---

Applicant : Mrs Jessica Jones ME Group International Plc 23/00755/FUL  
Site Address : Service Station 9 Nottingham Road Attenborough Nottinghamshire NG9 6DN  
Proposal : **Retain modular self-service launderette facility and associated works**  
Decision : **Conditional Permission**

---

Applicant : . Hollywell Property Investments Limited 23/00800/FUL  
Site Address : 108 Long Lane Attenborough Nottinghamshire NG9 6BW  
Proposal : **Construct two storey side extension.**  
Decision : **Conditional Permission**

---

Applicant : MR LOUIS WILKINSON 23/00849/FUL  
Site Address : 48 School Lane Chilwell Nottinghamshire NG9 5EH  
Proposal : **Construct two storey side and single storey rear extension. Installation of dropped kerb to highway.**  
Decision : **Conditional Permission**

---

Applicant : Mr Peter Fowke 23/00875/FUL  
Site Address : 175 High Road Chilwell Nottinghamshire NG9 5BA  
Proposal : **Application of external insulation**  
Decision : **Conditional Permission**

---

Applicant : Mr D Coupe Poplar Tree Services Ltd 23/00876/CAT  
Site Address : Poseidon House Church Lane Attenborough Nottinghamshire NG9 6AS  
Proposal : **Poplar - pollard to approx 5m**  
Decision : **Conditional Permission**

---

Applicant : Mr Lesley Stanley 23/00879/CAT  
Site Address : 9 Shady Lane Attenborough Nottinghamshire NG9 6AW  
Proposal : **Works to trees in a conservation area**  
Decision : **Conditional Permission**

---

Applicant : Mr & Mrs Sirl 23/00892/FUL  
Site Address : 134 Cator Lane Chilwell Nottinghamshire NG9 4BB  
Proposal : **Construct single storey rear and side extension. Installation of external wall insulation and PV solar panels.**  
Decision : **Conditional Permission**

---

Applicant : Mr Michael Nickson 24/00041/CAT  
Site Address : Greenways 3 Church Lane Attenborough Nottinghamshire NG9 6AS  
Proposal : **Pine trees x 6 - various works to trees following storm damage**  
Decision : **Conditional Permission**

---

Applicant : Mr Richard Taylor 24/00054/CAT  
Site Address : 10 Barratt Lane Attenborough Nottinghamshire NG9 6AF  
Proposal : **T1 Eucalyptus - fell**  
Decision : **Conditional Permission**

---

## AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr Gurjit Mahal Taylor Reed Homes Ltd 23/00511/LBC  
Site Address : Willoughby Almshouses Church Lane Cossall Nottinghamshire  
Proposal : **Residential extensions and refurbishments creating one 2-bedroomed dwelling (House 1), two 3-bedroomed dwellings (House 3 and 4) and one 4-bedroomed dwelling (House 2), new gardens, a new vehicular access and a car park, off-site alterations to junction of track to the east of the site with Church Lane and to remove certain trees from the rear of the site. (revised scheme)**  
Decision : **Conditional Permission**

---

Applicant : Miss M Rattam 23/00824/FUL  
Site Address : Land Adjacent 203 Stapleford Road Trowell Nottinghamshire NG9 3QE  
Proposal : **Construct new dwelling**  
Decision : **Conditional Permission**

---

Applicant : mr Gareth Roberts 23/00848/FUL  
Site Address : Cedar House 42 Church Lane Cossall Nottinghamshire NG16 2RW  
Proposal : **Construct single storey rear extension to connect to existing outbuildings. Install solar panels and first floor rear facing window.**  
Decision : **Conditional Permission**

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Proposal : **Install 1 new 10m light wooden pole (WP1)**  
Decision : **Enquiry Closed**

---

## BEESTON CENTRAL WARD

Applicant : Mrs S Akhtar 23/00747/FUL  
Site Address : 10 Lower Road Beeston Nottinghamshire NG9 2GL  
Proposal : **Retain rear dormer**  
Decision : **Conditional Permission**

