



Tuesday, 16 June 2020

Dear Sir/Madam

A meeting of the Planning Committee will be held on Wednesday, 24 June 2020 to be held virtually, via Microsoft Teams) commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Interim Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: D Bagshaw
L A Ball BEM
T A Cullen
D Grindell
M Handley
R I Jackson
R D MacRae

J W McGrath (Vice-Chair)
P J Owen
D D Pringle
D K Watts (Chair)
R D Willimott
G Marshall

A G E N D A

1. APOLOGIES

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 14)

The Committee is asked to confirm as a correct record the minutes of the meeting held on 4 May 2020.

4. NOTIFICATION OF LOBBYING

5. DEVELOPMENT CONTROL

5.1 19/00756/ROC (Pages 15 - 38)

Variation of Conditions 2, 3 and 11 (approved drawings, details of materials and landscape scheme) of planning reference 15/00010/FUL (Construct 67 dwellings) to substitute house types, amend layout and remove plots, change external materials and amend landscaping scheme
Land Off Acorn Avenue Giltbrook Nottinghamshire

5.2 20/00172/FUL (Pages 39 - 50)

Construct single storey rear extension to form one additional flat. Insert new windows at ground floor in existing building.
178 Bye Pass Road Chilwell

5.3 20/00271/FUL (Pages 51 - 62)

Change of use of part of garden and construct personal training studio in rear garden.
6 High Street, Kimberley, Nottinghamshire, NG16 2LS

5.4 19/00243/FUL (Pages 63 - 76)

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

5.5 20/00257/REG3 (Pages 77 - 92)

Construct 5 apartments with car parking and ancillary amenity spaces following demolition of 16 prefabricated garages and hardstanding
Garage Block, Oakfield Road, Stapleford, Nottinghamshire

5.6 19/00817/FUL (Pages 93 - 100)

Retain 2 stables and 5 sheds. Install 2 spot lights and 2 CCTV cameras
Field adjacent to Moor House Nottingham Road Trowell Moor Trowell Nottinghamshire

5.7 20/00193/FUL (Pages 101 - 108)

Retain boundary fence and gate
Gin Farm Hall Lane Brinsley Nottinghamshire NG16 5BJ

6. INFORMATION ITEMS

6.1 Appeal Decisions (Pages 109 - 110)

6.2 Delegated Decisions (Pages 111 - 116)

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PLANNING COMMITTEE

WEDNESDAY, 20 MAY 2020

Present: Councillor D K Watts, Chair

Councillors: L A Ball BEM
T A Cullen
D Grindell
R I Jackson
G Marshall
J W McGrath (Vice-Chair)
J M Owen (substitute)
P J Owen
J C Patrick (substitute)
D D Pringle
R S Robinson (substitute)
P Simpson (substitute)

Apologies for absence were received from Councillors D Bagshaw, M Handley, R D MacRae and R D Willimott

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 MINUTES

The minutes of the meeting held on 5 May 2020 were approved as a correct record and signed.

3 NOTIFICATION OF LOBBYING

4 DEVELOPMENT CONTROL

4.1 19/00816/REM

Construct 132 apartments (Class C3) and flexible use commercial unit (retail / financial and professional services / restaurant /bar /takeaway / assembly and leisure – Classes A1- A5 and D2) with car parking and landscaping (reserved matters relating to planning permission reference 18/00360/FUL)
Land South East Of B & M, Styring Street & Station Road, Beeston

This application sought planning permission to construct 132 apartments and flexible use commercial units with car parking and landscaping and was deferred from the meeting of 5 May 2020.

Members considered the late items for the application which included concerns raised over the design and height of the building.

Mr S Craven (objector) submitted a formal written representation that was read to members of the Committee, Mr I Jowett (applicant) submitted a formal written representation that was read to members of the Committee.

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

- The Highways objection by Nottinghamshire County Council.
- A vital opportunity for regeneration of Beeston offering much needed accommodation.

A recorded vote was proposed by Councillor P J Owen and seconded by Councillor D K Watts. The voting was as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
L A Ball BEM	P J Owen	D K Watts
D Grindell	J M Owen	
T A Cullen		
R I Jackson		
J W McGrath		
G Marshall		
D Pringle		
J C Patrick		
R S Robinson		
P D Simpson		

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

- 1. The development hereby permitted shall be carried out in accordance with drawings referenced:**

**Red Line Overall Development Rev A; Proposed Block Plan Rev A;
Proposed Section AA & BB Rev A;
Proposed Section CC & DD Rev B;
Ground Level Landscape General Arrangement Plan Rev S4/P04;
Site sections S4/P01;
01 Level Podium Garden Hard and Soft Landscape Proposals Rev S4/P01;
03 Level Roof Terrace Hard and Soft Landscape Proposals Rev S4/P01;
Proposed East and West Elevations Rev C;
Proposed North and South Elevations Rev B;
Proposed Plan – Level 00 Rev B;
Proposed Plan – Level 00 Mezzanine Rev B;
Proposed Plan – Level 01 Rev C;
Proposed Plan – Level 02 Rev C;
Proposed Plan – Level 03 Rev C;
Proposed Plan – Level 04 Rev C;
Proposed Plan – Level 05 Rev C;**

**Proposed Plan – Level 06 Rev C;
Proposed Roof Plan Rev B;
Proposed Section EE & FF and
Proposed Section GG.**

- 2. No development shall commence until a 1m square sample panel of each proposed brick type, indicating brick bonding, mortar colour and pointing technique, has been constructed on site and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
- 3. No development above slab level shall commence until details of the numbers, types and locations of bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the agreed details prior to first occupation of the respective block.**
- 4. No development above slab level shall commence until details of the numbers, species and sizes of proposed shrubs and trees and planting of other soft landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The planting shall take place in accordance with the agreed details.**
- 5. PV panels will be installed, in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority, within 6 months of first occupation of the building unless details of alternative environmental measures have been submitted to and agreed in writing by the Local Planning Authority. If alternative environmental measures have been agreed, these shall be installed within 6 months of first occupation of the building.**
- 6. The Station Road lay-by shall be provided in accordance with the Proposed Plan – Level 00 Rev B (or other such drawing as may be agreed) before any apartment or commercial unit hereby approved is first occupied and thereafter retained in the approved form for the lifetime of the development.**
- 7. No later than 12 months following first occupation of the hereby approved buildings beside Styring Street, any measures to facilitate the fixing of NET equipment to the Styring Street elevations of the buildings shall have been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.**
- 8. No refuse collections shall be made from the service lay-by between the hours of 07:30-09:30 and 16:30-18:30 Monday-Friday.**

Reasons

- 1. For the avoidance of doubt.**
- 2. In the interests of the appearance of the development and surrounding area, which includes conservation areas, and given the scale of the**

- building, in accordance with the aims of Policies 11, 17 and 23 of the Part 2 Local Plan (2019).
3. To secure the provision of such features in the interests of biodiversity and in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 17 and 31 of the Part 2 Local Plan (2019).
 4. Insufficient details were submitted and to ensure appropriate planting occurs, in accordance with the aims of Policy 10 of the Aligned Core Strategy (2014) and Policies 11 and 17 of the Part 2 Local Plan (2019).
 5. No such details were submitted and to ensure environmental measures are incorporated within the scheme, in accordance with the aims of Policy 1 of the Aligned Core Strategy (2014).
 6. In the interests of highway safety to ensure the development can be serviced and in accordance with the aims of Policy 17 of the Part 2 Local Plan 2019.
 7. To minimise clutter in the footpath and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).
 8. To restrict use of the lay-by by large vehicles during peak hours in the interests of highway safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019).

Notes to applicant

1. The Council has acted positively and proactively in the determination of this application by working with the agent to amend the design of the scheme.
2. The conditions on 18/00360/FUL remain applicable to this development.
3. The developer will need to maintain close liaison with the tram operator, Nottingham Trams, during construction works and with regard to the technical requirements for the installation of the fixings, Tel: 0115 8246060, email: info@thetram.net. It is not permitted for any vehicles to obstruct the tramway at any time.
4. In order to carry out off-site works, you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works, you will need to enter into an agreement under Section 278 of the Act. The applicant is advised to contact the County Council Highways team for details on Tel: 0115 9772210.
5. The provision for refuse and recycling does not comply with the Council's requirements and has been accepted on the basis that a private company will be responsible for refuse/recycling collection.
6. Ventilation and filtration equipment may require planning permission.

7. **The applicant is advised to contact Western Power before works commence on site in relation to the substation on site.**
8. **The applicant is advised to contact Nottinghamshire Police to discuss the security specification of the building before commencing development.**

4.2 19/00779/FUL

Change of use from Former Dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years
Former Dyeworks Site, West End Street, Stapleford, NG9 7DA

This application sought planning permission for the change of use from a former dyeworks (Class B2) to storage and distribution (Class B8) for a temporary period of 3 years and had been brought before the Committee at the request of Councillor R D MacRae.

There were no late items or public statements for this application.

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

- The proposal was appropriate for the site.
- Further traffic issues that would arise from the increased number of vehicle movements.

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

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) received by the Local Planning Authority on 6 December 2019 and drawing number DB/MF/010/012/100 received by the Local Planning Authority on 12 December 2019.**
3. **Deliveries and collections by commercial vehicles shall only be made to or from the site between 08:00 - 17:00 hours Monday to Friday, 08:00 - 13:00 hours on Saturday and at no time on Sundays, bank holidays and other public holidays.**

Reasons

1. **To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
2. **For the avoidance of doubt.**
3. **To protect the immediate residents from excessive operational noise.**

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 site falls within land that may be required to construct and/or operate Phase 2b of a high speed rail line known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. As a result, the application site may be compulsory purchased. Please visit <https://www.gov.uk/government/organisations/high-speed-two-limited> for more information.**
3. **The site owner should register to receive flood warnings and inform those associated with the site.**

4.3 20/00059/FUL

Construct First Floor Side Extension and Rear Dormer (Revised Scheme)
88 Abbey Road Beeston Nottinghamshire NG9 2HP

This application sought planning permission to construct a first floor side extension and rear dormer (revised scheme) and had been brought before the Committee at the request of Councillor S J Carr.

Members considered the late items for the application which included photographs provided by the applicant detailing the street scene.

Mr Ahmed (applicant) submitted a formal written representation that was read to members of the Committee.

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

- The proposal was appropriate for the site.
- There was no loss of neighbour amenity

RESOLVED that planning permission be granted with the precise wording of the conditions to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee:

1. **The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
2. **The development hereby permitted shall be carried out in accordance with the site location plan and drawings numbered: NGB112-88-03 Rev H, NGB112-88-02 Rev B and NGB112-88-04 Rev C.**
3. **The extension and dormer shall be constructed using bricks and tiles of a type, texture and colour so as to match those of the existing building.**

Reasons

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. No such details were submitted and to ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 17 of the Broxtowe 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. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

4.4 20/00081/FUL

Construct 10 dwellings, together with associated infrastructure and public open space
Land Off West Side Newmanleys Road, Eastwood , Nottinghamshire

This application sought planning permission to construct 10 dwellings, together with associated infrastructure and public open space and had been brought before the Committee due to the request for an Education Contribution from the County Council.

There were no late items or public statements for this application.

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

- Reasonable to ask for education contribution.
- There was need for housing.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans:

Site Location Plan – R9089-RLA-20-XX-DR-A-2101

Existing Site Layout Plan – R9089-RLA-20-XX-DR-A-2102

Proposed Site Layout Plan – R9089-RLA-20-XX-DR-A-2103 B
Proposed Boundaries Plan – R9089-RLA-20-XX-DR-A-2104
Proposed Material Plan – R9089-RLA-20-XX-DR-A-2105
Proposed Building Heights Plan – R9089-RLA-20-XX-DR-A-2107
Proposed Site Sections – R9089-RLA-20-XX-DR-A-2121
Proposed Street Elevation – R9089-RLA-19-XX-DR-A-2123
House Type 18A-S-471/599 – R9089-RLA-18-ZZ-DR-A-2130
House Type 18A-NS-670/758 – R9089-RLA-19-ZZ-DR-A-2131 A
House Type 18A-S-838 – R9089-RLA-18-ZZ-DR-A-2132
House Type 18A-S-838 V1 – R9089-RLA-18-ZZ-DR-A-2133
Levels and Drainage Appraisal – 12734-HYD-XX-XX-DR-C-2001 P01
Tree Protection Plan – 19-79-04
Detailed Soft Landscape Proposals - 19-079-075

Received by the LPA on the 3rd and 6th February 2020.

- 3. The dwellings hereby approved shall not be first occupied until their driveways and parking areas are surfaced in a hard, bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary and constructed so as to prevent the unregulated discharge of surface water onto the highway. The surfaced drive shall then be maintained in such hard bound material for the life of the development.**
- 4. No building to be erected pursuant to this permission shall be occupied or brought into use until:**
 - (i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and**
 - (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.**
- 5. Prior to being first brought into use the Public Open Space hereby permitted shall have a minimum of 600mm clean cover (nominally 150mm topsoil and 450mm subsoil) over a basal anti-dig membrane. The details of which shall have first been submitted to and approved in writing by the Local Planning Authority.**
- 6. The open space shall be managed by a private management company and a detailed landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority, prior to the occupation of any development. This arrangement shall be in place for the lifetime of the development.**
- 7. This development shall not begin until a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in**

accordance with the approved details before that phase of development is completed. The scheme to be submitted shall demonstrate:

- (a) The utilization of holding sustainable drainage techniques;
- (b) Any outflow from the site must be limited to the maximum allowable rate with a minimum 30% reduction on existing.
- (c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100-year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- (d) Responsibility for the future maintenance of drainage features.

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2. For the avoidance of doubt.
- 3. In the interests of highway safety and in accordance with Policy 17 of the Part 2 Local Plan (2019).
- 4. In the interest of public health and safety.
- 5. In the interests of public health and safety.
- 6. To ensure the site is suitably landscaped and this is maintained for the life of the development.
- 7. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy.

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 potential hazards arising from former coal mining activity. For further information, please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas>.
- 3. The Council will not adopt or be responsible for the ongoing maintenance of the open space on site.
- 4. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

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

4.5 20/00043/FUL

Construct 4 dwellings and garages
3 Swingate, Kimberley, Nottinghamshire, NG16 2PG

This application sought planning permission to construct 4 dwellings and garages had been brought before the Committee at the request of Councillor R S Robinson.

Members considered the late items for the application which included three further objections.

Mr J Kennedy (objector) submitted a formal written representation that was read to members of the Committee, Councillor R S Robinson addressed the Committee as ward member.

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

- substandard degree of highway safety, in particular the access
- adverse impact on amenities of neighbouring properties.

RESOLVED that the application be refused with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee:

1. The proposal would be an over-intensive form of development due to the number of dwellings proposed relative to the size of the site. The proposal would therefore be out of keeping with the character of the surrounding area, contrary to Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.
2. The proposed development, by virtue of the siting of the dwellings in close proximity to the boundaries of the application site would result in an unacceptable loss of amenity for the residents of the neighbouring properties on Angus Close, Swingate and Clive Crescent. Accordingly proposal is

contrary to the aims Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.

3. The proposed development, by virtue of its location off a narrow private drive would provide a substandard means of access and would be detrimental to highway safety. Accordingly the proposal is contrary to the aims Broxtowe Aligned Core Strategy (2014) Policy 10 and Broxtowe Part 2 Local Plan (2019) Policy 17.

4.6 20/00165/FUL

Construct industrial units (class B2) including associated hard surfacing
Midland Industrial Designers, Common Lane, Watnall, Nottinghamshire NG16 1HD

This application sought permission to construct industrial units (class B2) including associated hard surfacing.

There were no late items or public speakers for this application.

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

- The proposal was appropriate for the site.

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

1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the drawings numbered N7667-101 (1:1250), N7667-100 (1:200), and N7667-01A (1:100, 1:500); received by the Local Planning Authority on 12 March and 17 April 2020.
3. No part of the development hereby permitted shall be brought into use until the parking, turning and servicing areas are surfaced in a bound material with the parking bays clearly delineated in accordance with drawing number N7667 -01. The parking, turning and servicing areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking, turning and loading and unloading of vehicles.
- 4.a) No part of the development hereby approved shall be commenced until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.

- b) No building to be erected pursuant to this permission shall be occupied or brought into use until:-
- (i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and
- (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.

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 that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.
4. In the interest of public health and safety.

Notes to applicant

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

www.gov.uk/government/organisations/the-coal-authority

3. Due to the proximity of the site to residential properties it is recommended 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.
4. 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.

4.7 20/00127/FUL

Construct two storey rear/side and single storey rear extensions and raised decking
1a Trevor Road Beeston Nottinghamshire NG9 1GR

This application sought planning permission to construct two storey rear/side and single storey rear extensions and raised decking and had been brought before the Committee at the request of Councillor G Marshall.

There were no late items for this application.

Ms Eldeghaidy (objector) submitted a formal written representation that was read to members of the Committee, Mr R Foster (applicant) submitted a formal written representation that was read to members of the Committee.

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

- adverse impact on neighbour amenity
- loss of privacy and light
- the proposal would be overbearing on neighbouring properties

RESOLVED that the application be refused with the precise wording of the refusal to be delegated to the Head of Planning and Economic Development in consultation with the Chair of the Planning Committee:

The proposed extension and decking would result in an unacceptable loss of amenity for the residents of the neighbouring properties due to the height of the two storey side/rear extension, the higher level of the site compared to neighbouring properties and the proximity of the extension to the side (north east) boundary. Accordingly, the proposed development would be contrary to the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan (2019).

5 INFORMATION ITEMS

6 APPEAL DECISIONS

The Committee noted the appeal decisions.

7 DELEGATED DECISIONS

The Committee noted the delegated decisions.

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Report of the Chief Executive

APPLICATION NUMBER:	19/00756/ROC
LOCATION:	Land Off Acorn Avenue Giltbrook Nottinghamshire
PROPOSAL:	Variation of Conditions 2, 3 and 11 (approved drawings, details of materials and landscape scheme) of planning reference 15/00010/FUL (Construct 67 dwellings) to substitute house types, amend layout and remove plots, change external materials and amend landscaping scheme.

The application is brought to the Committee due to the original permission to which this application relates being determined by Planning Committee.

1 Executive Summary

- 1.1 The application seeks to vary 3 conditions attached to planning permission 15/00010/FUL relating to drawing numbers, materials and landscaping. The revisions to the drawing numbers will result in several minor amendments to house types, largely involving fenestration detailing, the removal of 2 plots and associated layout alterations, the substitution of 5plot types, which will include a raised parking area to the front of plot 260 and minor extensions to the rear of two house types. The principle of residential development in a similar form to that considered under this application has been established for many years, but has an extant permission dating back to 1993 (92/730/FUL).
- 1.2 The amendments to condition 3, materials are minor and would still involve bricks and tiles of a similar colour to those already approved. Rainwater goods and doors would be black and meter boxes would be located on the side of the houses.
- 1.3 The amendments to the house types are largely minor and involve fenestration alterations, some additional bay windows and on two property types relatively small single storey additions to the rear.
- 1.4 The main issues relate to the design of the amendments proposed and the impact on amenity.
- 1.5 On balance the design of the amendments are considered to be acceptable. There are significant level differences within the site and whilst concern has been raised by residents, particularly in respect of plots 251-260 due to the historical consents in place, the extant permission and works already undertaken within the site to commence the permission relating to 92/00730/FUL, notably the linking arm of Acorn Avenue, Filbert Drive and Albert Drive, it is not considered that the height of these dwellings is something which can be revisited at this point in time. The landscaping plans however demonstrate how these level differences will be treated within the rear gardens of these properties and it is considered that the grading of the gardens and the planting screen proposed will protect the amenity of the occupants of properties to the rear of these on Acorn Avenue.