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Applicant : Mr Yasar Aktar 23/00791/FUL  
Site Address : 15 Lower Road Beeston Nottinghamshire NG9 2GT  
Proposal : **Retain rear dormer**  
Decision : **Conditional Permission**

---

Applicant : Mr Vinay Parmer Excel Commercial Ltd. 23/00806/FUL  
Site Address : 36 - 40 Henry Road Beeston Nottinghamshire NG9 2BE  
Proposal : **Construct 3 storey rear extension and change of use from Use Class C3 dwellings to 3 x four bedroom apartments in Use Class C4 (House in Multiple Occupation)**  
Decision : **Withdrawn**

---

## BEESTON NORTH WARD

Applicant : Mr Robert Bailey Swallow Hill Homes 23/00074/VOC  
Site Address : Land To The Rear Of 13 Middleton Crescent Beeston Nottinghamshire NG9 2TH  
Proposal : **Variation of condition 2 (landscaping plan) of planning ref: 18/00377/FUL**  
Decision : **Refusal**

---

Applicant : Vik Lalli 23/00783/FUL  
Site Address : 101 - 103 Central Avenue Beeston Nottinghamshire NG9 2QS  
Proposal : **Partial demolition and construct single storey extension to rear to extend retail space. Extension within roof void to create new dwelling; alterations and external works**  
Decision : **Conditional Permission**

---

Applicant : Mr Siklaoui 23/00857/FUL  
Site Address : 39 Nicholas Road Beeston Nottinghamshire NG9 3LP  
Proposal : **Construct two storey side extension & single storey rear extension**  
Decision : **Conditional Permission**

---

## BEESTON RYLANDS WARD

Applicant : Mr Saj Faroukmanesh 23/00541/FUL  
Site Address : 5 Stornoway Court Alford Close Beeston Nottinghamshire NG9 1QR  
Proposal : **Construct detached dwelling and associated car parking and amenity space.**  
Decision : **Conditional Permission**

---

Applicant : Emily Christie Keepmoat East Midlands (and Joint Applicant - Platform Ho... 23/00804/NMA  
Site Address : Boots Campus Beeston Nottinghamshire  
Proposal : **Non Material Amendment to planning application 21/00672/REM - changes as detailed in covering letter**  
Decision : **Unconditional Permission**

---

Applicant : Mr Janarthanan Balasundaram 23/00843/FUL  
Site Address : Sri Thurkkai Amman Temple West Crescent Beeston Nottinghamshire NG9 1QE  
Proposal : **Construct single storey extension to north side elevation. Replacement of windows and doors to north and south side elevations of main hall with acoustic windows and composite doors. Install 1.8 metre high timber fences with gates to north and south sides to secure rear and replacement of existing roof tiles and installation of two roof lanterns and 3 roof mount vent extractor fans to the roof.**  
Decision : **Conditional Permission**

---

Applicant : Mr Jake Kelly Network Rail (Infrastructure) Ltd 24/00020/TPOW  
Site Address : 5 Station Villas Beeston Nottinghamshire NG9 1JH  
Proposal : **Works to G1 Sycamores**  
Decision : **Conditional Permission**

---

## BEESTON WEST WARD

Applicant : Mrs Sim Chun Wong 23/00703/CLUE  
Site Address : 120 Wollaton Road Beeston Nottinghamshire NG9 2PE  
Proposal : **Certificate of Lawfulness for use as hot food takeaway with residential living above**  
Decision : **Approval - CLU**

---

Applicant : Mr Jonathan Jacobs 23/00838/FUL  
Site Address : 10 Dale Lane Chilwell Nottinghamshire NG9 4EA  
Proposal : **Retention of Heat Source Air Pump to front elevation**  
Decision : **Conditional Permission**