- 1.6 The Committee is asked to resolve that the application be approved subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application seeks to vary conditions 2, 3 and 11 placed on planning permission 15/00010/FUL for the construction of 67 dwellings at land adjacent to an existing residential development within the larger Smithurst Road development, Giltbrook.
- 1.2 These conditions relate to drawing numbers for the development to be completed in accordance with, external materials to be used in the construction of the dwellings approved and the landscaping scheme. The amendments will include;
- Minor alterations to the design of several house types to update them to the current company standard house type, largely relating to fenestration detailing and the position of windows with the addition of some bay windows also to several of the properties;
 - Alternations to the layout in the north-western corner which result in the reduction of overall number by 2 (65 dwellings) and amendments to the property types for 3 of the remaining dwellings in this area;
 - Small single storey projections beyond the original rear elevation of two plots (221 and 251);
 - Amendments to plot 260 to include a smaller house type and a raised parking area to the front of the property;
 - Changes to the details of the approved roof tiles, although these still include a mix of red and grey colours as previously approved; and
 - Landscaping within the rear of plots 251-260 to include a raised patio area with retaining wall and steps leading to a lower garden area with trees along the rear boundary with the existing properties along Acorn Avenue.
- 1.3 The scheme has been amended during the course of the application to include revisions and additional information in relation to the landscaping scheme to deal with the level differences, the removal of a number of plots and a change in house type for plot 60.
- 1.4 The permission to which this application seeks to amend was subject to a Section 106 Agreement which required the developer to transfer land and provide £100,000 to the authority to be used for the purposes of flood alleviation in the area.

2 Site and surroundings

- 2.1 The site comprises approximately 2.39 hectares of land within an existing residential area. As there has been an extant permission for housing on the site since 1993, some works have been undertaken in the 1st phase of development including the connecting access road which joins the two sections of Acorn Avenue. Work had also been commenced in laying the two roads leading from Acorn Avenue (Alton Drive and Filbert Drive).

- 2.2 Works have commenced on site to implement 15/00010/FUL with a number of properties up to first floor level and footings dug for several properties along the southern boundary of the site.
- 2.3 The site is largely boarded by residential properties to the northern, eastern and southern boundaries. The properties to the south and south east of the site consist of the 44 dwellings constructed under the extant permission (92/00730/FUL) by the applicant and as such are fairly similar in respect of design and appearance with some minor alterations in terms of fenestration detailing and materials used. These together with the properties to the north and east largely consist of detached two storey dwellings with a smaller number of semi-detached properties. To the west of the site there is an area of open land, which under the requirements of the S106 for the development is required to be transferred to the Council and kept free from development (except for the purposes of flood alleviation works if required). Within this space an attenuation pond has been constructed and this is enclosed by a low knee-rail type fence to discourage access.
- 2.4 A gabion wall has also been constructed to the north-western boundary of the site, separating the built development from the open space and there is a steep level change from these properties to the attenuation pond and the open space.
- 2.5 A temporary site office complex has been constructed in association with the works. A closed barrier gate to the north and fencing to the south still currently restricts access and through traffic whilst works are taking place. A public footpath connecting the two parts of Acorn Avenue runs behind the properties on Robina Drive. There is a group Tree Preservation Order at the south eastern tip of this footpath.
- 2.6 There is a significant change in levels across the site, which slopes upwards from west to east and from south to north. The properties on Robina Drive are 5-6m higher than the properties to the west on Thorn Drive and the properties at one end of Acorn Avenue (numbers 51 and 58) are 3-4m higher than those to the south

3 Relevant Planning History

- 3.1 In 1981 planning permission was granted for development consisting of 'Use site for residential, industrial, shops and school development' (79/00666/OUT). This was further supplemented by the granting of outline planning permission for residential, industrial, shopping and school development as part of a comprehensive scheme for the whole of the Giltbrook Farm Estate (81/00566/OUT). These applications established the principle of residential development on the site which has subsequently been developed in a phased manner since this time.
- 3.2 Planning permission for 107 houses with garages and associated works within a section of this larger site was granted in 1993 (92/00730/FUL). As stated in section 1 of this report, part of this development has been built out and as such the permission is extant and could be built as approved at any point in the future without the need for any further planning permission.

3.3 In 2006 planning permission (06/00967/FUL) was refused for the substitution of house types for 63 dwellings previously approved and alterations to the internal road layout. The reasons for refusal stated:

1 – The proposed residential development provides a low-density scheme, insufficient to meet the requirements of PPS3 and Policy H6 of the Broxtowe Local Plan and represents an inefficient use of land. In addition the development proposes fail to provide a satisfactory variety of housing types contrary to Policy H3 of the Broxtowe Local Plan (2004).

2 – The applicant has failed to provide the necessary information on the level changes of the site and subsequently there is a lack of detail to assess the impact of the proposal on the occupiers of the neighbouring properties and the amenity of occupiers of future residents within the site. The proposal is accordingly contrary to local plan policy H7.

3.4 In November 2015 an application for 67 dwellings (15/00010/FUL) was presented to Planning Committee. Members resolved that having regard to all material planning considerations, including the extant planning permission for 63 dwellings that could be constructed without any further permissions required by the Council that the proposal, including the Section 106 contributions towards flood alleviation measures in the wider area and the transfer of land to aid the implementation of these measures, was acceptable.

3.5 Prior to the signing of the Section 106 Agreement the applicants proposed some alterations to the scheme in early 2018. These largely related to updates in house types with some minor amendments to the layout. These were approved by Planning Committee in May 2018. The permission was issued in August 2018.

4 Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change
- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity
- Policy 14: Managing Travel Demand
- Policy 16: Green Infrastructure, Parks and Open Spaces
- Policy 17: Biodiversity
- Policy 18: Infrastructure
- Policy 19: Developer Contributions

4.2 **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
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 20: Air Quality
- Policy 21: Unstable Land
- Policy 28: Green Infrastructure Assets
- Policy 31: Biodiversity Assets
- Policy 32: Developer Contributions

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 5 – Delivering a sufficient supply of homes.
- Section 8 – Promoting healthy and safe communities.
- Section 9 – Promoting sustainable transport.
- Section 11 – Making effective use of land.
- Section 12 – Achieving well-designed places.
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

5 Consultations

- 5.1 **Nottingham West Clinical Commissioning Group:** Queried why they hadn't been consulted on the application. They were advised of the site history and the details of this application and were content with this.
- 5.2 **The Councils Parks and Green Spaces Manager:** Commented on the original proposal that the planting shown would provide little in terms of screening with just 1 tree per garden. He comments that Leylandii will achieve a full screen within a number of years but they do take a lot of maintenance and if they get out of hand can create problems under the High Hedges legislation. He provided a list of trees that are good at creating a screen which are either evergreen or hold their leaves throughout winter and recommended a minimum of 2 trees per garden. These comments were shared with the applicant and amended plans showing a minimum of two evergreen trees from the list per garden were received.
- 5.3 78 neighbours were consulted on the application initially. 4 responses were received comprising: 1 raises concern that they were not consulted on the application initially, 2 reiterate original objections in respect of height of properties leading to loss of light, privacy, sense of enclosure, 1 of these also raises concern with traffic generation and 1 queries the plans on the website.
- 5.4 In relation to the amended plans and additional information submitted during the course of the application all 78 neighbours were reconsulted. Representations from 12 different households have been received of which 11 are objections and

1 raises no objections. Photographs have also been received to justify comments made. The following objections are raised:

- Due to height of properties there is no privacy. The raised patios will enable people to look directly into existing gardens and properties, doesn't comply with policy because of this loss of privacy
- Landscaping needs to be planted asap to provide screen.
- Was assured by Langridge that plot 260 wouldn't be built due to level differences.
- Loss of light and sense of enclosure due to height of properties
- Is there going to be an engineered retaining wall to stop any slippage / subsidence from the ground
- Is there going to be adequate drainage for any increase in surface water run-off
- How will the proposed boundary fence relate to the existing boundary to the properties on Acorn Avenue. Who will be responsible for this, will there be an area of dead space between the two?
- Can any tree be located closing the gaps with the tallest evergreen tree possible.
- Will the tree also be prevented from being cut down? The trees must grow to natural height for privacy.
- Revised plans fail to show accurately how high the new properties' gardens, patios and windows will be in relation to all existing properties.
- Concern with professionalism of drawings provided
- Steepness of new gardens mean the properties won't be accessible for the disabled.
- Previous plans didn't show the height of these properties.

6 Assessment

6.1 The main issues for consideration are the design of the proposed amendments to property types and the impact on neighbour amenity and highway safety.

6.2 **Principle**

6.2.1 The principle of residential development in this location has been established since 1981 with the original outline planning permission. In 1993 Planning permission was granted for 107 dwellings and garages and 44 of these properties were constructed ensuring that the permission is extant. At this time an application for building control was submitted and approved. As previously established during the consideration of 15/00010/FUL the remaining 63 dwellings could therefore be constructed without any further permissions from the Council. Details of land levels were not required by any condition attached to these permissions.

6.2.2 Planning permission 92/730/FUL was granted subject to 6 conditions including the approval of materials, required diversion of public footpaths, the retention of garages for the parking of vehicles, details of landscaping to include planting and hard paved areas, the implementation of this planting scheme and details of boundary treatments alongside the public footpaths and open space.

- 6.2.3 At the time of constructing the 44 existing dwellings on Acorn Avenue the link road was laid as were the two roads, in part within this site; Alton Drive and Filbert Drive. It is therefore reasonable that these roads established the heights at which the remaining properties were to be constructed, whether it be those constructed under permission 92/00730/FUL or subsequent permissions, as practically the driveways would need to be accessed parallel to the road they were served by. This principle is particularly important with the flooding history in the vicinity of this site and avoiding steep hardsurfaced areas.
- 6.2.4 During the processing of 15/00010/FUL, the extant permission, the conditions attached to this and the existing built form within the site were all material considerations and it was considered that the application created the opportunity for betterment throughout the wider area with the provision of land for flood attenuation purposes and a financial contribution towards these measures.
- 6.2.5 Whilst this current application to vary conditions results in the loss of two dwellings from that approved under the 2015 application (15/00010/FUL), it would still result in an increase of 2 dwellings from that approved under the original permission which would contribute to the boroughs housing supply.

6.3 Design

- 6.3.1 In respect of the proposed changes to the materials; the bricks, roof tiles and rainwater goods were required by condition 3 to be approved by the Local Planning Authority. These were agreed in December 2018, however the applicants now wish to retain the approved bricks but change the roof tiles and colour of the rainwater goods. The proposal is still for a mix of dark coloured and red tiles to provide some variation in the streetscene. It is considered that the amended detail is an acceptable alternative to those previously approved. The rainwater goods, front doors and garage doors are also proposed to change from white to black in colour. It has been confirmed by way of email that the meter boxes will be located on the side elevations of the dwellings and these will also be black. It is considered that the proposed changes are acceptable in design terms and a suitably worded condition can control that these are used.
- 6.3.2 The design changes to the proposed dwellings differ by plot type, but include the following:
- Three pane window replaced with Juliet balcony and railings
 - Various amendments to fenestration detailing to front and rear elevations including replacing two pane and single panes with three pane windows and vice versa, replacing two, two pane window in the front gable with a single four pane window and alterations to patio doors;
 - One side of a property brought forward but no further than the garage. The roof of the garage is proposed to be amended and a canopy will extend the full width of the property at ground floor level (A1/2019 (OSG));
 - Removal of header and sill detailing around the openings;
 - Bay window at ground floor and extended canopy to run over front door and bay window.
 - Amendments to side openings including, replacing single pane window serving bathroom with two pane landing window, additional single pane window at ground floor, addition of single pane window serving bathroom in first floor and removal of

single pane window in ground floor, addition of single door in side elevation serving kitchen.

- 6.3.3 It is considered that the removal of the stone header and sill features is disappointing but not unacceptable and it is understood to be due to the availability of materials. The fenestration alterations to all properties are acceptable. The addition of bay windows to some properties will add some length to the dwelling but the design is acceptable and in keeping with a number of other properties in the development and wont impact on parking provision.
- 6.3.4 Two property types (K7E x3 and B6 x1) are also proposed to have an additional single storey projection to the rear (1.8m by 3.545m in width – B6 and 4.6m by 5.885m in width – K7E). These contained to the rear of the properties and it is considered that the single storey addition is a minor change proportionate to the host dwelling and in keeping with the dwelling and development as a whole.
- 6.3.5 Plot 260 is proposed to be amended from a house type T20 to house type DA3A, which is a smaller 4 bed dwelling. This allows for a greater separation distance between this dwelling and the existing properties on Acorn Avenue and Alton Drive due to the level changes within the site. The design of the property is considered to be acceptable and in keeping with the existing and proposed dwellings.
- 6.3.6 Due to the level changes within the site however the property will have its parking on a raised platform in front of the dwelling, surrounded by a retaining wall with steps leading down to the front door. This will largely obscure the ground floor from the street scene. Whilst this is not ideal it is not considered that this would result in such a poor addition to the streetscene that permission should be refused.
- 6.3.7 The changes to the north-west corner of the site include the reorientation of properties and the reduction in overall numbers including those served from the private drive in this area of the site. The design of the layout changes and the property type substitutions are acceptable.

6.4 Amenity

- 6.4.1 The amendments to the properties in the north-west corner of the site are not considered to have any significantly greater impact than those previously approved. Whilst the orientation of the properties are altered, the number of dwellings in proximity to existing dwellings is reduced. Plot 206 will largely have a view from its front elevation of the road and the side of 58 Acorn Avenue, with its own drive and the private driveway separating the properties. Plot 207 will be orientated with its front elevation towards the rear garden of this existing property on Acorn Avenue and its neighbouring properties on The Pastures, however due to the separation distance and the angle of any view from the first floor of this dwelling it is not considered that this relationship would result in any significant loss of privacy. There is one first floor window in the side elevation of this property facing the existing dwellings on The Pastures however this is to serve an ensuite bathroom and will have a top opener only.

- 6.4.2 It is not considered that any of the fenestration changes to the plot types would result in any increased loss of amenity which would need further assessment beyond that undertaken in considering application 15/00010/FUL.
- 6.4.3 The single storey additions to plot types KE7 are not considered to cause any significant detriment to amenity. There are three of these proposed within the development. Two of which overlook the open space and are a considerable distance away from any properties to the rear. The properties either side are to be built as part of the development and it is considered that the relationship is acceptable. Plot 221 backs onto 3 existing properties on Acorn Avenue, however due to the orientation of the plot in relation to these and the separation distances it is not considered that there would be any detriment to the amenity of the occupants of these properties.
- 6.4.4 The single storey addition to Plot 251 will project a further 1.8 metres from the rear of the approved dwelling. Whilst this property is higher than the existing dwellings on Acorn Avenue onto which it shares a rear boundary with, it is considered that the separation distance and minor nature of the amendment would not result in any significant detriment to the amenity of the occupants of these neighbouring properties beyond the approved scheme.
- 6.4.5 The proposed amendments to plot 260 result in a property with a smaller footprint which brings the built form away from the boundary with 2 Alton Drive and 71 Acorn Avenue. The building will be constructed on a slightly lower land level than 2 Alton Close, albeit with a raised parking area to the front, although this is set away from the shared boundary, with 2 Alton Close having a garage between this and the property. Due to the increased distance being created between the proposed and existing properties at 2 Alton Drove and 71 Acorn Avenue it is not considered that there would be any significant detriment through loss of amenity.

6.5 Landscaping and current situation

- 6.5.1 The developer has an extant permission for 63 dwellings (92/00730/FUL) of which;
- 44 dwellings have been completed and occupied;
 - All the roads within the site including Filbert Drive, Alton Drive and the linking arm of Acorn Avenue have been partially constructed;
 - All 6 conditions relating to this permission (materials, diversion of public footpaths, retention of garages for the parking of vehicles, landscaping to include planting and hard paved areas, the implementation of this planting scheme and details of boundary treatments alongside the public footpaths and open space) have been discharged.

No further information or consent is required to undertake these works and there was no Section 106 Agreement signed as part of this permission which required any contributions.

- 6.5.2 During the consideration of application 15/00010/FUL, the principle of the development was established and whilst betterment was achieved through improved drainage and, contributions towards flood attenuation measures and land transfer the Council could not revisit the principle of the approval which had been implemented, and partially constructed. The layout, with properties fronting

Alton and Filbert Drive remained broadly similar to that of the original consent, with the roads as constructed providing fixed points.

- 6.5.3 The heights of the properties were approved during the consideration of the original application and it is not therefore considered that the Council at this time has any reasonable mechanism available to it to require the developer to reduce this. Arguably if there is too steep a slope down from the hard-surfaced road, along a sloping hardsurfaced driveway to the front new dwellings then this will speed up water run-off in this direction rather than along the routes which the 2015 permission sought to establish. Having graded slopes within the rear gardens will allow water to infiltrate the soil and slow the speed of water run-off. This arrangement is considered to be beneficial from a flood mitigation perspective.
- 6.5.4 The application currently before the council has been submitted to amend minor details of permission 15/00010/FUL, specifically those relating to materials, some slight changes to the layout, a reduction in housing numbers of 2, changes to the design of certain house types, the substitution of 4 plots and landscaping to the rear of plots 251-260. It does not provide the opportunity to revisit the principle of the development.
- 6.5.5 Landscaping plans have been submitted which show patios to the rear of all properties. To the rear of plots 251-260 these are 3 metres in depth. Due to the significant land level changes in this area of the site the plans and submitted site sections show retaining walls beyond these areas with steps leading down to a lower graded lawn area. To the rear of these areas a minimum of 2 trees are proposed to be planted. A 1.8m close boarded timber fence is proposed along the rear boundary, which will sit on top of 2 gravel boards.
- 6.5.6 The design of the fencing detail, patios and retaining wall are all considered to be acceptable features of rear gardens within a residential development. The tree species proposed are all acceptable to the Council's Parks and Green Spaces Manager and he advises that these will provide appropriate screening and unlike conifer trees are unlikely to result in excessive growth which could cause neighbour disputes in the future. The landscaping has been improved during the course of this application with two trees in each garden adjacent to the lower dwellings to the south of the site and these trees to be evergreen.
- 6.5.7 Concerns have been raised with the height of these properties within this section of the site and their impact on existing properties through loss of privacy and being overbearing. Whilst sympathetic to the concern of residents who may have reasonably assumed that dwellings would be sited lower, officers have worked hard with the developer to minimise any impact, with enhanced landscaping along the boundaries with the most affected neighbours. Whilst the level differences are most significant in this area it is considered that the separation distances, in combination with the proposed planting will ensure that the relationship between the existing and proposed dwellings is acceptable.
- 6.5.8 It is considered that all other detailing shown on the landscaping plan, including frontage planting, hard paved areas and fencing is acceptable.

6.7 Other issues

- 6.7.2 Traffic generation was assessed when the application was first granted permission, and due to the historical permissions in place it is not considered appropriate to revisit that here.
- 6.7.3 It is understood under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended that Western Power will be constructing a substation directly adjacent to the development within the open space. Whilst details of the substation have not been provided to the Council, as they are a statutory undertaker they are permitted to carry out certain works without the need to seek consent.

7. Planning Balance

- 7.1 The benefits of the proposal are the provision of 65 dwellings on a brownfield site within an existing urban area. Whilst it is acknowledged there will be some impact on the amenity of residents in terms of loss of privacy, it is considered that the principle of the housing development and its built form has long been established and that there are no tools available to the council to revisit the principle of this. The applicants have worked with the council in attempts to reduce this impact through the grading of the garden areas and planting in the rear garden of those plots where level differences are most acute. It is considered that on balance these measures will ensure that the relationship is acceptable.