---

Applicant : Mr P Brown 23/00845/ADV  
Site Address : Redeemer Church Nottingham Old Town Hall 29 Foster Avenue Beeston Nottinghamshire NG9 1AE  
Proposal : **Display 55cm digital notice board to frontage**  
Decision : **Refusal**

---

Applicant : Mr Abhishek Abhishek 23/00913/CAT  
Site Address : The White House 39 Park Road Chilwell Nottinghamshire NG9 4DD  
Proposal : **Cypress/Leylandii - Fell**  
Decision : **Conditional Permission**

---

Applicant : Alex Yang 24/00029/PNH  
Site Address : 26 Trevor Road Beeston Nottinghamshire NG9 1GR  
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3.87 metres, and an eaves height of 2.52 metres**  
Decision : **Prior Approval Not Required**

---

Applicant : Mr Alican Erkol 24/00042/NMA  
Site Address : 47 High Road Beeston Nottinghamshire NG9 2JQ  
Proposal : **Non Material Amendment to planning reference 22/00681/FUL to change the style of window to the shop front**  
Decision : **Unconditional Permission**

---



## BRAMCOTE WARD

Applicant : Alexandra & George Greenfield 23/00822/FUL  
Site Address : 8 Coniston Road Beeston Nottinghamshire NG9 3AD  
Proposal : **Construct single storey extension to front, increase in height of roof to existing extension, and application of insulated render to main house. Installation of acoustic fence to front garden.**  
Decision : **Conditional Permission**

---

Applicant : Mr Johnathan Gregory 23/00828/FUL  
Site Address : 20 Bridle Road Bramcote Nottinghamshire NG9 3DH  
Proposal : **Construct two storey rear and side extension including Juliet balcony to rear at first floor. Relocation of retaining wall in rear garden**  
Decision : **Conditional Permission**

---

Applicant : Dan & Fran Pilkington Cheney 23/00829/FUL  
Site Address : 8 Wembley Gardens Bramcote Nottinghamshire NG9 3FE  
Proposal : **Construct single storey front and rear extension and two-storey side extension**  
Decision : **Conditional Permission**

---

Applicant : Saagar and Sheena Gajjar 23/00884/FUL  
Site Address : 65 Bankfield Drive Bramcote Nottinghamshire NG9 3EH  
Proposal : **Construct first floor extension to side and porch extension to front elevation**  
Decision : **Conditional Permission**

---

Applicant : Mr I. Jowett Meadow Lane Services Ltd 23/00899/CAT  
Site Address : The Grove Peache Way Bramcote Nottinghamshire NG9 3DX  
Proposal : **T237 Leyland Cypress - Fell  
T238 Lawson Cypress - Fell**  
Decision : **Conditional Permission**

---

## BRINSLEY WARD

Applicant : Mr & Mrs Stonebanks 23/00867/FUL  
Site Address : 16 St Johns Close Brinsley Nottinghamshire NG16 5BH  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

---

## CHILWELL WEST WARD

Applicant : Mr Erjon 23/00823/FUL  
Site Address : 3 Leamington Drive Chilwell Nottinghamshire NG9 5LJ  
Proposal : **Construct two storey rear extension**  
Decision : **Conditional Permission**

---

Applicant : Mr Fraser Neasham Broxtowe Borough Council 24/00022/NMA  
Site Address : Selside Court Chilwell Nottinghamshire  
Proposal : **Non Material Amendment to planning reference 22/00211/REG3 to widen ground floor recessed entrance to 3 bed unit**  
Decision : **Unconditional Permission**

---

Applicant : Mr Fraser Neasham Broxtowe Borough Council 24/00023/NMA  
Site Address : Gayrigg Court Chilwell Nottinghamshire  
Proposal : **Non material amendment to planning reference 22/00212/REG3 to widen ground floor recessed entrances and the side elevation windows to be obscure glazed**  
Decision : **Unconditional Permission**