8. Conclusion

- 8.1 It is considered the principle of the development has been established for a number of years. The proposed amendments to the design of the house types and materials used are considered to be minor alterations which would be acceptable in the streetscene. The reduction in dwellings by two is not considered to be significant and would still result in a gain of two from the extant permission which could be built. The minor alterations to the layout and plot substitutions are considered to be acceptable alterations to the overall scheme. Although there will be some loss of privacy to the occupants of existing properties on Acorn Avenue which share boundaries with plots 251-260 it is considered that this relationship was established by the 1993 permission (92/00730/FUL) and the proposed landscaping scheme offers screening through planting to mitigate this impact.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that the application be approved subject to the following conditions.	
1.	The development hereby permitted shall be carried out in accordance with drawings referenced:

	<ul style="list-style-type: none"> - AAGDR01-SLP Rev Uand Site Sections D, E, F Rev A received by the Local Planning Authority on 4 May 2020 - AAGDR03-SLP Rev N, Site Sections Plot 260 sh2 AAGDR17-SS and Block Plan AAGDR11-DSBP Rev D received by the Local Planning Authority on 9 and 10 June 2020 - AAGDR14-SS Rev B, AAGDR16-SS and AAGDR15-SS received by the Local Planning Authority on 2 June 2020 - DA3A-2020 (O) received by the Local Planning Authority on 12 March 2020 - Standard site retaining LHWD12(A3) Rev B received by the Local Planning Authority on 25 March 2020 - K7/2019 (OSG), B6/2019 (OSG), C8/2018 (OSG), K7E/2019 (OSG) Sheet 1 and 2 and Z4/2018 (OSG) received by the Local Planning Authority on 25 November 2019 - C9/2018 (OSG) and LHDR01-ES1/2 Rev B received by the Local Planning Authority on 17 February 2020 - A1/2019 (OSG), received by the Local Planning Authority on 27 February 2020 - N2/2017 (HSG) Rev A and N2/2017 (O) received by the Local Planning Authority on 26 February 2018 - KA2/2017 (HSG) and KA2/2017 (OSG), S20/2018 (OSG) and S20/2018 (HSG), T20/2017 (OSG) and T20/2017 (HSG), DA3/2017 (O) and DA3/2017 (H), E20/2016 (OSG) and E20/2017 (SG), F5/2018 (HSG) F5/2018 (OSG) plots 223 and 224 received by the Local Planning Authority on 2nd February and 27 March 2018 - Garage/DG/2/88s/B Revision A, received by the Local Planning Authority on 12 January 2015. <p><i>Reason: For the avoidance of doubt.</i></p>
<p>2.</p>	<p>The dwellings hereby approved shall be constructed using Weinerberger Calderdale Edge roof tiles in Terracotta Red and Dark Grey (420 x 334mm), Leicester Red Stock, Eton Buff Facing and Blue Engineering bricks as shown on plan LHDR01-ES1/2 Rev B and black rainwater goods with all metre boxes located to the sides of the dwellings.</p> <p><i>Reason: To ensure the development presents a satisfactory standard of external appearance, in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan.</i></p>
<p>3.</p>	<p>No building to be erected pursuant to this permission shall be first occupied or brought into use until:-</p> <ul style="list-style-type: none"> i. All the necessary remedial measures have been completed in accordance with the approved details contained within plans LHWD01, LHWD02 and LHWD03 and the extracts provided from the Geo-environmental assessment report together with the Visqueen gas barrier information received on 26th

	<p>October 2018 GB-18, GB-02, GB-12, GB-01 GB-14 and the data sheet, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>ii. It has been certified to the satisfaction of the Local Planning Authority that the 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, unless an alternative has first been approved in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of public health and safety and in accordance with Policy 19 of the Part 2 Local Plan.</i></p>
<p>4.</p>	<p>The surface water drainage scheme and foul sewerage scheme, including the attenuation feature approved under planning reference 18/00687/FUL shall be implemented in accordance with the approved plans prior to the completion of the development. Details of how the drainage system shall be maintained and managed after completion and for the lifetime of the development shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development.</p> <p><i>Reason: To prevent the increased risk of flooding, to improve and protect water quality; and to ensure the future maintenance of the sustainable drainage structures in accordance with Policy 1 of the Broxtowe Aligned Core Strategy (2014) and the National Planning Policy Framework (2012).</i></p>
<p>5.</p>	<p>The public highways including street lighting, drainage, utility services and public visibility splays shall be completed in accordance with 07282-121 Rev H, 07282-123 Rev G, 07282-135 Rev C, 07282-137 Rev B, 07282-171 Rev E, 07282-120 Rev G, 07282-170 Rev J, 07282-136 Rev C, 07282-124 Rev D, 07282-122 Rev H, 07282-100 Rev J, 07282-130 Rev G, 07282-110 Rev F, 07282-131 Rev H, 07282-111 Rev F and 07282/175 Rev F</p> <p><i>Reason: In the interests of highway safety.</i></p>
<p>6.</p>	<p>No dwelling shall be first occupied unless and until its associated access driveway and/or parking spaces have been constructed to prevent the unregulated discharge of surface water from the driveway and/or parking spaces onto the public highway.</p> <p><i>Reason: In the interests of highway safety to ensure surface water from the site is not deposited on the public highway causing danger to road users.</i></p>
<p>7.</p>	<p>Wheel washing facilities as set out in the email of 4th July 2018 shall be maintained in working order at all times and shall be used by any vehicle carrying mud, dirt or other debris on its wheels before leaving the site so that no debris is discharged or carried onto the public highway. These facilities shall be retained on the site until the substantial completion of construction work.</p> <p><i>Reason: In the interests of highway safety.</i></p>

<p>8.</p>	<p>Protective fencing as shown in the Hamps Valley Limited report received on 21st August 2018 shall be erected around the two areas containing protected trees in accordance with the following detail:</p> <ul style="list-style-type: none"> - Area A4 adjacent to plot 251 (Ash Trees) require an RPA 5.7 radius from the trees. - Area A3 adjacent to plot 194 (Oaks and Hawthorne's) require an RPA 8m radius from the trees moment. <p><i>Reason: To ensure the existing trees protected by a Tree Preservation Order are not adversely affected.</i></p>
<p>9.</p>	<p>The approved landscaping scheme as shown on plan AAGDR03-SLP Rev M received on 4 May 2020 shall be carried out not later than the first planting season following the substantial completion of the development and any trees or plants which, within a period of 10 years, die, are removed or have become seriously damaged or diseased shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: To ensure the development presents a more pleasant appearance in the locality and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>10.</p>	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) within Schedule 2, Part 1, Classes A, B, or C shall be made to the following dwelling house(s) as shown on drawing number AAGDR01-SLP Revision U: Plots 223, 224 and without the express permission in writing of the Local Planning Authority.</p> <p><i>Reason: To protect the amenity of neighbouring occupiers and in accordance with Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Part 2 Local Plan.</i></p>
	<p>NOTES TO APPLICANT</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>Any tree works should be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to survey for nesting birds. Birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).</p>

<p>3.</p>	<p>Greasley Footpaths Number 54 and 55 runs through the site. The footpath should remain open and unobstructed at all times. If a temporary closure of the footpath is required Nottinghamshire County Council's Countryside Access Team must be contacted at least 5 weeks before to allow for a Temporary Closure Order to be put in place. Nottinghamshire County Council can be contacted on 0300 500 8080.</p>
<p>4.</p>	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. This may result in problems to occur in the future, particularly as a result of the development taking place. 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, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.</p> <p>The applicant should be aware that any intrusive activities and any subsequent treatment require the prior written permission of the Coal Authority. Failure to obtain permission will potentially result in court action. The Coal Authority can be contacted on 0845 762 6848 and further information is provided on https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property</p>



Photographs

View towards the top of Filbert Drive towards the open space on Acorn Avenue and public footpath at the back of properties on Robina Drive.



View towards north-east corner of the site.



View of north side of Alton Drive towards rear of properties on Robina Drive.



View from the top of Alton Drive towards the link section of Acorn Avenue



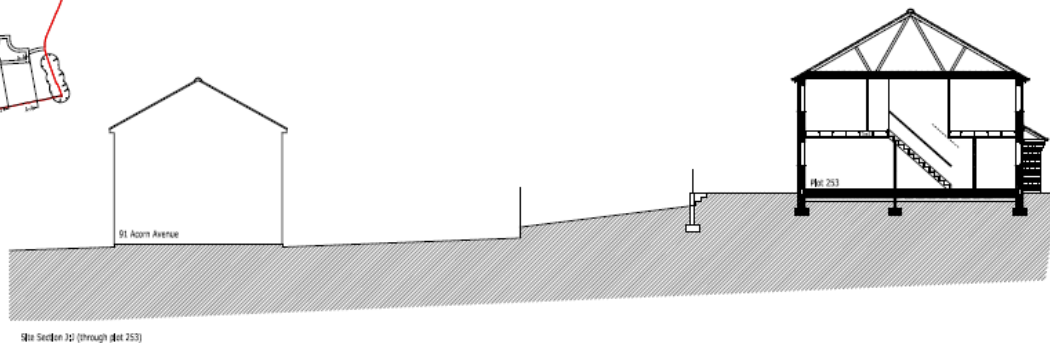
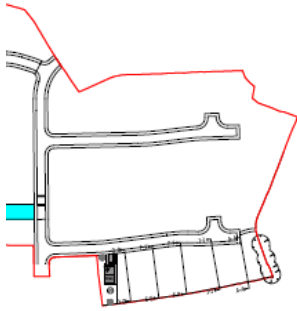
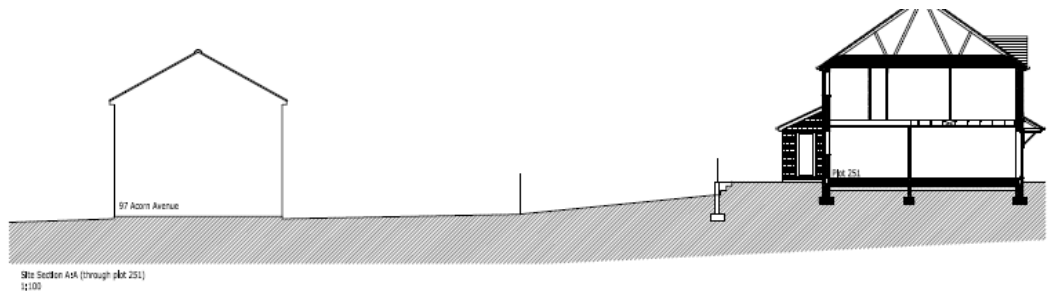
View from top of Alton Drive towards the south-west corner of the site and existing properties on Acorn Avenue



Plans (not to scale)



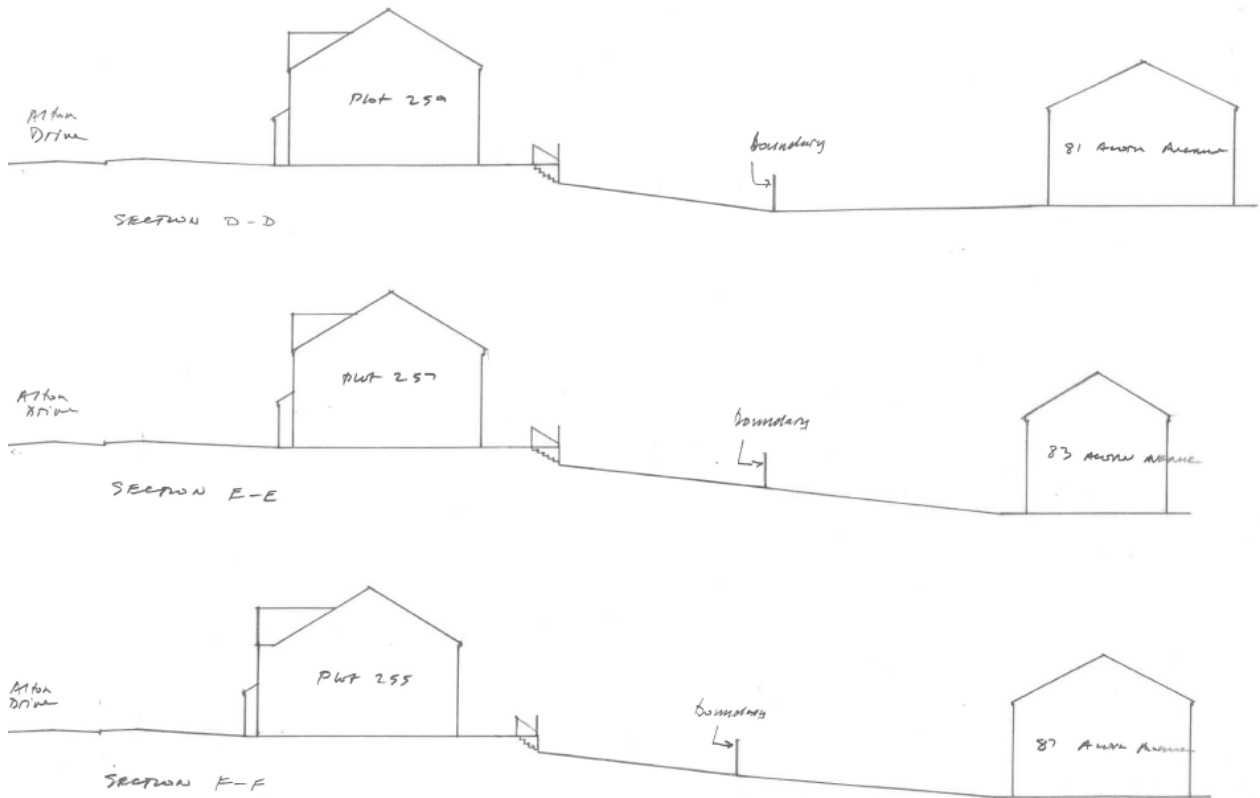
Landscaping plan.



Site sections plot 251 and 253



Site section plot 260



Site sections for plots 255, 257 and 259



House type KE7



House type B6

Report of the Chief Executive

APPLICATION NUMBER:	20/00172/FUL
LOCATION:	178 Bye Pass Road Chilwell
PROPOSAL:	Construct single storey rear extension to form one additional flat. Insert new windows at ground floor in existing building.

The application is brought to the Committee at the request of Councillor Roberts-Thomson.

1 Executive Summary

- 1.1 This application seeks planning permission to construct a single storey extension to the rear to form one additional one-bedroom flat. Two windows at ground floor in the existing rear elevation will be removed and additional windows inserted in the north east and south west side elevations as replacements.
- 1.2 The site comprises of a two storey building containing four x two bedroom flats served by a centrally located entrance area. There is a triangular shaped area of private outdoor amenity space to the rear, which can be accessed by all occupants. There is an informal parking area to the frontage.
- 1.3 The main issues relate to the density of the development, whether the design and appearance of the extension would be acceptable, whether there would be an impact on neighbours and the flat occupiers, and whether the proposal poses a flood risk.
- 1.4 The benefit of the proposal is that it would provide an additional dwelling in an existing urban area. The negatives of the proposal are the density of development, the impact on neighbours and the flat occupiers, and failure to address flood risk.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reasons set out in the appendix.

Appendix 1

1 Details of the Application

- 1.1 The application as originally submitted was for a two storey rear extension to provide two additional flats, and raising of the roof to provide one additional flat. The two storey rear extension would have extended beyond the rear elevation of the north east block and would have contained two x one bedroomed apartments. The extension would have had a hipped roof. Windows were proposed at ground and first floor level in the south west and north west elevations (those at first floor in the north west elevations were proposed to have Juliette balconies), and relocated windows inserted at ground and first floor levels in the existing north east and south west elevation. The extension was shown to be built with a minimum of 10m distance to the rear elevation of 85 Perkins Way, at its closest point, where the western most corner is built almost on the common boundary. The additional one bedroomed flat within the existing building would have been created by raising the roof of the north east section of the building. This would have had a gable end to the north west and south east (front) elevations, with a window to the front and three roof lights to provide light to the bedroom and bathroom.
- 1.2 Following concerns raised in regard to design, impact on existing and future occupiers, and the density of the development, amended plans were submitted which show a single storey rear extension, projecting 6.8m, to create one additional flat, and the insertion of windows in the north east and south west elevations of the existing building, at ground floor level. The single storey extension would have a hipped roof with a ridge height of 3.7m and would have two windows to the north west elevation, and a full height window and entrance door to the south west elevation. Windows in the existing rear north west elevation serving the bedrooms of flat 2 would be relocated to the north east and south west elevations. Again, the extension would be built with a minimum of 10m distance to the rear elevation of 85 Perkins Way, at its closest point, where the western most corner is built almost on the common boundary, and would be built in line with the north east side elevation, adjacent to the common boundary with 176 Bye Pass Road.

2 Site and surroundings

- 2.1 178 Bye Pass Road is a detached two storey building which currently contains four x two bedroomed apartments. The building is modern, being built circa 2010, and is of brick with a hipped roof. The building is seen as two blocks, having two apartments to the south west and two to the north east of a central entrance area. The building occupies a triangular shaped site, tapering toward the rear, with open plan parking to the tarmac frontage (with two access points from Bye Pass Road) and an enclosed garden (patio with shingle) to the rear.
- 2.2 To the north east of the site is 176 Bye Pass Road, a two storey detached dwelling. The rear two storey elevation of this property extends slightly further back than the rear elevation of 178. The dwelling has a conservatory with glazed

roof to the rear and adjacent to the common boundary, and a pitched roof single storey extension to the side of this.

2.3 To the south west there is a development of modern housing consisting of two storey detached dwellings. The rear elevations of these properties (81 to 89 (inclusive odd numbers) Perkins Way) all share the common boundary with the site. Out of these properties, 81, 83 and 85 directly adjoin the rear of the site and are in a slightly elevated position. The rear gardens of these properties range in length from a minimum of 8m (no. 81) to a maximum of 12m (no. 85). 188 Bye Pass Road also shares a common boundary with the site, being south of the site, and is side on to 178 and has habitable room windows in the north side elevation.

2.4 The site is within Flood Zones 2 and 3.

3 Relevant Planning History

3.1 In 2009, planning permission was refused for the erection of a three storey building (third storey partly in the roof) comprising 4 x two bedroom apartments and 2 x one bedroom apartments, on the grounds that the development would be out of scale, bulk and character with the surrounding area, forming an incongruous feature in the street scene and an undesirable change in the character and appearance of the area. It was also considered that the development, at three storey, would create an unacceptable overshadowing and overbearing impact on the neighbouring property 176 Bye Pass Road (the properties on Perkins Way were not built at the time). Planning reference 09/00343/FUL.

3.2 Also in 2009, a further planning application for a full height three storey building comprising 6 x two bedroom apartments was refused permission (reference 09/00517/FUL). This building was taller than the previous scheme and was refused on the same grounds as application reference 09/00343/FUL. Neither of the two 2009 applications were the subject of an appeal.

3.3 In 2015, a planning application (reference 15/00779/FUL) for the erection of a third storey to part of the building (left side, to the south / south west) was submitted and subsequently refused permission. Again, the reasons for refusal were similar to the reasons from the 2009 refusals. By this time, the properties on Perkins Way had been built and occupied, and it was assessed that the increase in height would have had an unacceptable impact on the occupiers of these properties in regard to sense of enclosure and its overbearing impact. This decision was the subject of an appeal, with the appeal dismissed as the Planning Inspector concluded that the development would result in harm to the character and appearance of the area, and upon the living conditions of neighbouring residents.

4 Relevant Policies and Guidance

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

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

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

4.2 Part 2 Local Plan 2019:

4.2.1 The Council adopted the Part 2 Local Plan (P2LP) 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) 2019:

- Section 2: Achieving Sustainable Development.
- Section 5: Delivering a sufficient supply of homes
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

5 Consultations

5.1 **Council's Environmental Health Officer:** no objections.

5.2 **Environment Agency:** object and recommend that permission is refused as the FRA (Flood Risk Assessment) fails to adequately assess the flood risks posed by the development and contains inaccuracies.

5.3 **Nottinghamshire County Council as Highway Authority:** Require an additional space to be provided. Request that a parking layout be submitted to show that this can be accommodated.

5.4 **Waste and Recycling:** Each additional dwelling would require 2 x 240 litre bins and 1 x 37 litre bag for glass. Bins to be presented at the edge of the adopted highway for collection.

5.5 **Councillor E Kerry:** Objects to the single storey extension as considers it still to represent over-development, and a second storey could be applied for at a future date.

5.6 **Councillor T Roberts-Thomson:** Considers that the single storey extension is too close to the neighbours fence and appears to be intrusive, challenging their sense of privacy and creating a sense of being overlooked; over-development of the site; the floor to ceiling window has the potential to overlook the back gardens and living areas of properties on Perkins Way; the application should be referred to committee as it sets a dangerous precedent for applicants to continue to develop a residential site.