---

Applicant : Mr Fraser Neasham Broxtowe Borough Council 24/00024/NMA  
Site Address : Felton Close Chilwell Nottinghamshire  
Proposal : **Non Material Amendment to planning reference 22/00210/REG3 to change window arrangement on side elevation**  
Decision : **Unconditional Permission**

---

## EASTWOOD HALL WARD

Applicant : Mr Mathew Faulkner MF Aquatics LTD 23/00039/FUL  
Site Address : Land Containing Settlement Ponds Lamb Close Drive Newthorpe Nottinghamshire  
Proposal : **Construction of stock pond for aquaculture**  
Decision : **Conditional Permission**

---

Applicant : Mrs Wendy Hopcroft 23/00735/FUL  
Site Address : 24 Brandyline Gardens Newthorpe Nottinghamshire NG16 3TS  
Proposal : **Retain Conservatory**  
Decision : **Conditional Permission**

---

Applicant : Mrs P Hazeldine 23/00742/FUL  
Site Address : 26 Brandyline Gardens Newthorpe Nottinghamshire NG16 3TS  
Proposal : **Retain conservatory**  
Decision : **Conditional Permission**

---

Applicant : Mr Alan Daniels 23/00874/FUL  
Site Address : 12 Fryar Road Eastwood Nottinghamshire NG16 3DN  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

---

Applicant : Nine Points Property Ltd 23/00902/CLUP  
Site Address : 51B Mill Road Newthorpe Nottinghamshire NG16 3QG  
Proposal : **Certificate of Lawfulness for proposed change of use from C3 dwellinghouse to C2 residential institution**  
Decision : **Approval - CLU**

---

## EASTWOOD HILLTOP WARD

Applicant : Mrs K Falls Avant Homes Central 23/00787/REM  
Site Address : Former Site Of Lynncroft Primary School Lynncroft Eastwood Nottinghamshire  
Proposal : **Construct 29 dwellings Phase 1 - Reserved matters relating to reference 20/00844/OUT**  
Decision : **Refusal**

---

Applicant : Ms Frier 24/00001/CLUP  
Site Address : 48 Percy Street Eastwood Nottinghamshire NG16 3EP  
Proposal : **Certificate of Lawfulness for proposed single storey rear extension**  
Decision : **Approval - CLU**

---

## EASTWOOD ST MARY'S WARD

Applicant : Mr Mark Stewart Mark Stewart Architect 23/00661/FUL  
Site Address : St Marys Church Church Street Eastwood Nottinghamshire  
Proposal : **Replacement windows**  
Decision : **Refusal**

---

Applicant : Mr Steven Hitchen Nottingham Community Housing Association 23/00759/TPOW  
Site Address : 36 Moon Crescent Eastwood Nottinghamshire NG16 3TZ  
Proposal : **Crown lift and crown clean to 1No Horse Chestnut tree TPO/EAS/10/T1.**  
Decision : **Conditional Permission**

---

Applicant : Mr Stephen Grimes Broxtowe Borough Council 23/00814/REG3  
Site Address : 1-27, 29-30, 32-52, 83A, 83-92 Princes Street And 1-22 Wellington Street Eastwood Nottinghamshire  
Proposal : **Install external wall insulation to front, rear and side elevations of properties, including enabling and facilitating works. Numbers 1-27, 29-30, 32-52, 83A, 83-92 Princes Street and 1-22 Wellington Street**  
Decision : **Conditional Permission**

---

Applicant : Mr John Braddock 23/00898/CLUE  
Site Address : Ropewalk Farm Anchor Road Langley Mill Heanor Derbyshire NG16 3RU  
Proposal : **Certificate of Lawfulness for existing as C3 dwelling house**  
Decision : **Refusal**

---

## GREASLEY WARD

Applicant : Mr Ryan Greaves 23/00718/FUL  
Site Address : 35 Rolleston Drive Newthorpe Nottinghamshire NG16 2BA  
Proposal : **Retain two storey side extension and single storey rear extension and construct single storey front extension**  
Decision : **Conditional Permission**