5.7 11 properties either adjoining or opposite the site were consulted and a site notice was displayed. Six objections were received to the original proposal. The grounds for objection were:

- Sense of enclosure
- Dominating and intimidating effect
- Loss of daylight / sunlight – both from the two storey extension and the increase in height of the roof
- Overlooking / loss of privacy especially from the proposed windows at first floor
- Increase in access [comings and goings], noise and smells
- Impact on wildlife as there are mature shrubs on the common boundary
- Noise and disturbance during construction
- Increase in vehicles, which would lead to more vehicles parking on the adjacent street. Would also have the potential to lead to an increase in traffic movements on the busy Bye Pass Road to the detriment of highway safety
- Design and appearance – due to the increase in height this would result in an obtrusive and unsightly development.

5.8 In relation to the amended plans, these were received following the implementation of changed notification procedures following the Coronavirus pandemic so all those who had provided an email address were notified by email (4 respondents), one site notice was posted on Perkins Way and one site notice was posted outside the site. No re-consultation letters were sent out in the post (i.e. those who did not provide an email address with their comments and those who did not comment and were consulted originally were not sent letters in line with the Council’s amended procedures). Two further objections were received following re-consultation on the amended scheme for a single storey extension. The grounds of objection were:

- The extension would be very close to the neighbouring garden and the rear of the house, negatively impacting on day to day living and well-being
- Questions whether the need to accommodate one or two more people would outweigh the detrimental effect of the proposed construction on Perkins Way residents
- Disruption during construction – disproportionate to the outcome of the proposal
- Unlikely that space for two additional vehicles would be available, which would exacerbate existing problems getting in and out of Perkins Way onto Bye Pass Road, should residents choose to park there
- The windows in the rear elevation would overlook neighbouring property
- The council should put an end to any further applications, given the repeated objections over the years.

6 Assessment

6.1 The main issues for consideration are the density of development; design and appearance; impact on neighbouring occupiers and existing and future occupiers; and impact on flood risk.

6.2 **Principle**

6.2.1 The principle of residential development is acceptable subject to details of the design and to the assessment of the impact on the amenities of the occupiers of nearby properties and the flats and flood risk.

6.3 Design, Appearance and Density of Development

- 6.3.1 The prevailing character in the immediate area is one of two storey, mainly detached dwellings of a similar height and massing. As the planning history shows, a three storey building on the application site has been considered inappropriate due to the change in character of the area, and that three storeys would be an incongruous feature in the street scene. The proposal to raise the height of the roof to the north section of the building, which would have seen a hipped roof change to a gable roof, would have, for the same reasons, failed to respect the established scale and rhythm of development of the street scene, to the detriment of the character of the area.
- 6.3.2 The two storey rear extension would have had a hipped roof and would have been proportionally similar in scale to the host building. The extension would however, have created an unacceptable increase in the density of development on the site, as it would have resulted in the loss or significant reduction in the amount of usable outdoor amenity space and would have failed to respect the established grain and density of development in the surrounding area.
- 6.3.3 It is considered that the single storey extension as proposed, having a similar footprint to the original two storey submission, would still fail to respect the established grain and density of development, for the same reasons.

6.4 Amenity

- 6.4.1 The two storey extension would have had an unacceptable impact on the amenity of neighbouring occupiers due both to the proximity of the building to the existing dwellings, being a minimum of 10m from the rear elevation of the closest property on Perkins Way, and adjacent to the common boundary with 176 Bye Pass Road, and due to the positioning of windows including Juliette style balconies on the north west and south west elevations. The two storey extension would have resulted in a loss of light, outlook and privacy for the occupants of these properties.
- 6.4.2 In regard to the amended proposal which sees a single storey rear extension, this has removed in part the concern in regard to loss of privacy as the first floor has been omitted. Notwithstanding this, it is considered that the siting of the rear extension would appear overbearing particularly for the occupants of 85 and 87 Perkins Way, and 176 Bye Pass Road. As such it is considered that the extension would have an unacceptable impact on the amenities of the occupiers of neighbouring property.
- 6.4.3 In regard to the amenities of the occupiers of the flats, it is considered that the amenities of the occupants of flat 2 within the existing building would be compromised as the bedroom windows would either face the boundary and side elevation to no. 176, resulting in loss of outlook and access to light, or would face directly onto the rear entrance area to the building and entrance to the new flat, which would result in loss of privacy. The siting of the rear extension would see a considerable loss of external private amenity area, to the detriment of the occupiers of the flats.

6.4.4 The additional one bedroom flat would have an internal floor space of just over 40 square metres. It is recommended by the DCLG’s Technical Housing Standards – nationally described space standard that a minimum of 37 square metres be provided for a one person one bedroom dwelling. The internal floor area of the proposed flat is 3.5 square metres above the minimum standard and is therefore considered to be an acceptable size.

6.5 Highway Safety

6.5.1 The Highways Authority would require a parking layout as the parking spaces on the frontage are not currently marked out, in order to assess any impact. Should the application be otherwise found to be acceptable, a parking layout would have been requested. Notwithstanding this, it is considered that the addition of one flat would not have a significant detrimental impact on highway safety or cause a significant impact on the amenity of neighbours in terms of an increase in on-street parking nearby.

6.6 Flood Risk

6.6.1 The site is within Flood Zones 2 and 3. The Environment Agency considered that the submitted Flood Risk Assessment (FRA) does not comply with the requirements for site-specific FRA’s. The EA advise that the objection could potentially be overcome with the submission of a revised FRA, however, none was submitted and in the absence of an acceptable FRA, the proposed development is recommended for refusal on this ground.

7 Planning Balance

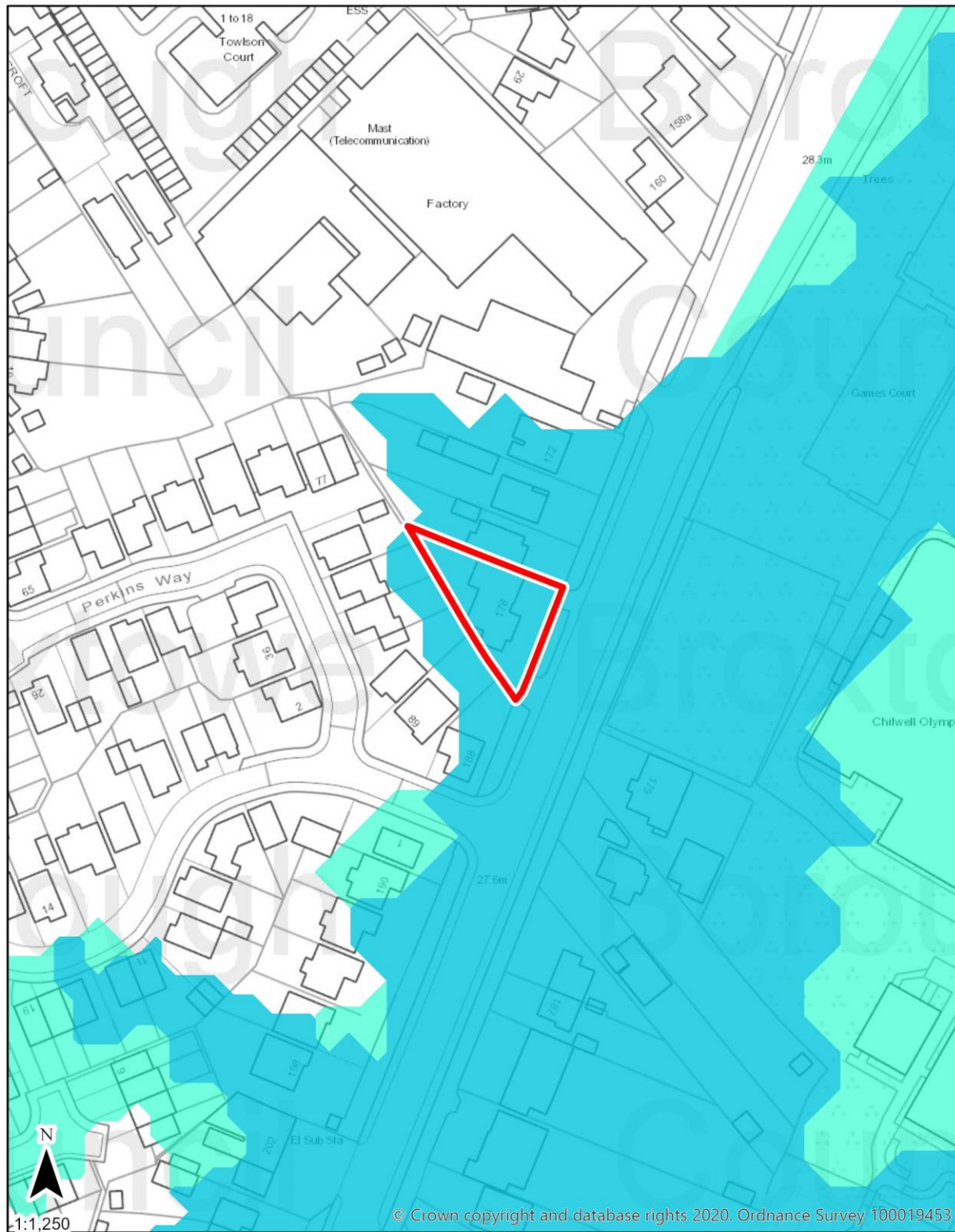
7.1 There is a benefit of the provision of an additional dwelling. However, it is considered that the benefit is not outweighed by the negative impact in terms of the density of the development, the lack of a satisfactory FRA and the impact on the amenities of both the occupiers of neighbouring property and of the occupiers of the flats.

8 Conclusion

8.1 The proposed development of a single storey extension to create one flat would have an unacceptable impact on both the amenities of the occupiers of nearby property and the flat occupiers, and would fail to respect the established character and grain of development in the area, resulting in an overdevelopment of the site. An inadequate FRA has been submitted so the acceptability of the development in terms of flood risk has not been established.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be refused for the following reasons:	
	1. The proposed development, by virtue of its size, siting within

	<p>the rear garden and its proximity to the adjacent boundaries, would have an overbearing impact on the occupiers of properties on Perkins Way and on the occupiers of 176 Bye Pass Road. The development would result in a poor standard of accommodation for the existing occupiers of flat 2, by virtue of the re-located windows which would result in a poor outlook and loss of privacy and would result in the loss of private outdoor amenity space to the detriment of the occupiers of the flats. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p> <p>2. The proposal is considered to be an over-intensive form of development which would be out of character with the established pattern and density of development in the surrounding area. The development would therefore be contrary to the aims of Policy 10 of the Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019).</p> <p>3. The site is located in Flood Zones 2 and 3 and insufficient information has been submitted to demonstrate that flood risk matters have been adequately considered. Accordingly, the proposal is contrary to the aims of Policies 1 and 10 of the Aligned Core Strategy (2014), Policies 1 and 17 of the Broxtowe Part 2 Local Plan (2019) and the National Planning Policy Framework.</p>
	<p>NOTE TO APPLICANT</p>
<p>1.</p>	<p>Whilst it has not been possible to achieve a positive outcome, due to the fundamental concerns regarding the development, the Council has acted positively and proactively in the determination of this application and a decision was issued within the agreed determination period.</p>



Legend

-  Site Outline
-  Flood Zone 3
-  Flood Zone 2

Photographs



Front elevation to the site



178 Bye Pass Road with 176 to the right.



Rear elevations of 87 and 89 Perkins Way can be seen to the left of 178, with other dwellings along Perkins Way beyond



Rear elevation of site



Rear elevation of 176 Bye Pass Road, which is to the north east of the site



Rear of 176 Bye Pass Road



Obscurely glazed window in the side elevation of 176 Bye Pass Road



Common boundary to properties on Perkins Way



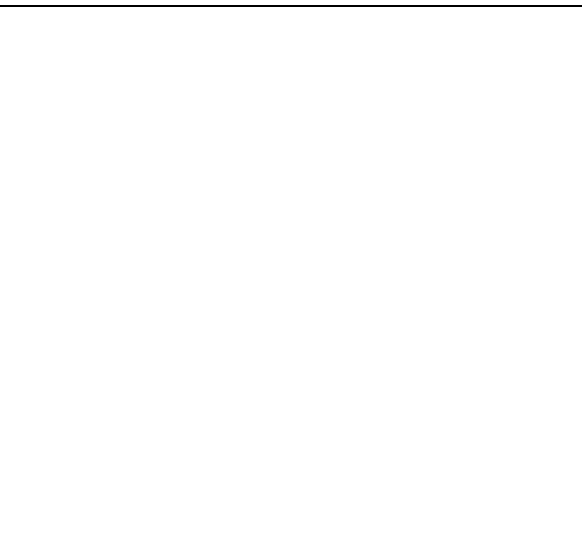
Rear elevations of 81, 83 and 85 Perkins Way facing the site



Common boundary to 176 to the right of the photo



Front elevation of 87 Perkins Way



Plans (not to scale)

Principal Elevation - Eye Pass Rd

South Elevation

Rear Elevation

North Elevation

Rear Elevation - boundary condition

GROUND PLAN

FIRST FLOOR PLAN

ROOF PLAN

Proposed Extensions 178 Eye Pass Rd Chislehurst	NG295HL_arnc-03.2-xx-dr-A-0013D
SITE PLANS PROPOSED	FULL PLANNING
1:100 @ A2	feb 20
	Alan McGowan Architects Ltd Chartered Architect

Proposed Extensions 178 Eye Pass Rd Chislehurst	NG295HL_arnc-03.2-xx-dr-A-0014D
SITE PLANS PROPOSED	FULL PLANNING
1:100 @ A2	feb 20
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Proposed Extensions 178 Eye Pass Rd Chislehurst	NG295HL_arnc-03.2-xx-dr-A-0015D
SITE PLANS PROPOSED	FULL PLANNING
1:100 @ A2	feb 20
	Alan McGowan Architects Ltd Chartered Architect

Report of the Chief Executive

APPLICATION NUMBER:	20/00271/FUL
LOCATION:	6 High Street, Kimberley, Nottinghamshire, NG16 2LS
PROPOSAL:	Change of use of part of garden and construct personal training studio in rear garden

This application has been brought to Planning Committee at the request of Cllr S Easom

1 Executive Summary

- 1.1 This application seeks permission to construct a personal training studio in the rear garden of the application property, and change the use of part of the rear garden to enable personal training classes to be run from the studio.
- 1.2 The proposed studio has a relatively simple design and is of a size and scale that is typical of a domestic outbuilding. The application property has a large garden that is capable of withstanding the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area. The proposed studio will be to the rear of the main dwelling and will therefore not be harmful to the street scene.
- 1.3 The studio is considered to be of a size that will not result in an unacceptable loss of light or sense of enclosure for the residents of the neighbouring properties.
- 1.4 It is acknowledged that the proposed change of use to allow personal training sessions to run from the proposed studio may result in some increase in noise and an increase in activity at the site. The Environmental Health Officer has not raised any objections to the proposal, but has recommended a number of conditions to limit the use of the site, and protect neighbouring residents from unacceptable levels of noise being generated as a result of the proposed use. It is considered that the recommended conditions are suitably enforceable and that with the addition of these conditions the proposed use can be carried out without resulting in an unacceptable impact on neighbouring properties.
- 1.5 The application property has a large drive to the front, capable of accommodating a number of vehicles. The recommended condition would limit the number of customers using the site at any one time to 2 and it is therefore considered that the parking of associated vehicles can be accommodated on the drive. The restrictions on the number of classes per week will also ensure the use will not result in a significant increase in traffic around the site. Subject to these conditions it is therefore considered that the proposed change of use will not result in an unacceptable impact on highway safety.
- 1.6 overall it is considered that the proposal is acceptable and planning permission should be granted in line with the recommendations in the appendix.

1 Details of the Application

- 1.1 This application seeks permission to construct a timber framed outbuilding with external decking area in the rear garden of the existing property. The proposal includes the change of use of this area of the property to be used for personal training, a business the applicant plans to run from home.
- 1.2 The plans provided show that the proposed outbuilding will have a mono-pitched roof with a maximum height of 3m and a floor area of circa 28 sq.m. The outbuilding is proposed to the far end of the residential property, where the land level drops down from that of the main rear garden.

2 Site and surroundings

- 2.1 The application site is a residential property and garden, set within a largely residential area, with agricultural use to the north west of the site. The application site adjoins residential properties to the east and south boundaries. The application site slopes away from north to south, with a significant drop in land level to the far end of the garden where the proposed personal training studio will be sited.

3 Relevant Planning History

- 3.1 There is no relevant planning history in connection with this application.

4 Relevant Policies and Guidance

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

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

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

4.2 **Part 2 Local Plan 2019**

- Policy 17: Place-making, design and amenity

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

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

5 Consultations

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

No objections to planning permission being granted subject to conditions being applied to limit the hours of operation for both the internal and external areas, limit on the number of people attending a class, the number of classes per week, and the maximum time a class can run, no amplified speech or music being played at any time, and that the permission is solely for the benefit of the applicant and the use will cease when this person no longer carries out the use. These conditions are all considered necessary to protect immediate residential properties from excessive operational noise.

5.2 Six properties either adjoining or opposite the site were consulted and a site notice was displayed. 17 responses have been received, all of which have raised objections. The main reasons for objection can be summarised as follows:

- Increased levels of cars parking on the surrounding streets.
- Increased levels of traffic.
- Noise pollution from the proposed use.
- The commercial use is not appropriate in a residential area.

6 Assessment

6.1 The main issues for consideration are the impact of the proposed personal training studio and the change of use on the amenity of neighbouring residents, the design and appearance of the proposed studio, and the impact on highway safety.

6.2 **Principle**

6.2.1 The application site is not covered by any site specific planning policy. The Council has no specific policies in relation to running businesses from home. Whether or not the principle of development is considered acceptable is therefore subject to its impact on neighbouring amenity, the design and appearance of the proposal, and its impact on highway safety.

6.3 **Amenity**

6.3.1 The proposed personal training studio will be a timber structure with a mono-pitched roof and a maximum height of 3m. The proposed structure will be approximately 0.75m from the south boundary of the site, with No. 3 Blants Close, Close. The pitch of the roof will slope up away from the boundary with No. 3, with the height of the roof closest to the boundary being 2.5m. The structure will run along most of the adjoining boundary with No. 3, although it is considered that the relatively limited height of the proposed structure, along with it being slightly set in from the boundary will ensure it will not result in an unacceptable sense of enclosure or loss of light for the residents at No. 3. Furthermore, the proposed structure is positioned to the north of the neighbouring property and as such is not considered to result in an unacceptable loss of afternoon sun to the rear of No. 3.

6.3.2 The proposed studio will be approximately 0.71m from the east boundary of the site with No. 2 Blants Close. The land level to the proposed studio drops significantly from the rear of the neighbouring property, and there is a high fence along the east boundary of the site between the two properties, which exceeds

the height of the proposed structure. The proposed studio will have no further impact on the rear of No. 2 than the existing boundary treatment, and will therefore not result in any further sense of enclosure or loss of light for the residents of the neighbouring property.

- 6.3.3 The neighbouring land to the west of the property is in agricultural use, with no residential properties in close proximity to the position of the proposed studio. It is therefore considered that the proposed studio will have no impact on the amenity of the neighbours to the west.
- 6.3.4 The proposed studio will be single storey, with no openings proposed on the rear or side elevations. The proposed openings on the front elevation will face towards the host dwelling, and due to the substantial boundary treatment to the east will not result in a loss of privacy for the residents at No. 2 Blants Close. Overall it is considered that the proposed studio will not result in an unacceptable loss of privacy for the residents of any neighbouring property.
- 6.3.5 The proposed change of use of this part of the garden to be used in association with the personal training studio will result in an increase in activity to this part of the property. Personal training sessions can typically involve activities which generate more noise than would be expected in the rear garden of a residential property, especially if the use is intensive. A number of objections have been raised about the potential for noise pollution from neighbouring properties and the impact must be given serious consideration.
- 6.3.6 Whilst the number of objections raising noise concerns is relatively high, the proposed studio is positioned to the far end of the garden of the application property, with the most significant potential impact being on two properties, No. 2 and No. 3 Blants Close.
- 6.3.7 A number of discussions have taken place with the applicant to establish exactly what type of personal training sessions will be taking place at the property, and the frequency of the use, with a view to ensuring that any proposal would have the minimal impact on the amenity of neighbouring properties. The applicant states that the proposed personal training sessions will be on a 1 to 1 or 2 to 1 basis, with no large group sessions. The applicant has also stated that most sessions will take place during the week, with limited activity proposed at weekends.
- 6.3.8 The Council's Environmental Health Officer has been consulted on the proposal and has raised no objections subject to a range of conditions that have been agreed with the applicant to ensure that the use of the proposed use of the personal training studio would not result in an unacceptable loss of amenity for neighbouring residents as a result of noise generation. The proposed conditions which are designed to minimise the impact are as follows:
- Restricted use of external areas to between 09.00 - 18.00 Monday to Friday, 09.00 – 13.00 on Saturdays and at no time on Sundays and Bank Holidays.
 - Restricted use of the studio with customers to between 09.00 - 18.00 Monday to Friday, 09.00 – 13.00 on Saturdays and at no time on Sundays and Bank Holidays.

- No amplified speech or music to be used on site as part of the permission at any time.
- No more than 2 clients to be present at the premises at any time.
- A maximum of 10 sessions per week with sessions lasting no more than 2 hours each.
- The permission shall be for the applicant only and the permitted use shall expire when the applicant ceases to operate from the site.

6.3.9 These conditions are considered to be enforceable and have been designed to include strict restraints on the proposed use to ensure it will not result in unacceptable levels of noise and activity to the detriment of the residents of neighbouring properties. It is considered that with these conditions in place the proposed use can be carried out without resulting in unacceptable noise generation and with the use not being so intensive as to result in an undesirable change in the residential nature of the area. The applicant has also been made aware that the granting of planning permission for this use would not exempt them from any formal action by the council under current nuisance legislation if nuisance complaints are received.

6.3.10 Overall, and taking into account the recommended conditions, it is considered that the proposal will not have an unacceptable impact on neighbouring amenity.

6.4 Design and Appearance

6.4.1 The proposed studio will be of a size and scale that is relatively typical of a domestic outbuilding for a dwelling of this size. It is set away from the host dwelling, and is of a size that is clearly subservient to the existing property. The application property has a large rear garden that is capable of withstanding the scale of development proposed without resulting in a cramped effect that would be out of keeping with the character of the area.

6.4.2 The proposed studio will be contained to the rear of the property and therefore will not be prominent from the public realm and will not have a harmful impact on the street scene.

6.4.3 The proposed studio will have a relatively simple design with a timber construction that is not considered to be out of keeping with the character of the surrounding area. Overall it is considered that an acceptable standard of design has been achieved.

6.5 Access

6.5.1 The application property has a large drive to the front, that is able to accommodate a number of vehicles. The recommended conditions restrict the number of customers attending a session to a maximum of 2. Therefore, there would not be more than 2 additional vehicles parking at the property at any one time. Taking into account the size of the drive, it is considered that this can be accommodated without resulting in an unacceptable increase in on street parking in the surrounding area.

6.5.2 The recommended condition to restrict the number of personal training sessions held at the studio to 10 per week will restrict the number of journeys made to and from the property. It is therefore considered that any increase in the number of journeys to and from the property as a result of the use as a personal training studio would not result in an unacceptable level of traffic generation.

6.5.3 Overall it is considered that the proposal will not result in an unacceptable impact on highway safety.

7 Planning Balance

7.1 The proposal will enable the applicant to run a local independent business from home. The proposed studio is of a size and scale that is not out of keeping with the character of the surrounding area, and will not result in an unacceptable sense of enclosure or loss of light for the residents of the neighbouring properties.

7.2 Whilst the proposal to change the use of the part of the garden to enable personal training sessions to take place will result in some increased activity and noise generation, it is considered that the recommended conditions are sufficient to ensure this will not result in an unacceptable loss of amenity for the residents of neighbouring properties. The recommended conditions will also ensure the change of use will not result in an overly intensive use of the site that will be harmful to the residential nature of the surrounding area.

7.3 On balance it is therefore considered that the benefits of the proposal outweigh the limited potential harm.

8 Conclusion

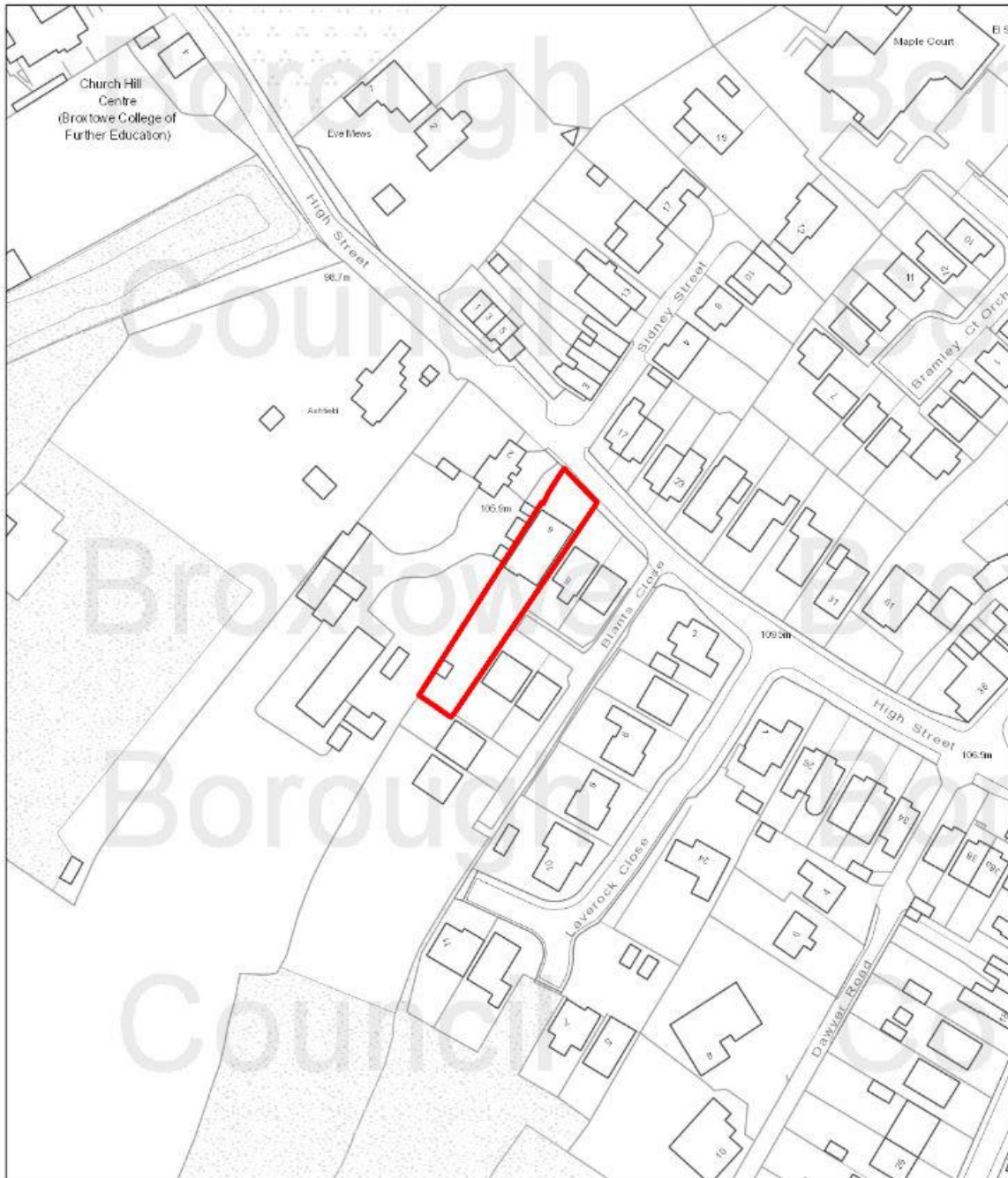
8.1 It is considered that the proposal is acceptable at that planning permission should be granted subject to the recommended conditions.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and the drawing numbered 20-2004 (1:50, 1:100, 1:500); received by the Local Planning Authority on 20 April and 11 June 2020.

	<i>Reason: For the avoidance of doubt.</i>
3.	<p>The proposed external areas shall not be used for the proposed purpose except between 09.00 – 18.00 hours Monday to Friday, 09.00 – 1300 Saturday and at no times Sundays, Public and Bank Holidays.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
4.	<p>The personal training studio hereby approved shall not be used for the customers except between 08.00 – 18.00 hours, Monday-Friday 08.00-13.00 hours Saturday and at no times Sundays public and Bank Holidays.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
5.	<p>No amplified speech or music to be played onsite as a part of this permission.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
6.	<p>No more than 2 clients shall be present at the site for the purposes of the permitted use at any time.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
7.	<p>The total number of client sessions, at the maximum duration of two hours per session, shall be limited to a maximum of no more than 10 per week for the purposes of the permitted use.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
8.	<p>This permission shall endure solely for the benefit of the applicant. When this person ceases use of the land for the permitted purpose the application site shall revert to its original use.</p> <p><i>Reason: To protect immediate residential properties from excessive operational noise.</i></p>
	NOTES TO APPLICANT
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the eight week determination timescale.</p>

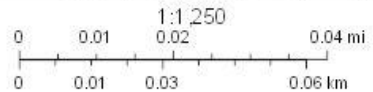
<p>2.</p>	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>By the granting of this permission and the conditions thereon, does not exempt the applicant or the operator of the proposed activity from any formal action by the council under current nuisance legislation if nuisance complaints are received.</p>

20/00271/FUL - 6 High Street, Kimberley



6/3/2020, 12:19:09 PM

 Site



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Photographs



Rear garden of No. 6 looking towards site of proposed studio.



Steps down to site of proposed studio.



Site of proposed studio and relationship with No. 3 Blants Close.

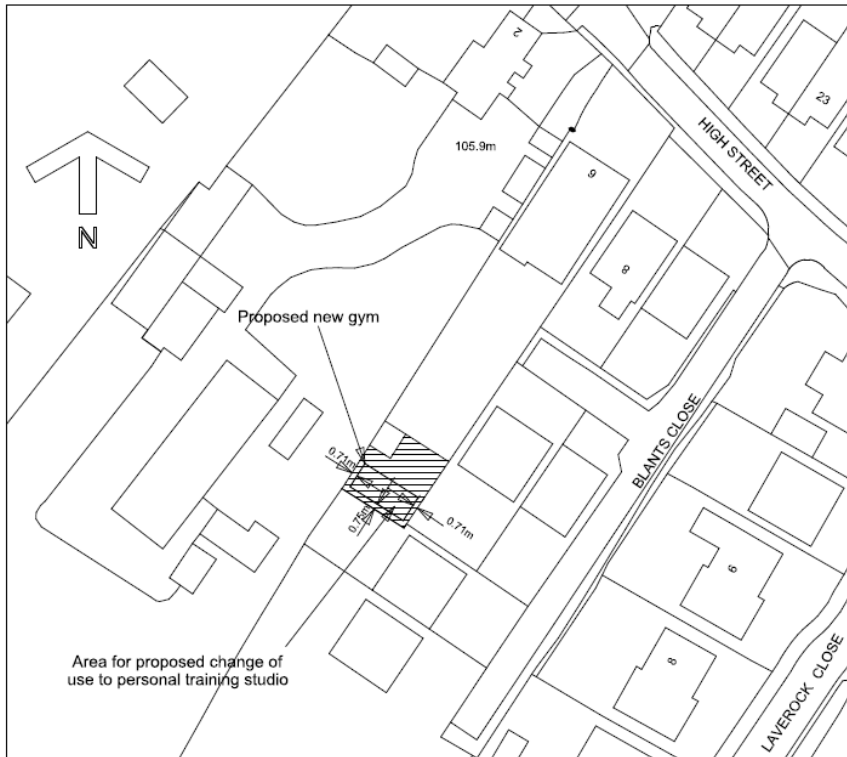


Relationship with No. 2 Blants Close.

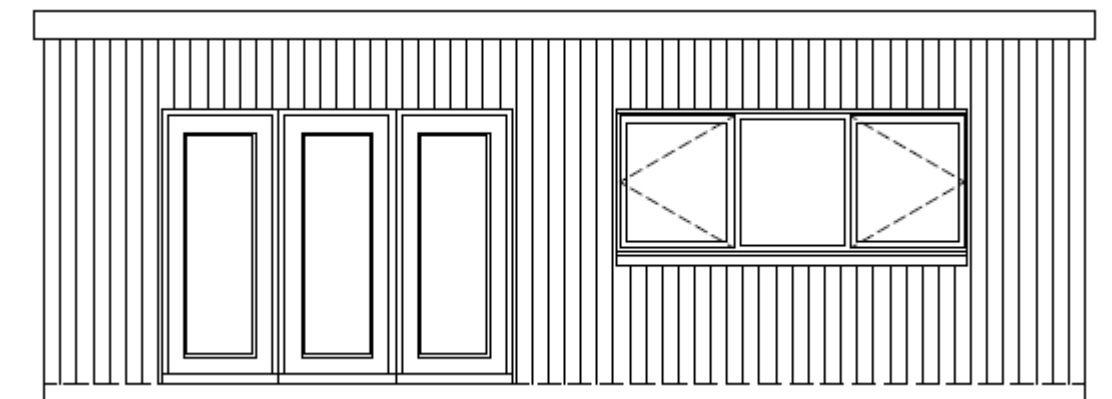


Front elevation and driveway of No. 6 High Street.

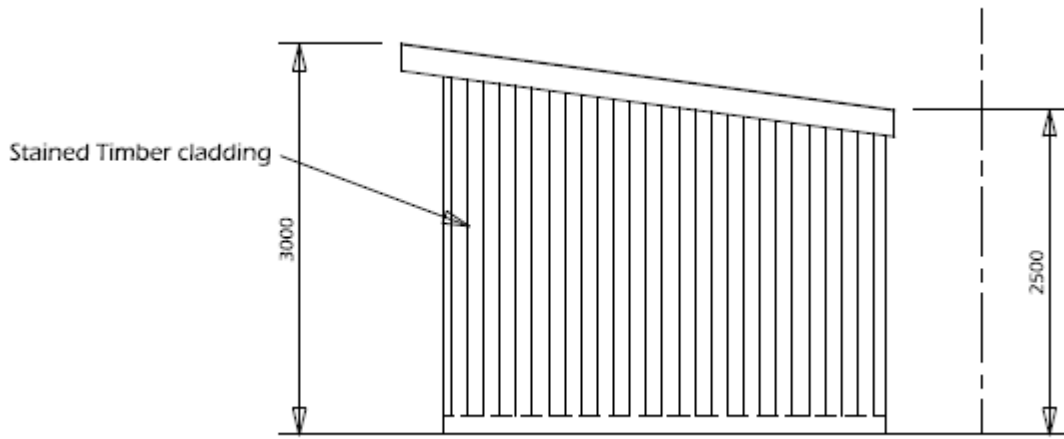
Plans (not to scale)



Block Plan



Proposed Front Elevation



Proposed Side Elevation

Report of the Chief Executive

APPLICATION NUMBER:	19/00243/FUL
LOCATION:	LAND NORTH OF HOME FARM COTTAGE AND PARK VIEW COTTAGE, MAIN STREET, STRELLEY, NOTTINGHAMSHIRE
PROPOSAL:	CHANGE OF USE FROM EQUESTRIAN TO MIXED USE EQUESTRIAN AND THE KEEPING OF FULLY LICENCED WILD CATS AND RETAIN THE SECURE ENCLOSURE REQUIRED FOR THEIR SAFE KEEPING.

1.1 This application was originally brought before the Committee on 26 June 2019 with permission being sought to change the use of the site to mixed use equestrian and the keeping of wild cats, and to retain the enclosure required for their safe keeping. This report is attached as an appendix.

1.2 The resolution of the Committee was that:

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

1.3 The Unilateral Undertaking was provided by the applicant with the aim of committing the owner to carry out the following obligations:

- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
- On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.

1.4 Upon review of the Unilateral Undertaking provided by the applicant, a search of the Land Registry showed the owner of the land subject to this application was someone other than the Applicant and that there were also two mortgagees with an interest in the land. The Unilateral Undertaking had to be redrafted to include all those with an interest in the land because a Unilateral Undertaking attaches to the land only. The issue of land ownership is not a material consideration in the determination of a planning application, although it is relevant to procedural matters.

1.5 Since the matter was considered by the Committee on 26 June 2019 a number of discussions have taken place with the applicant in an attempt to obtain an acceptable Unilateral Undertaking. The Unilateral Undertaking, signed by all the required parties was eventually submitted to the Council on 10 February 2020.

- 1.6 Members will be aware that the decision made on 26 June 2019 was made on the understanding that the applicant owned the land and as well as the cats. However, since the applicant has no interest in the land the Unilateral Undertaking has had to be made by those who do have an interest in the land so as to bind the land. The evidence provided to the Council shows the cats to be in the ownership of the Applicant who is the current and only Licence holder. However the Applicant has submitted an application to renew his licence to include his mother, who is one of the owners of the land At the time of the decision made by members there was and is a disconnect between the owner of the land and the owner of the cats, albeit they are members of the same family, which could lead to enforceability issues.
- 1.7 Between the Planning Committee meeting on 26 June and the submission of the Unilateral Undertaking, a number of additional matters have come to light which it is considered appropriate to report to the Committee.
- 1.8 A site visit was carried out on 22 January following reports of unlawful development at the application site. A number of inconsistencies with the plans of the puma enclosure were observed including the subdivision of the enclosure, the addition of a second link from the enclosure to the stables, and a small addition to the north west corner of the enclosure to create a security door. These additions constitute a material change to the scheme originally considered and therefore an amended planning application would be required to legitimise the enclosure. However, this does not affect the ability of the Council to grant planning permission for the enclosure as originally proposed.
- 1.9 Accordingly, Members are invited to review their decision made on 26 June 2019 in light of the new evidence and the risks associated with such an approach and determine accordingly.

Recommendation

The Committee is asked to CONSIDER this report and RESOLVE accordingly.

Report of the Chief Executive

APPENDIX

APPLICATION NUMBER:	19/00243/FUL
LOCATION:	LAND NORTH OF HOME FARM COTTAGE AND PARK VIEW COTTAGE, MAIN STREET, STRELLEY, NOTTINGHAMSHIRE
PROPOSAL:	CHANGE OF USE FROM EQUESTRIAN TO MIXED USE EQUESTRIAN AND THE KEEPING OF FULLY LICENCED WILD CATS AND RETAIN THE SECURE ENCLOSURE REQUIRED FOR THEIR SAFE KEEPING.

The application has been called in to the Committee by Cllr David Watts.

1 Executive Summary

- 1.1 The application seeks planning permission to change the use of the site to mixed use equestrian and the keeping of wild cats and to retain the enclosure required for their safe keeping.
- 1.2 The site is set within the Nottinghamshire Green Belt where there is a presumption against inappropriate development and development should not be approved except in very special circumstances.
- 1.3 The main issues relate to whether or not the very special circumstances put forward by the applicant outweigh the harm of the enclosure to the openness of the Green Belt.
- 1.4 The benefits of the proposal are that it will enable the conservation of wild animals, the welfare of which is allegedly at risk should permission not be granted. However, it is considered that the size and design of the enclosure represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. The enclosure is explicitly required for the safe keeping of the wild cats and it is considered that the harm to the Green Belt is not outweighed by the very special circumstances put forward by the applicant. Furthermore the Local Planning Authority is not convinced that all other options for the safekeeping of the animals other than at the site in question have been fully explored.
- 1.5 The Committee is asked to resolve that planning permission be refused for the reason set out in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to change the use of the application site from its existing equestrian use to a mixed use of equestrian and the keeping of wild cats. The application also seeks permission to retain the enclosure which has already been erected for their safe keeping. The enclosure is currently home to a puma and it is anticipated by the applicant that two further wild cats will also inhabit the enclosure in the future.