---

Applicant : Gareth Skelton 23/00743/VOC  
Site Address : Caunton Engineering Limited Willow House Engine Lane Moorgreen Industrial Park Newthorpe Nottinghamshire  
Proposal : **Variation of condition 2 (materials) and 3 (drawing numbers) of application reference 20/00672/FUL Construct extension and new roof (reduced scheme)**  
Decision : **Conditional Permission**

---

Applicant : Mr John Warren 23/00769/LBC  
Site Address : Grooms Cottage Beauvale House Moorgreen Newthorpe Nottinghamshire NG16 3QY  
Proposal : **Replace gate post**  
Decision : **Conditional Permission**

---

Applicant : Mr Darren Whiten Phoenix Park Nursery 23/00805/VOC  
Site Address : 83-85 Smithurst Road Giltbrook Nottinghamshire NG16 2UD  
Proposal : **Removal of condition 6 (restriction to 52 children attending the nursery) from application reference 99/00264/FUL**  
Decision : **Conditional Permission**

---

Applicant : Mr Stephen Walters 23/00818/CLUP  
Site Address : 38 Acorn Avenue Giltbrook Nottinghamshire NG16 2UF  
Proposal : **Certificate of proposed lawful development to extend utility room into part of existing attached garage**  
Decision : **Approval - CLU**

---

Applicant : Mr Mick Chambers 23/00851/FUL  
Site Address : 17 Robina Drive Giltbrook Nottinghamshire NG16 2UX  
Proposal : **Convert garage to living accommodation including changes to front elevation**  
Decision : **Conditional Permission**

---

Applicant : Mr And Mrs Abbott 23/00863/FUL  
Site Address : 1 Primrose Rise Newthorpe Nottinghamshire NG16 2BB  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

---

Applicant : Mr Simon Wilkes 23/00893/FUL  
Site Address : 2 Cowper Road Newthorpe Nottinghamshire NG16 2BP  
Proposal : **Construct single storey front extension**  
Decision : **Conditional Permission**

---

Applicant : Mrs Lee 24/00017/FUL  
Site Address : 117 Main Street Newthorpe Nottinghamshire NG16 2DH  
Proposal : **Convert existing garage to habitable space and retain hard standing parking area to front garden**  
Decision : **Conditional Permission**

---

## KIMBERLEY WARD

Applicant : Mr Gary Shaw Gliner Developments Ltd 23/00398/FUL  
Site Address : Critchs Yard Industrial Units Brewery Street Kimberley Nottinghamshire  
Proposal : **Demolish existing workshop building and construct detached two storey dwelling**  
Decision : **Refusal**

---

Applicant : Mr Simon Cullingworth 23/00460/TPOW  
Site Address : 3 Beverley Drive Kimberley Nottinghamshire NG16 2TW  
Proposal : **Remove lower branches of TPO/KIM/02 T4 overhanging driveway at 1 Beverley Drive**  
Decision : **Withdrawn**

---

Applicant : Modus Partnerships 23/00856/VOC  
Site Address : Graphic House Noel Street Kimberley Nottinghamshire NG16 2NE  
Proposal : **Variation of Condition to planning reference : 22/00750/FUL  
Condition Number(s): Condition 2 (Approved drawings)  
Condition 4 (Surface Water and Foul Sewage)  
Condition 10 (Construction / Demolition Statement)**  
Decision : **Conditional Permission**

---

Applicant : Mr T Varga 23/00882/FUL  
Site Address : 29 Clive Crescent Kimberley Nottinghamshire NG16 2QB  
Proposal : **Demolition of existing conservatory and construct single storey rear extension and single storey front extension. Replacement car port roof and insertion of roller shutter door. Construct detached summerhouse to rear garden.**  
Decision : **Conditional Permission**

---

Applicant : Mr Tony Sanderson 23/00889/FUL  
Site Address : The Annexe Babbington Hall Westby Lane Babbington Village Nottingham Nottinghamshire  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