2 Site and surroundings

- 2.1 The application site contains a manège with stables to the north. To the north of the stables is the wild cat enclosure, which is the subject of this application. The enclosure has a link to a room within the stables, which provides the puma with shelter.
- 2.2 The site is positioned to the north of the village of Strelley, with two residential dwellings adjoining the south boundary of the site. To the west of the site is the M1 motorway, with the boundary being made up of a substantial hedgerow which is in excess of 2m in height. The north and east boundary of the site is also made up of hedgerow and adjoins a bridleway. A close boarded timber fence with a height of approximately 1.8m has recently been erected along these boundaries. There is a further residential dwelling neighbouring the site to the north east.
- 2.3 The site is located within the Nottinghamshire Green Belt and adjacent to the Strelley Conservation Area.

3 Relevant Planning History

- 3.1 The application site has a detailed planning history, with the relevant historical applications being summarised in this section.
- 3.2 In 2011, planning permission (11/00200/FUL) was granted for the change of use of agricultural land to land used for the exercise of horses (construction of a manège) and erection of a replacement field shelter. This planning permission established the equestrian use on the site.
- 3.3 In 2013, planning permission (ref: 12/00646/FUL) was granted to construct stables and erect gates at two access points on the east boundary of the site.
- 3.4 In 2013, planning permission (ref: 13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (ref: 16/00165/FUL) was refused for the construction of a barn and feed store. The applicant appealed the decision and this appeal was dismissed by the Inspector. One of the reasons for refusal was that the proposal represented inappropriate development in the Green Belt and no very special circumstances applied. The proposal would not have preserved, and therefore would cause harm to the openness of the Green Belt.

- 3.6 In 2017, planning permission (ref: 17/00232/FUL) was granted for the extension of the existing stable block, which is positioned to the south of the wild cat enclosure.
- 3.7 Later in 2017 planning permission (ref: 17/00565/FUL) was granted for the enlargement of the approved extension after the building was being constructed larger than the originally approved plans.
- 3.8 In 2018 planning application 18/00123/FUL was refused for the installation of two gated accesses on the east boundary of the site. The access points are already in place however the proposed gates were considered to be of a size and design that did not have regard for the local context and was out of keeping with the character of the area.

4 Relevant Policies and Guidance

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

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

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

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

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

- Policy E8: Development in the Green Belt

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

4.3.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 10 representations in relation to Policy 8 and 11 representations in relation to Policy 17. The Inspector issued a 'Post Hearing Advice Note' on 15 March 2019. This note did not include a request that further modifications be undertaken to Policy 17. Whilst this is not the Inspector's final report, and the examination into the Local Plan has not been concluded, it does mean Policy 17 can now be afforded moderate weight. As the Inspector made further comments in respect of Policy 8 this can only be afforded limited weight at this time.

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

4.4 National Planning Policy Framework (NPPF) 2019:

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

5 Consultations

- 5.1 **Council's Environmental Health Officer:** This consultation response relates to what is detailed on the plan as the puma enclosure, puma den and tack room. 1 wild cat currently in the enclosure is licensed under the Dangerous Wild Animals Act (As Amended). Two further wild cats are currently licensed at the associated residential premises with the intention of being moved up to the secure enclosure, (this will result in further work being required to internally partition the enclosure and provide additional internal sleeping accommodation for the animals). None of the licensed animals were rescued animals to their knowledge. In order to maintain the current licensed animals on site, such an enclosure is required to ensure the security and welfare of the animals.

In light of the animals already being on site and the difficulty likely to be encountered in providing suitable alternative accommodation, they have no objections to planning approval being granted subject to the following recommended conditions being applied:

There shall be no general exhibition or viewing of the animals.

Reason: To protect nearby residents from excessive disturbance or operational nuisance.

They would also suggest conditions limiting any further addition or development of the enclosure beyond its existing boundaries, the addition of structures within the enclosure that are taller than the existing perimeter fencing (planting excluded) or the addition of lighting or ancillary facilities without planning permission to protect further inappropriate development of this area and protect nearby residents from excessive disturbance or operational nuisance.

- 5.2 **NCC Rights of Way Officer:** Has checked the Definitive Map for the Strelley area and can confirm that Strelley Bridleway 2 runs adjacent to the application site. A plan is attached showing the definitive route of the bridleway and requests the applicant is made aware of the legal line.

The Rights of Way section has no objection to the proposal. However, the Rights of Way team would like a standard informative note to be added to any permission granted.

- 5.3 Three properties either adjoining or opposite the site have been consulted and a site notice was displayed. 14 letters of objection have been received from members of the public in respect of this application. The reasons for objection can be summarised as follows:

- The enclosure is too close to the bridleway.
- It is not appropriate to keep big cats in this location. Unsafe for residents of the village and other animals such as horses and domestic pets.
- The enclosure and change of use of the land is inappropriate development in the Green Belt.
- Increase in traffic generation as a result of the development.
- The enclosure is not suitable to provide an acceptable standard of accommodation for the wild cats.
- The enclosure is out of keeping with the character of the area.
- Unacceptable smell and noise pollution created by the keeping of wild cats.

6 Assessment

6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the enclosure and the impact of the proposal on neighbouring amenity.

6.2 **Green Belt**

6.2.1 Paragraph 143 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that 'very special circumstances' will not exist unless 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. Paragraphs 145 and 146 identify a range of exceptions to inappropriate development, although the keeping of wild cats and associated facilities are not identified within these paragraphs. Therefore, in accordance with Paragraph 143 of the NPPF very special circumstances would need to be demonstrated for this proposal to be considered acceptable.

6.2.2 The supporting statement provided with the application states that the puma currently occupying the enclosure, and two further wild cats which will also occupy the enclosure in the future have been fully licenced by the Council in respect of the Dangerous Wild Animals Act 1976. The Council's Senior Environmental Health Officer has confirmed that the three animals are licenced. The document goes on to state that the puma is a rescue animal that had been abandoned to a charity for wild animals in Lincolnshire. However, the charity was unable to look after the animal and sought the help of the applicant to avoid the animal being put down. It is claimed that whilst other options had been considered, the applicant acquired the puma to avoid it being put down. The reason stated for acquiring further wild cats is similar to that of the puma.

6.2.3 The statement suggests that if the wild cats are not able to be looked after by the applicant it is likely that they will be put to sleep as there are no other options for places to look after them. The statement provides no further information to reinforce the claim that there are no other facilities or organisations available in other locations to look after the wild cats in the instance that they cannot be kept at the application site.

6.2.4 The enclosure is a substantial structure constructed of metal mesh fencing with a maximum height of 3.84m and covering a footprint of approximately 380 sq.m. It

is considered that the materials used, along with the height and size of the structure make for a robust appearance that is not in keeping with the rural surroundings and is not of a style that would typically be associated with the existing equestrian use of the site.

6.2.5 The east boundary of the site does help to restrict the view of the enclosure from the public realm. However, the Green Belt is characterised by the absence of development and the absence of harmful visual effects from the public realm does not equate to an absence of harm to the openness of the Green Belt.

6.2.6 Paragraph 146 of the NPPF states that the material change in use of land can be appropriate in the Green Belt provided that it preserves the openness of the Green Belt. As the proposed change of use is to keep wild cats the enclosure is explicitly required for the applicant to keep the animals in accordance with the licence. Due to the size and design of the enclosure, which is not in keeping with the rural surroundings, it is considered that it results in substantial harm to the openness of the Green Belt. Whilst the case for very special circumstances appears well intentioned it is considered that there is a lack of firm evidence that all other options for the welfare of the animals have been considered which may be more appropriate than the proposed site. It is therefore considered that the considerable harm to the openness of the Green Belt as a result of the enclosure is not outweighed by the circumstances put forward by the applicant.

6.3 Design and Appearance

6.3.1 The enclosure has a maximum height of 3.84m and covers a footprint of approximately 380 sq.m. It has metal mesh fencing with a cranked top to prevent the animals escaping and in order to comply with the licence requirements. The enclosure is connected to the rear of the stables to enable the puma to sleep in a secure area.

6.3.2 The enclosure is a substantial structure that significantly impacts the character and appearance of the rural environment within which it is situated. The enclosure covers a large area within the site, which in culmination with the stables to the south is considered to have a dominant impact on the application site which is harmful to the character of the surrounding area. Furthermore the materials used and the design of the enclosure with the cranked top give it a robust appearance that is not comparable to enclosures that would be used to keep horses or animals for agricultural purposes in rural areas such as this.

6.4 Amenity

6.4.1 The enclosure is approximately 95m from the nearest residential dwelling to the south of the site and approximately 45m from the nearest residential dwelling to the north of the site. Taking these distances into account it is considered that the enclosure by virtue of its presence alone does not result in any loss of amenity for any of the neighbouring properties.

6.4.2 A number of objections have been received on the grounds that the keeping of wild cats in this location presents a danger to the public and that the enclosure is unsuitable for the keeping of wild cats. As previously stated the puma and the two

further wild cats that may inhabit the enclosure in the future are fully licenced, meaning the safety elements of keeping them in the enclosure have been considered by the Environmental Health team and has been found to be acceptable. It is therefore considered that a refusal on the basis that the animals represent a danger to public health and safety could not be sustained on appeal.

- 6.4.3 Objections have also been raised on the grounds of noise generation and smell created by the keeping of wild cats. The site has a lawful equestrian use and stables to enable the keeping of multiple horses. The nearest residential dwellings are a significant distance from the enclosure and it is considered that the keeping of wild cats would not have a significantly different impact in terms of noise generation and smell to that of its existing use.

7 Planning Balance

- 7.1 The benefits of the proposal are that it will enable the conservation of wild animals, the welfare of which is allegedly at risk should permission not be granted.
- 7.2 The negative impacts are that the material change of use to keep wild cats at the site explicitly requires a substantial enclosure to keep the animals in. The size and design of the enclosure represents significant harm to the openness of the Green Belt and is not in keeping with the rural nature of the surrounding area. The proposal represents inappropriate development in the Green Belt.
- 7.3 On balance it is considered that the benefits of keeping the animals on the site are not outweighed by the harm to the openness that characterises the Green Belt.

8 Conclusion

- 8.1 The proposed change of use and retention of the enclosure is considered to be inappropriate development that is harmful to the openness of the Green Belt. Whilst the applicant has put forward a case for very special circumstances it is considered that the benefits of the proposal do not outweigh the substantial harm to the openness of the Green Belt.

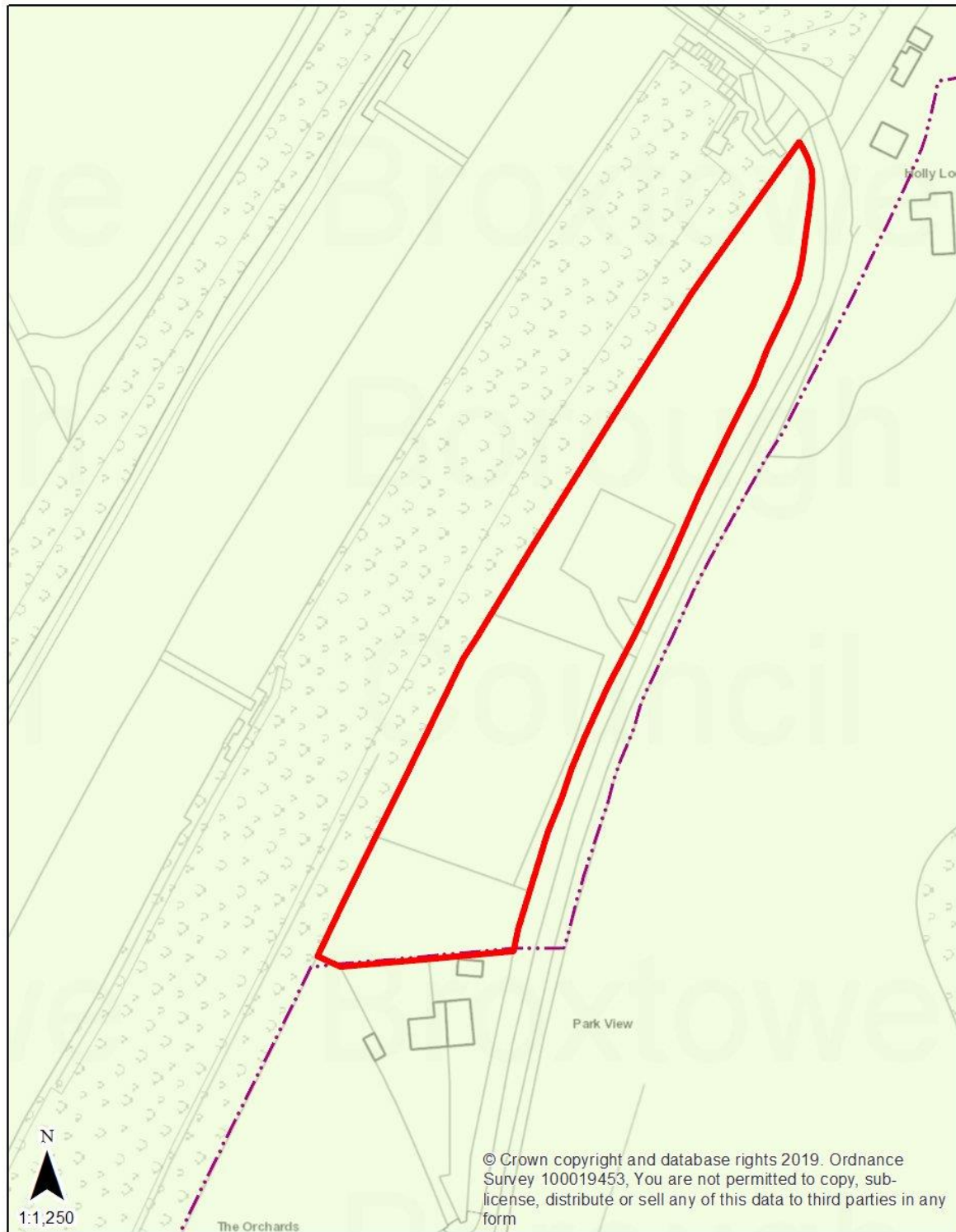
Recommendation

The Committee is asked to RESOLVE that planning permission be refused for the following reasons and that that enforcement action be taken to remedy the breaches of planning control.

1. 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 change of use and enclosure for the keeping of wild cats 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 Broxtowe Local Plan (2004) Policy E8, Draft Part 2 Local Plan (2018) Policy 8 and the NPPF paragraphs 143 – 146.
2. The enclosure by virtue of its size, design and appearance represents a substantial and robust structure that has a dominant impact on the application site and is out of keeping with the rural character of the surrounding area. Accordingly, the proposal is contrary to the aims of the Broxtowe Aligned Core Strategy (2014) Policy 10 and the Draft Part 2 Local Plan (2018) Policy 17.

NOTE TO APPLICANT

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



Legend

-  Site
-  Conservation Areas (Local Plan)
-  Green Belt (Local Plan)

Photographs



Photo taken from the north of the site looking at the enclosure.



Relationship between enclosure and east boundary of site.



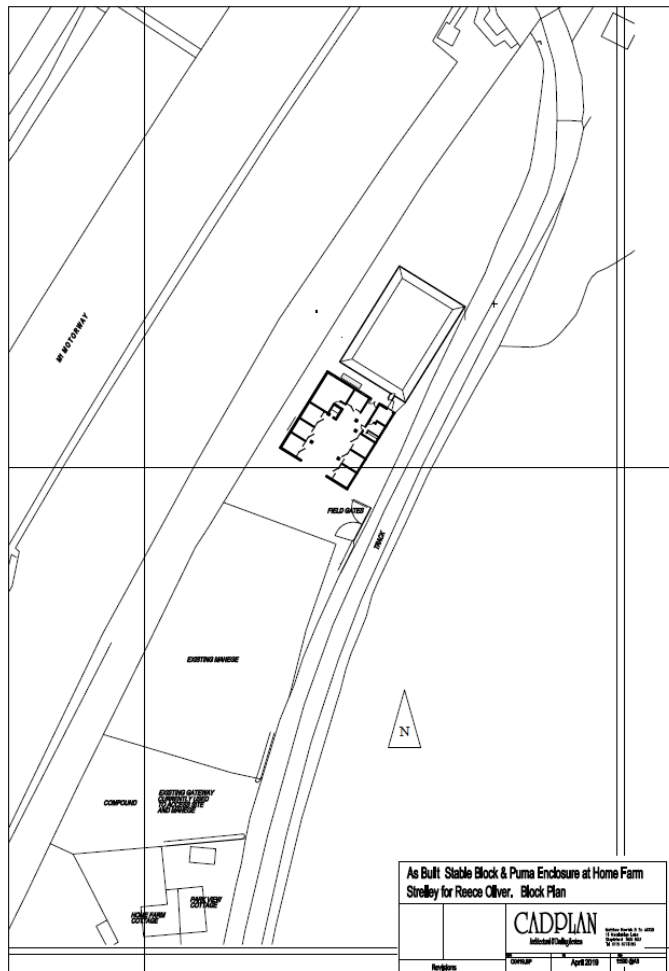
West elevation of enclosure.



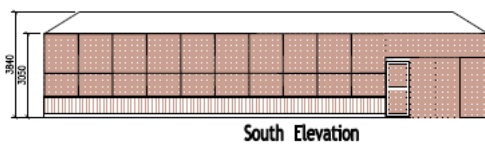
West and south elevation of enclosure.

Plans (not to scale)

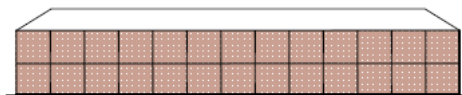
Block Plan



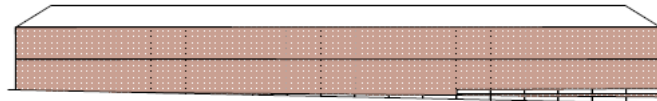
Elevation Plan



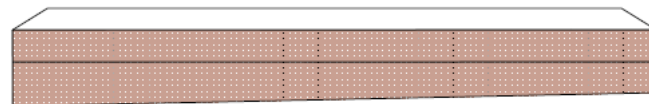
South Elevation



North Elevation



West Elevation



East Elevation

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Report of the Chief Executive

APPLICATION NUMBER:	20/00257/REG3
LOCATION:	GARAGE BLOCK, OAKFIELD ROAD, STAPLEFORD, NOTTINGHAMSHIRE
PROPOSAL:	CONSTRUCT 5 APARTMENTS WITH CAR PARKING AND ANCILLARY AMENITY SPACES FOLLOWING DEMOLITION OF 16 PREFABRICATED GARAGES AND HARDSTANDING

This application is brought before Planning Committee as the Council is the landowner and applicant.

1 Executive Summary

- 1.1 This application seeks permission to construct a two storey building comprising five apartments. Each apartment will have one bedroom, a bathroom and a kitchen/dining/living area. Five car parking spaces, a cycle store with space for six bikes and a bin store will be provided. The proposal is for self-contained apartments and not for HMO accommodation. A terrace of 16 flat roof garages will be demolished in order to accommodate the building.
- 1.2 A Design and Access Statement, Tree Survey, Car Parking Study, Preliminary Geoenvironmental Site Investigation Report, Flood Risk Assessment and Drainage Strategy have been submitted with the application.
- 1.3 The building will have a pitched roof, a maximum height to eaves of 5.9m and maximum height to ridge of 8.9m. The building will have a loose L-shaped footprint with the projection to the rear having a cantilevered roof to the side to accommodate two of the five car parking spaces. The site will include a mixture of hard and soft landscaping and one of the two trees to the front will be retained.
- 1.4 The main issues relate to whether the principle of five apartments is acceptable and if the development is acceptable in terms of flood risk, parking issues, design and impact on neighbour amenity.
- 1.5 The benefits of the proposal would be five additional homes within a sustainable, urban location with access to regular bus services along Derby Road and within a reasonable proximity to Stapleford town centre which would be in accordance with policies contained within the development plan which is given significant weight. The proposed apartments would contribute to the local economy by providing jobs during the construction process. There would be some impact on neighbour amenity and available parking but these matters are considered to be outweighed by the benefits of the scheme.
- 1.6 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

Appendix 1

1 Details of the Application

- 1.1 This application seeks permission to construct a two storey building comprising five apartments. Each apartment will have one bedroom, a bathroom and a kitchen/dining/living area. Five car parking spaces, a cycle store with space for six bikes and a bin store will be provided. A front ramp with railings will provide access to the front door. The proposal is for self-contained apartments and not for HMO accommodation. A terrace of 16 flat roof garages will be demolished in order to accommodate the building.
- 1.2 The building will have a pitched roof, a maximum height to eaves of 5.9m and maximum height to ridge of 8.9m. The building will have a loose L-shaped footprint with the projection to the rear having a cantilevered roof to the side to accommodate two of the five car parking spaces. The site will include a mixture of hard and soft landscaping and one of the two trees to the front will be removed.

2 Site and surroundings

- 2.1 The application site accommodates a terrace of 16 flat roof garages which are rented by property owners in the surrounding area. The site is enclosed by trees and vegetation beyond a 1.8m high brick wall to the rear of the site. Two end terrace houses with blank elevations enclose the site to the north east and south west. Fencing ranging from 1m to 1.8m in height extends across these side boundaries. The site frontage is open with two trees and a grass verge.
- 2.2 The site lies within a residential area with a mix of terrace and semi-detached houses. Oakfield Road is predominately terrace houses. The site is within a reasonable proximity to Stapleford town centre and is within walking distance of Derby Road which has regular bus services. The site is relatively flat and is located within mainly Flood Zone 2 which is land with a medium probability (between 1 in 100 or greater) of river flooding but a small proportion of the site is within Flood Zone 3 which is land with a high probability (between 1 in 100 or greater) of river flooding. The River Erewash is positioned beyond the site to the west.
- 2.3 No. 83 Oakfield Road is an end terrace house positioned to the north east of the site. It has a blank south west (side) elevation which abuts the site. No. 71 Oakfield Road is an end terrace house positioned to the south west of the site. It has a blank north east (side) elevation which abuts the site. No other houses adjoin the site.

3 Relevant Planning History

- 3.1 No relevant planning history.

4 Relevant Policies and Guidance

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

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

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

4.2 Part 2 Local Plan

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) 2019:

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 11 – Making Effective Use of Land
- Section 12 – Achieving Well-designed Places
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

5 Consultations

5.1 **Council’s Environmental Health Officer:** no objection subject to a condition requiring a survey to be carried out before development commences to assess the site for potential ground and water contamination with remedial measures undertaken to address any contamination or identified problems. Advisory in respect of construction hours, prohibiting burning of commercial waste and the safe removal of asbestos.

5.2 **Council’s Waste and Recycling Officer:** no objection and advise requirements for bins.

5.3 **Council’s Tree Officer:** no objection. Two purple plum trees to the front of the site. One tree (T2) is proposed to be removed and one to be retained (T1). Regular pruning will be required for the retention of T1 to maintain clearance with the building.

5.4 **Environment Agency (EA):** no objection subject to a condition ensuring the finished floor levels are set no lower than 38.12M AOD (Above Ordnance Datum).

It is recommended that contact is made with emergency planners and emergency services to determine whether the proposal is safe and in accordance with the Planning Practice Guidance (PPG).

The applicant/occupants should register for flood warnings.

A Flood Risk Activity Permit will be required due to the proximity to the River Erewash.

5.5 **Coal Authority:** the site falls within the defined Development Low Risk Area which means there is no requirement for a Coal Mining Risk Assessment. Advise standing advice.

5.6 9 neighbouring properties were consulted and a site notice was displayed. One objection was received and can be summarised as follows:

- Site notice not easily visible
- Devaluing houses as result of loss of garages, trees and grass verge
- Questions if compensation would be provided for devaluing of houses
- Unrealistic results of car parking survey as undertaken during a holiday period
- Loss of garages and visitors to the flats will increase parked cars
- Increase in illegally parked cars
- Current parking already obstructs emergency vehicles
- Construction vehicles trying to access the site would be obstructed by parked cars and would inconvenience residents
- Flats should have been built on the site of the newly built garages on The Mount which is a better location.

6 Assessment

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

6.2 **Principle**

6.2.1 The site is within an existing residential area and provides an opportunity to provide additional housing outside of the Green Belt. There is also a need to boost housing supply which sites such as this can help deliver. The provision of five apartments on this brownfield site is considered to be a benefit in terms of contributing to the provision of homes in the borough.

6.2.2 Whilst it is acknowledged there will be a loss of 16 garages, it is considered the loss is outweighed by the proposal of residential units which make an efficient use of the land. Whether there is sufficient space for five apartments and the impact a development of this size will have on neighbouring properties will be discussed below.

6.2.3 To conclude, the site is located within an urban location and weight must be given to the need to boost housing supply. It will also provide an additional five residential units within an existing settlement in a sustainable location, within reasonable proximity to Stapleford town centre and public transport links on Derby Road. It is considered the proposed apartments will not have an adverse

effect on neighbour amenity and the design, massing, scale and appearance are considered to be acceptable (as detailed below). The principle of the development is therefore considered to be acceptable.

6.3 Flood Risk

6.3.1 The site lies mostly in Flood Zone 2 and partly in Flood Zone 3. The River Erewash is a potential flood risk but the site is protected from flooding by existing flood defences to the west. However, the site is shown to be at risk of flooding from Boundary Brook to the north of the site. The Flood Risk Assessment (FRA) submitted with the application states that the EA has not recorded flooding in this area since 1947. Paragraphs 155 – 158 of the NPPF state that inappropriate development in areas of high risk of flooding should be avoided but where it is necessary, should be undertaken without increasing flood risk elsewhere. A sequential, risk-based approach to the location of development in order to steer new development to areas with the lowest risk of flooding should be applied. A Sequential Test has also been submitted with the application which concludes that there are no alternative sites available within areas located in zones with a lower probability of flooding.

6.3.2 It is considered this is an acceptable site and it is considered a positive that this location minimises additional development in the Green Belt in Broxtowe. Therefore, when assessing whether other sites are 'reasonably available', this site can be viewed as a 'sustainability benefit' and the Green Belt must be treated as a major constraint.

6.3.3 The FRA states that the floor level of the building should be raised to be above the 1 in 1000 year flood level which is 38.12m above Ordnance Datum (AOD) which is shown on the plans. In the event of a flood, occupants on the ground floor would be able to seek refuge on the first floor to await rescue.

6.3.4 The Environment Agency (EA) has raised no objection to the application provided that a condition in respect of the floor levels is included in the decision. The floor levels should be set no lower than 38.12M AOD. An advisory in respect of obtaining a Flood Risk Activity Permit will be included in the decision due to the site's proximity to the River Erewash.

6.3.5 To conclude, the EA have raised no objection to the application subject to the conditioning of finished floor levels and a sequential test has been provided which demonstrates there are no other reasonably available sites in order to accommodate the development. Subject to a condition, it is considered that the development would be compliant with the requirements of the NPPF in relation to flood risk.

6.4 Amenity

6.4.1 The two properties that will be mostly affected by the proposal will be nos. 71 and 83 Oakfield Road which adjoin the site.

6.4.2 The building will be 1m from no. 71 and no. 71 has a blank north east (side) elevation. The main part of the building will project 1.9m (approximately) beyond

the rear elevation of no. 71. As the building is positioned north east of no. 71, the orientation will mean there will not be a significant loss of light or overshadowing to the rear garden. Although there will be a first floor window serving a bedroom in the north west elevation of the main building, it is considered this is not dissimilar to the relationship this property would have with a rear window in a neighbouring house. Furthermore, the window is set in from the side elevation that it will have an oblique view of no. 71's rear garden. The building will have a two storey rear projection but it will have a blank south west (side) elevation facing no. 71 and be set in 5.5m from the boundary with no. 71. Although it is acknowledged the building will be approximately 1.2m higher than no. 71, it is still considered the combination of factors set out above, mean a neighbourly relationship can be achieved with this property. To conclude, it is considered the level of overlooking and loss of light caused by the building is acceptable and would loosely replicate that of a house with rear extension.

- 6.4.3 No. 83 is positioned to the north east of the building. Although it is acknowledged there will be two first floor windows in the north east elevation serving living areas, it is considered the 8.8m separation distance and proposed obscure glazing will reduce the potential of overlooking. The level of obscurity will be conditioned. Although cars will enter the site beside the boundary with no. 83, the number of car parking spaces are low that it is considered this will not cause a significant amount of noise and disturbance. Furthermore, it is considered this could be similar to cars and people accessing the existing garages. To conclude, it is considered the building is a sufficient distance from no. 83 to maintain a neighbourly relationship.
- 6.4.4 It is considered the building is a sufficient distance from other neighbouring properties that it will have minimal impact on their amenity.
- 6.4.5 The bin store is considered to be a sufficient size, height and distance from any neighbouring property to not cause excessive odour or significant impact on amenity.
- 6.4.6 It is considered each apartment is an acceptable size with primary rooms having sufficient outlook from windows. The apartments will have a shared rear amenity space which is considered to be acceptable. It is considered the relationship with the two neighbouring properties does not afford an unacceptable amount of overlooking to future occupants of the apartments.
- 6.4.7 To conclude, it is acknowledged the building will be approximately 1.2m higher than the two neighbouring properties; however, it is considered the separation distances, obscurely glazed windows and window placement means a neighbourly relationship can be achieved that an acceptable level of amenity can be retained. It is also acknowledged the future occupants will have an acceptable level of amenity.

6.5 Design and Layout

- 6.5.1 The site is located within the centre of Oakfield Road which is largely made up of terrace houses which form a linear pattern and reflect a traditional design. The garage blocks represent a visual break in the street scene between nos. 71 and

83 Oakfield Road and therefore it is considered a residential building of this size is appropriate and would be in character with the street scene. Furthermore, the building is relatively in line with the linear pattern of properties along this side of Oakfield Road.

- 6.5.2 The building reflects a traditional appearance. Grey roof cement tiles and red facing bricks will be used to construct the building which are considered to be appropriate and tie in with the red brick and grey roof tiles of the surrounding houses. A grey ribbed cladding feature is proposed above the canopy of the front door which along with the soldier course of bricks above the windows, adds visual interest to the building.
- 6.5.3 The building will have a hipped roof which reduces its massing and will tie in with the hipped roofs of nos. 83 and 71. Part of the front elevation will be angled which breaks up the massing of the front elevation.
- 6.5.4 The bin store is considered to be an acceptable height and size for the size of the building and as it will be stained timber and set back from Oakfield Road, it is considered it will have minimal impact on the street scene.
- 6.5.5 The building has been positioned to the south western side of the site in order to allow access to parking and a drainage easement area for an existing sewer pipe. Although it isn't centralised, it is considered this is still acceptable and will not appear out of keeping with the street scene. The building is considered to have an acceptable sized footprint for the site and will not appear as overdevelopment.
- 6.5.6 Whilst the landscaping of the site will be subject to a condition and agreed following the approval of the application, the plans show a mixture of hard and soft landscaping (block paving, vegetation and grassed areas). It is considered this is a visual improvement on the current appearance of the site which is predominantly hard standing.
- 6.5.7 To conclude, it is considered the building reflects an acceptable level of design that will tie in with the traditional appearance of the surrounding properties on Oakfield Road. Whilst it is acknowledged the building will be approximately 1.2m taller than the neighbouring properties, this is considered acceptable that it will not appear out of character and furthermore, this is necessary in order to ensure the site is compliant with flood risk mitigation measures for new buildings.

6.6 Parking

- 6.6.1 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development.
- 6.6.2 Concerns were raised in the representation received in relation to the car parking survey and its validity. Whilst it is acknowledged that the site provides what is

considered to be sufficient parking (one space per each apartment), the car parking survey acknowledges that the removal of the 16 garages will mean that there will be additional on-street parking as a result of the development. However, although the report is unable to provide specific evidence of how many cars are parked in the garages, it is considered that this is likely to be low given that the majority of garages are used for storage as opposed to storing cars. The report does detail that 12 of the garages are let meaning four are unoccupied. The survey was carried out over a weekday period and weekend period when an event at the Old Mill Social Club was taking place which would have increased on-street parking. The surveys determined that Oakfield Road could accommodate up to 150 parked cars (including spaces used in front of dropped kerbs, most likely by direct home owners or visitors of that property). The weekday survey concluded there was capacity for 40 additional vehicles and the weekend survey concluded there was capacity for 19 additional vehicles. Although the surveys were collectively carried out over one week, it is considered there is sufficient evidence (and parking provided on site) to accommodate the development and loss of garages that there will not be a significant impact on highway safety or on-street parking.

6.6.3 Any cars parked illegally or that would block emergency vehicles would be a police matter.

6.6.4 Whilst there will be construction vehicles associated with the site, it is considered there is sufficient space on site for these to be parked to not cause a nuisance.

6.6.5 To conclude, it is considered that sufficient parking has been provided to accommodate five apartments and although it is acknowledged there will be an increase in on-street parking from the loss of garages on site, it is considered the parking survey has provided sufficient evidence to demonstrate that Oakfield Road can support additional on-street parking. It is considered the proposal would not pose a significant highway safety issue and is acceptable on parking grounds.

6.7 Other issues

6.7.1 Two site notices were posted which is considered sufficient in relation to visibility and publicising the application. This was in addition to the ten neighbours that were notified of the application by letter by the agent under the temporary validation requirements in line with Covid-19. It is considered this is sufficient in publicising the application clearly.

6.7.2 Devaluing properties as a result of a planning application is not a material planning matter that can be taken into consideration. Compensation would not be issued for any residents as a result of the development. In relation to the loss of trees and grass verge, only one tree will be removed and soft landscaping will be incorporated into the scheme which is considered to be proportionate to a development of this size.

6.7.3 Although a concern has been raised that the development would be better suited to a neighbouring site, it is considered the proposal of five apartments on this site would be acceptable and is served by sufficient parking and is within a

reasonable proximity to Stapleford town centre that it will be a positive contribution to the area.

- 6.7.4 A pre-commencement condition requiring a site investigation survey to be carried out in line with the Council’s Environmental Health department will be included within the decision. It is considered this is necessary to ensure the site is safe for building and future occupants.

7 Planning Balance

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

8 Conclusion

- 8.1 To conclude, it is considered the proposed apartment building is an acceptable size, scale and layout that there will not be an adverse effect on neighbour amenity and it will provide an acceptable standard of amenity for future occupants of the apartments. The proposed apartments are considered to be an acceptable design which reflects the traditional design of Oakfield Road. It is considered the proposal has addressed flood risk issues sufficiently. The scheme is considered to be acceptable and should be approved.

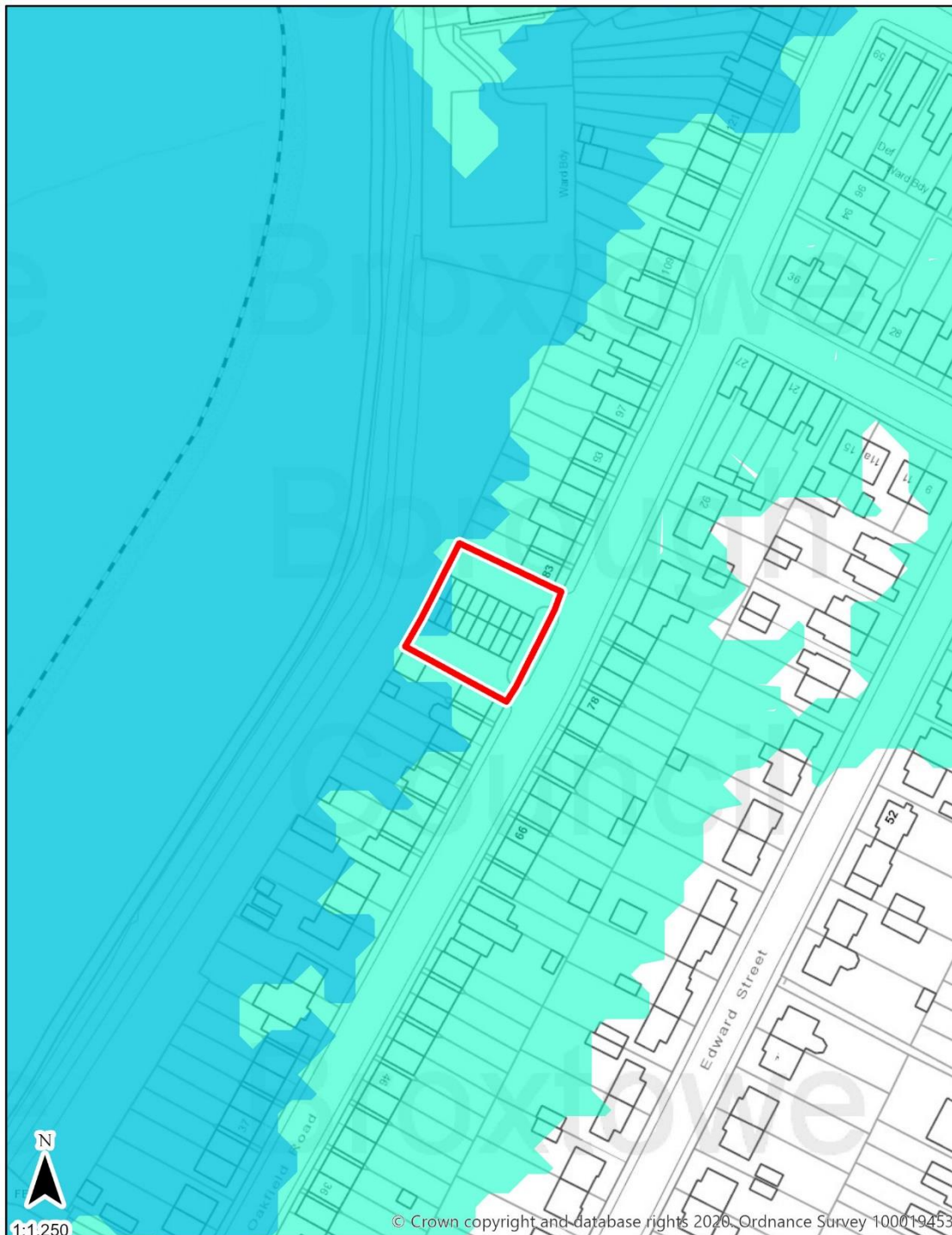
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan (1:1250), Drainage Layout Rev P2, Proposed Site Section Rev A, Proposed Elevations Rev A and Proposed Site, Ground and First Floor Plans Rev A received by the Local Planning Authority on 15 April 2020 and Block and Roof Plan received by the Local Planning Authority on 27 April 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>

<p>3.</p>	<p>(a) No development shall commence until a site investigation scheme has been carried out and a report submitted to and approved in writing by the Local Planning Authority. The scheme 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 scheme shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>(b) The building shall not be first occupied until:</p> <p>i. All the necessary remedial measures for the building have been completed in accordance with the approved details, unless an alternative has first been approved in writing by the Local Planning Authority; and</p> <p>ii. It has been certified to the satisfaction of the Local Planning Authority, through the submission of a verification report that the necessary remedial measures for the building have been implemented in full.</p> <p><i>Reason: The development cannot proceed satisfactorily without the outstanding matters being agreed in advance of development commencing to ensure the details are satisfactory, in the interests of public health and safety and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of Broxtowe Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>No above ground works shall commence until samples of external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed only in accordance with the approved details.</p> <p><i>Reason: No such details were submitted with the application and in the interests of the appearance of the development and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>5.</p>	<p>No above ground works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following details:</p> <ul style="list-style-type: none"> a. numbers, types, sizes and positions of proposed trees and shrubs; b. details of boundary treatments; c. planting, seeding/turfing of other soft landscape areas and d. timetable for implementation. <p>The approved scheme shall be carried out strictly in accordance with the approved details and shall be carried out not later than the first planting season following the substantial completion of the</p>