---

Applicant : Mr & Mrs Walker 23/00906/FUL  
Site Address : 56 Digby Street Kimberley Nottinghamshire NG16 2HP  
Proposal : **First floor front extension and two storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Dale Rushin 23/00909/FUL  
Site Address : 32 Valley Road Kimberley Nottinghamshire NG16 2HL  
Proposal : **Construct single storey side and rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Zahir Malik 23/00911/VOC  
Site Address : 39A Main Street Kimberley Nottinghamshire NG16 2NG  
Proposal : **Variation of Condition 2 (approved drawings) of planning reference 22/00549/FUL to reflect amendments to elevations in respect of materials and alterations to window and door openings; and changes to levels and stepped access**  
Decision : **Conditional Permission**

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## NUTHALL EAST & STRELLEY WARD

Applicant : Boden Associates David Boden Boden Associates 23/00548/FUL  
Site Address : Strelley Lodge Main Street Strelley Nottinghamshire NG8 6PE  
Proposal : **Construct first floor bedroom extension to lodge, convert first floor of outbuilding, new dormer window and rooflights and the installation of two ASHP.**  
Decision : **Withdrawn**

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Applicant : Mr Himanshu Patel 23/00627/FUL  
Site Address : 181 Nottingham Road Nuthall Nottinghamshire NG16 1AE  
Proposal : **Proposed single storey side/rear extension**  
Decision : **Conditional Permission**

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Applicant	:	Mr & Mrs Kop	23/00877/FUL
Site Address	:	56 Drummond Drive Nuthall Nottinghamshire NG16 1BL	
Proposal	:	<b>Construct extension and roof to existing detached garage</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr TARIQ ALVI	23/00894/FUL
Site Address	:	2 Woodland Drive Nuthall Nottinghamshire NG16 1AJ	
Proposal	:	<b>Construct two storey front and side extension and single storey front and rear extensions (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Euro Property Investments Ltd	23/00896/DEM
Site Address	:	Broxtowe Segment Of Unit G1 Colliers Way Nottingham Nottingham NG8 6AT	
Proposal	:	<b>Demolition of Pheonix Place, Colliers Way NG8 6BA</b>	
Decision	:	<b>Prior Approval Not Required</b>	
Applicant	:	MR IAN BECK -	24/00003/FUL
Site Address	:	50 Vernon Drive Nuthall Nottinghamshire NG16 1AR	
Proposal	:	<b>Construct two storey side extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr Daniel Ikotun	24/00019/FUL
Site Address	:	7 Hatton Gardens Nuthall Nottinghamshire NG16 1QT	
Proposal	:	<b>Construct single storey front extension</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Mr John Shaw VIA East MidlandsLTD	24/00033/TPOW
Site Address	:	Lime Tree Walk Opersite 65 Nottingham Road Nuthall Nottinghamshire NG16 1DN	
Proposal	:	<b>Works to Lime Tree reference Tag ID 00225534 Nottingham Road Nuthall. Removal of deadwood to all limes along Lime Tree Walk.</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD NORTH WARD</b>			
Applicant	:	Mr Jonathan Challis	23/00905/PNH
Site Address	:	48 Moorbridge Lane Stapleford Nottinghamshire NG9 8GU	
Proposal	:	<b>Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 6 metres, with a maximum height of 3 metres, and an eaves height of 2.28 metres.</b>	
Decision	:	<b>Unconditional Permission</b>	
<b>STAPLEFORD SOUTH EAST WARD</b>			
Applicant	:	Mr Mohammed Mahruf	23/00551/FUL
Site Address	:	Land North Of 52 Nottingham Road Stapleford Nottinghamshire NG9 8AA	
Proposal	:	<b>Construct detached two storey building to accommodate 4 no. one bed apartments (revised scheme)</b>	
Decision	:	<b>Conditional Permission</b>	
Applicant	:	Terry Scott Nottingham Fire and Rescue Service	23/00807/FUL
Site Address	:	Stapleford Fire Station Pinfold Lane Stapleford Nottinghamshire NG9 8DL	
Proposal	:	<b>Construct single storey side extension to provide new location for gymnasium and storage. Internal alterations to layout</b>	
Decision	:	<b>Conditional Permission</b>	
<b>STAPLEFORD SOUTH WEST WARD</b>			
Applicant	:	MR N IQBAL	23/00808/FUL
Site Address	:	66 Derby Road Stapleford Nottinghamshire NG9 7AB	
Proposal	:	<b>Construct first floor extensions to create two x 1 bedroom apartments including ground floor provision for cycle and bin storage</b>	
Decision	:	<b>Refusal</b>	

Applicant : Mr & Mrs Demetris & Barbara Demetriou 23/00907/FUL  
Site Address : 22A Derby Road Stapleford Nottinghamshire NG9 7AA  
Proposal : **Retrospective application for conversion of flat 22a into 2 no flats**  
Decision : **Conditional Permission**

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Applicant : Mr Demetris Demetriou B R Rackstraw Ltd 23/00908/FUL  
Site Address : 94 Derby Road Stapleford Nottinghamshire NG9 7AD  
Proposal : **Retain replacement door on rear elevation to facilitate separate access to first floor flat**  
Decision : **Conditional Permission**

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Applicant : Poh Wong 23/00912/FUL  
Site Address : 117 Brookhill Street Stapleford Nottinghamshire NG9 7GJ  
Proposal : **Construct single storey rear extension, loft conversion with new raised roof.**  
Decision : **Conditional Permission**

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Applicant : Mr Greg Watson NCHA 24/00018/FUL  
Site Address : 2 Mill Road Stapleford Nottinghamshire NG9 8GD  
Proposal : **External wall insulation with a render finish to the front, side & rear elevations.**  
Decision : **Permitted Development**

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Applicant : - Cash Access UK Limited 24/00069/NMA  
Site Address : 62 Derby Road Stapleford Nottinghamshire NG9 7AB  
Proposal : **Non Material Amendment to planning reference 23/00706/FUL for relocation of the two no. air conditioning condensers from single storey roof to side elevation under stairs.**  
Decision : **Unconditional Permission**

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#### TOTON & CHILWELL MEADOWS WARD

Applicant : Mr D Porter 23/00850/CLUP  
Site Address : 5 Seaburn Road Toton Nottinghamshire NG9 6HT  
Proposal : **Certificate of Lawful Development to remove existing dormers and erect new dormer to side elevation**  
Decision : **Approval - CLU**

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Applicant : Mr Taylor Flower 23/00852/FUL  
Site Address : 62 Seaburn Road Toton Nottinghamshire NG9 6HN  
Proposal : **Construct two storey rear extension**  
Decision : **Conditional Permission**

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Applicant : Mr Bryan Webster Thomas Bryan Construction Ltd 23/00866/VOC  
Site Address : Lockup Garages Chetwynd Road Toton Nottinghamshire  
Proposal : **Variation of Condition 2 of planning permission 22/00030/FUL - amendment to plot 2 including attached garage**  
Decision : **Conditional Permission**

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Applicant : Mr M Buck 23/00870/FUL  
Site Address : 24 Katherine Drive Toton Nottinghamshire NG9 6JB  
Proposal : **Construct first floor above existing ground floor to provide additional accommodation. External changes to elevations**  
Decision : **Refusal**

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Applicant : Mr I Dane 23/00914/FUL  
Site Address : 19 St Georges Drive Toton Nottinghamshire NG9 6PR  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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#### WATNALL & NUTHALL WEST WARD

Applicant : Mr Gavin Stanley 23/00831/FUL  
Site Address : 70 Watnall Road Nuthall Nottinghamshire NG16 1DX  
Proposal : **Construct single storey rear extension**  
Decision : **Conditional Permission**

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