	<p>development and any trees or plants which, within a period of 5 years, die, are removed or have become seriously damaged or diseased, shall be replaced in the next planting season with ones of similar size and species to the satisfaction of the Local Planning Authority, unless written consent has been obtained from the Local Planning Authority for a variation.</p> <p><i>Reason: No such details were submitted with the application, to ensure the development presents a satisfactory standard of external appearance to the area, to ensure a sufficient standard of neighbour amenity and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>6.</p>	<p>Prior to the first occupation of the apartments hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by Michael Evans & Associates LTD dated 30 January 2020. The finished floor levels shall be set no lower than 38.12m AOD as stated in Section 5.4.2. The floor levels shall be maintained and retained at this level for the lifetime of the development.</p> <p><i>Reason: To reduce the risk of flooding and in accordance with the aims of Policy 1 of the Part 2 Local Plan (2019) and Policy 1 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>7.</p>	<p>The first floor windows in the north east elevation shall be obscurely glazed to Pilkington Level 4 or 5 (or such equivalent glazing which shall first have been agreed in writing by the Local Planning Authority) and retained in this form for the lifetime of the development.</p> <p><i>Reason: In the interests of privacy and amenity for nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>8.</p>	<p>No construction or site preparation work in association with this permission shall be undertaken outside the hours of 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturdays and at no time on Sundays or bank holidays. Exceptionally, specific works or operations may be carried out outside these times, but these must be agreed in writing with the Local Planning Authority 7 days in advance of being undertaken.</p> <p><i>Reason: In the interests of the amenities of nearby residents and in accordance with the aims of Policy 17 of the Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).</i></p>
<p>NOTES TO APPLICANT</p>	

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 prospective building manager/occupants should register to receive flood warnings.
3.	No waste should be burnt on site at any time.
4.	In order to comply with the Control of Asbestos Regulations 2012, an assessment is required to determine whether the garages have asbestos containing materials (ACMs). This must be carried out before any structural work on the building occurs. For buildings or demolition, a 'Refurbishment/ Demolition Survey' is required. Copies of reports relating to asbestos identification and management should be sent to the Council's Environmental Health team.
5.	Wheel washing facilities should be installed on site in order to prevent mud being deposited on the road from construction vehicles.
6.	The applicant is advised to contact the Council's Waste and Recycling Section (0115 917 7777) to discuss waste and refuse collection requirements.
7.	The applicant is advised to contact Severn Trent Water on tel: 0800 707 6600 prior to development commencing.
8.	Any activities that take place within 8 metres of a main river, 8 metres of a flood defence structure or involve excavation within 16 metres of a main river or flood defence of a watercourse will require a flood risk activity permit. The applicant is advised to contact the Environment Agency on telephone number: 03708 506 506. Further guidance can be obtained at: https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

Map



Legend

-  Site Outline
-  Flood Zone 3
-  Flood Zone 2

Photographs



View of no. 71 to the left and view of site to the north west



View of site facing west



View of no. 83 to the left and view of site facing east



View of no. 83 to the right and site facing west



View of no. 71 to the right and view of site facing east



View of no. 71 to the right and view of site facing east

Plans (not to scale)



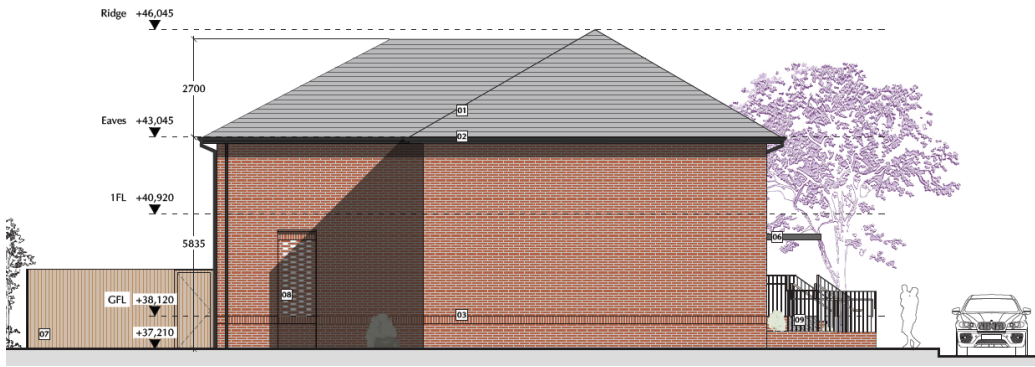
Elevation facing Oakfield Road



Rear elevation



Elevation facing no. 83



Elevation facing no. 71

Plans (not to scale)



Block plan and ground floor plan



First floor plan

Report of the Chief Executive

APPLICATION NUMBER:	19/00817/FUL
LOCATION:	FIELD ADJACENT TO MOOR HOUSE NOTTINGHAM ROAD TROWELL MOOR TROWELL NOTTINGHAMSHIRE
PROPOSAL:	RETAIN 2 STABLES AND 5 SHEDS. INSTALL 2 SPOT LIGHTS AND 2 CCTV CAMERAS

Councillor D Pringle has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application seeks consent for the retention of 2 stable buildings, 5 small sheds and the installation of 2 CCTV cameras and spot lights. This is an addition to the stables and hay barn which were granted planning permission under reference number 17/00119/FUL.
- 1.2 Planning permission was previously granted under reference number 08/00275/FUL for the change of use of the land to mixed agricultural/equestrian use. It should therefore be noted that the principle of the use of the land for a mixed agricultural/equestrian use has already been established through the granting of this planning permission.
- 1.3 The proposed buildings are not considered to be harmful to the character of the Green Belt or have a significant detrimental impact upon highway safety.
- 1.4 Overall, it is considered that the proposal is acceptable and that planning permission should be granted in line with the resolution contained in the appendix.

1 Details of the Application

1.1 This application seeks consent for the retention of 2 stable buildings, 5 small sheds and the installation of 2 CCTV cameras and spot lights.

2 Site and surroundings

2.1 The site is located within an isolated countryside location set off the main road of Nottingham Road. Access to the site is via an existing access point from Nottingham Road. The site is made up of a stoned hard surfaced area and is surrounded by open fields which is used for the grazing of horses.

3 Relevant Planning History

3.1 Planning permission was granted under reference number 08/00275/FUL for the change of use of the land to mixed agricultural/equestrian use.

3.2 Planning permission was granted under reference number 17/00119/FUL for the retention of stables and a hay barn on the land.

4 Relevant Policies and Guidance

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

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

- Policy A – Presumption in Favour of Sustainable Development
- Policy 8 – Development in the green Belt

4.2 **Part 2 Local Plan 2019**

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

- Policy 8 – Development in the Green Belt
- Policy 17 – Place-making, Design and Amenity

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

- Section 2 – Achieving Sustainable Development.
- Part 13 – Protecting Green Belt Land

5 Consultations

5.1 Trowell Parish Council – Object on the grounds of highway safety in relation to existing access/exit arrangements.

5.2 1 neighbouring property was consulted on the application along with the posting of a site notice directly opposite the site. During the course of the application, no objections having been received.

6 Assessment

6.1 The main issues for consideration are the principle of development, impact upon the character of the Green Belt, impact upon residential amenity and highway safety.

6.2 **Principle**

6.2.1 Planning permission was granted for the change of use of the land under reference number 08/00275/FUL to a mixed use of agricultural and equestrian. It is therefore considered the principle of the use of the land for equestrian purposes has been established and this application seeks to improve the facilities on the site for this authorised use.

6.3 **Green Belt**

6.3.1 Part 13 – Protecting Green Belt Land of the National Planning Policy Framework 2019 (NPPF), paragraph 143 advises inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in ‘very special circumstances’. Exceptions to this are the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or recreation, provided the use preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Paragraph 117 of the National Planning Policy Framework 2019 (NPPF) states that decisions should promote and effective use of land while safeguarding and improving the environment.

6.3.2 The application site is located in an isolated location off Nottingham Road. Along the boundary of the site along the Nottingham Road frontage there are a row of continuous mature trees which limit views of the site whilst travelling along Nottingham Road. Within the site to the rear of the trees there is an existing block of 6 stables and feed room along with a separate hay barn

6.3.3 This application proposes the retention of 5 small low level sheds and 2 stables. Directly at the end of the main stable block adjacent stable 6 annotated on the submitted block plan, 2 sheds are proposed, shed 5 is sited to the rear of the stables and the trees fronting Nottingham Road, and shed 4 is built up to the trees and the boundary fence adjacent the side field. Shed 3 is proposed to the front of shed 4 within the opposite corner of the site, again adjacent to the boundary fence. Sheds 1 and 2 are also proposed adjacent the boundary fence closest to the proposed stables. The sheds are small in nature and do not exceed 2m in height. Along with the sheds, a stable block is proposed which will create a total of 8 stables on the site. The proposed stables will measure an overall height of 2.5m and together will measure an overall width of 7.5m. Given the siting of the existing structures within the site, the minor nature of the proposed sheds and the design of the stables, the structures are viewed within a group of buildings and do

not extend any further beyond the boundaries of the site and the adjacent fields, it is not considered the structures would be harmful to the openness or character of the Green Belt.

6.3.4 In addition, two pole security cameras and spot lights are proposed. These will be of a standard design and will be pole mounted, with an overall height of 2.5m. The cameras and spotlights are required due to the isolated location of the application site and the applicant having experienced security issues in the past. The cameras/spotlights will be located to one end of the existing hay barn pointing towards the entrance to the site, with the second camera/spotlight at the opposite end of the hay barn pointing into the site. Due the nature of the cameras, being a slim straight pole with minimal intrusion and the fact that the proposed spotlight will be operated by a motion sensor PIR and not permanently on during the dark hours, it is not considered the proposed spotlights/cameras would be harmful to the character of the Green Belt.

6.4 Amenity

6.4.1 The application site occupies a standalone location that is a significant distance away from residential dwellings. It is therefore considered that the proposal will not have any impact on the amenity of any neighbouring properties.

6.4.2 Concerns have been raised in respect of horse riders not only relating to this site but similar sites in the locality using footpaths which state 'No Horse Riding'. Unfortunately, this is not a planning related issue and instead should be raised with the Public Rights of Way team at Nottinghamshire County Council.

6.5 Access

6.5.1 Objections have been received on the grounds of highway safety in respect of the existing access/exit arrangements. As previously mentioned, the principle of the use of the land has been established through the granting of planning permission for the change of use of the land and the provision of 6 stables and a hay store on the land. In support of the application, the applicant advises that the stables are used for family purposes only, with only one car and a scooter visiting the site on a daily basis. A horse box would enter and leave the site to transport horses to shows etc at the weekends during the showing season. The provision of a further 2 stables on the land is not considered to lead to a proliferation in the use of the site for additional visiting vehicles. Furthermore, there is adequate space to turn within the site and leave within a forward gear, and although the main road is a 50mph speed limit, there is adequate visibility from both directions. It is not considered the proposal will give rise to any highway safety issues.

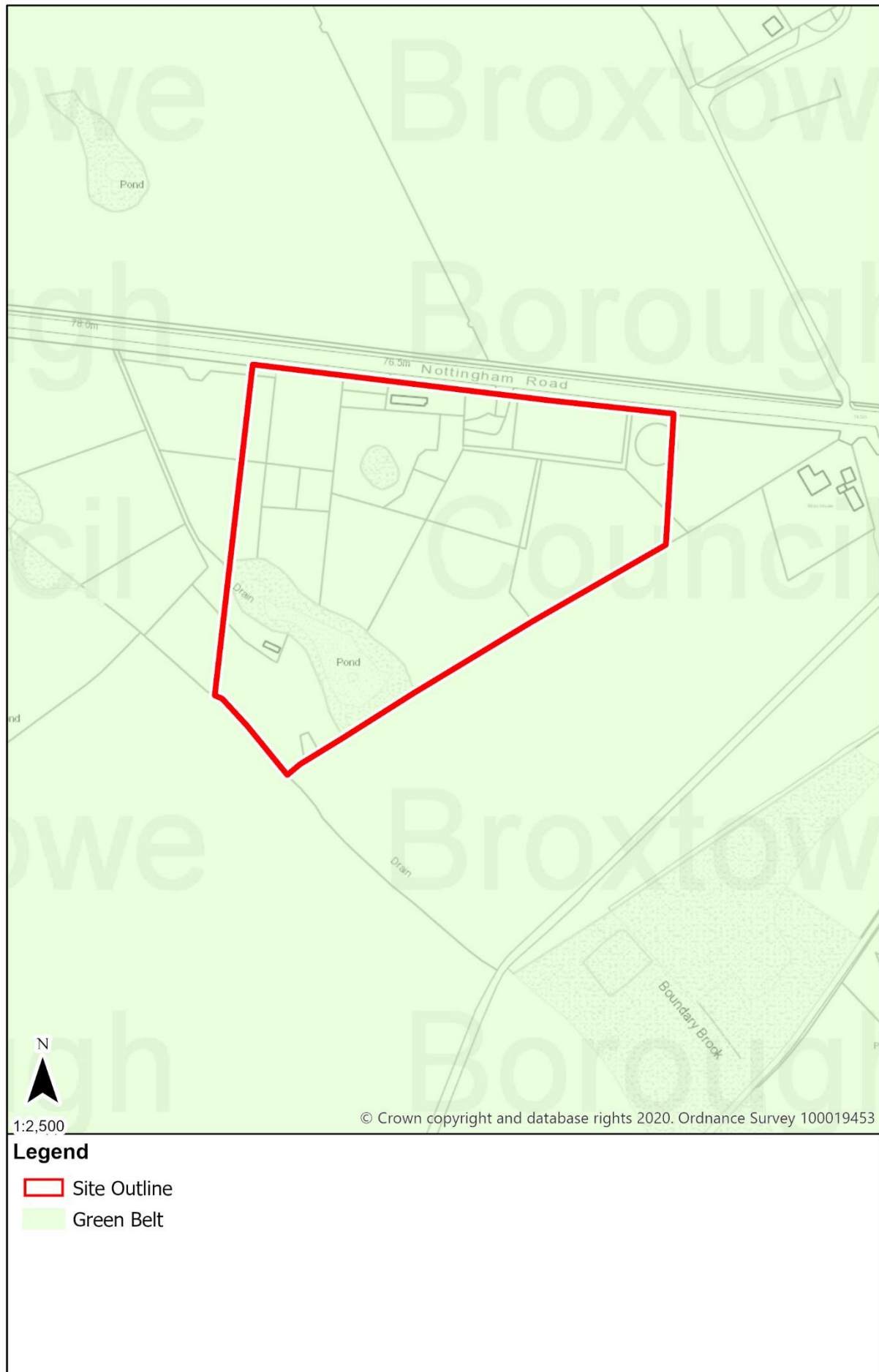
7 Planning Balance

7.1 On balance given the minor nature of the proposed buildings not having an impact upon the visual amenity of the area, the character of the Green Belt or highway safety and the fact that the principle of the use of the land for a mixed agricultural/equestrian use has been established in the past, it is considered the scheme is acceptable.

8 Conclusion

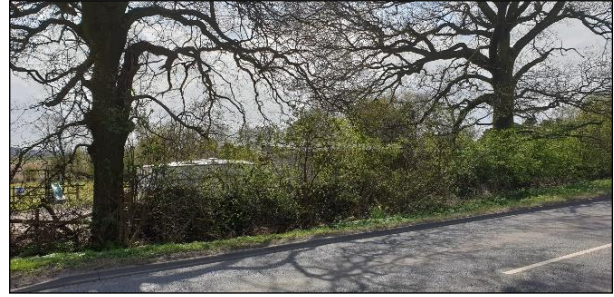
8.1 Whilst the application site is located within the Green Belt, the siting of the 2 stables, 5 sheds and the installation of 2 spot lights and 2 CCTV cameras is not considered to be inappropriate development or harmful to the openness of the Green Belt. In addition it is not considered there are any highway safety issues relating to the proposal. Therefore, the proposal is considered to be in accordance with the relevant local and national policy guidance and there are no material considerations which would warrant a decision being taken at variance to this. It is recommended that the application be approved subject to conditions

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The Security Cameras and Spot Lights hereby approved shall be erected before the expiration of three years beginning with the date of this permission in accordance with the details provided within the Flood Light/CCTV information received by the Local Planning Authority on 15 January 2020 and as shown on the Site Plan, Stables and Shed Elevations/Floor Plans and Hay Barn Lights and CCTV position received 12 February 2020. <i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	The development hereby permitted shall be carried out in accordance with drawing(s) numbered Site Location Plan 1: 1250, Flood Light/CCTV details received by the Local Planning Authority on 15 January 2020, Block Plan 1: 500, Site Plan, Stables and Shed Elevations/Floor Plans and Hay Barn Lights and CCTV position received 12 February 2020. <i>Reason: For the avoidance of doubt.</i>
4.	The spotlights shall not be positioned to give any glare on the public highway in the vicinity of the site <i>Reason: In the interests of highway safety.</i>
NOTES TO APPLICANT	
1.	The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.



Photographs

1 and 2. Photos from Nottingham Road.



3. Existing Access



4. View from access driveway.



4. Stables.



5. Sheds.



6. Extent of structures.

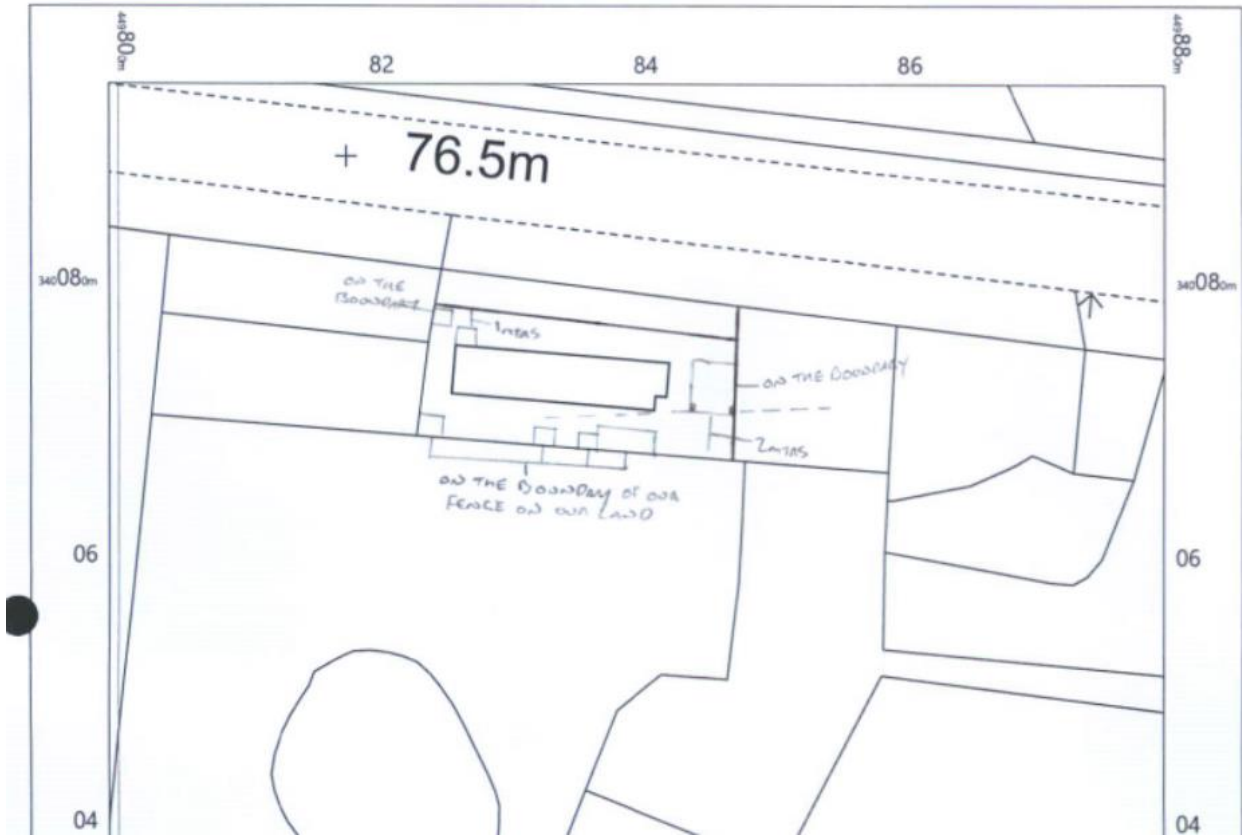


7. Adjacent fields used for grazing of horses.

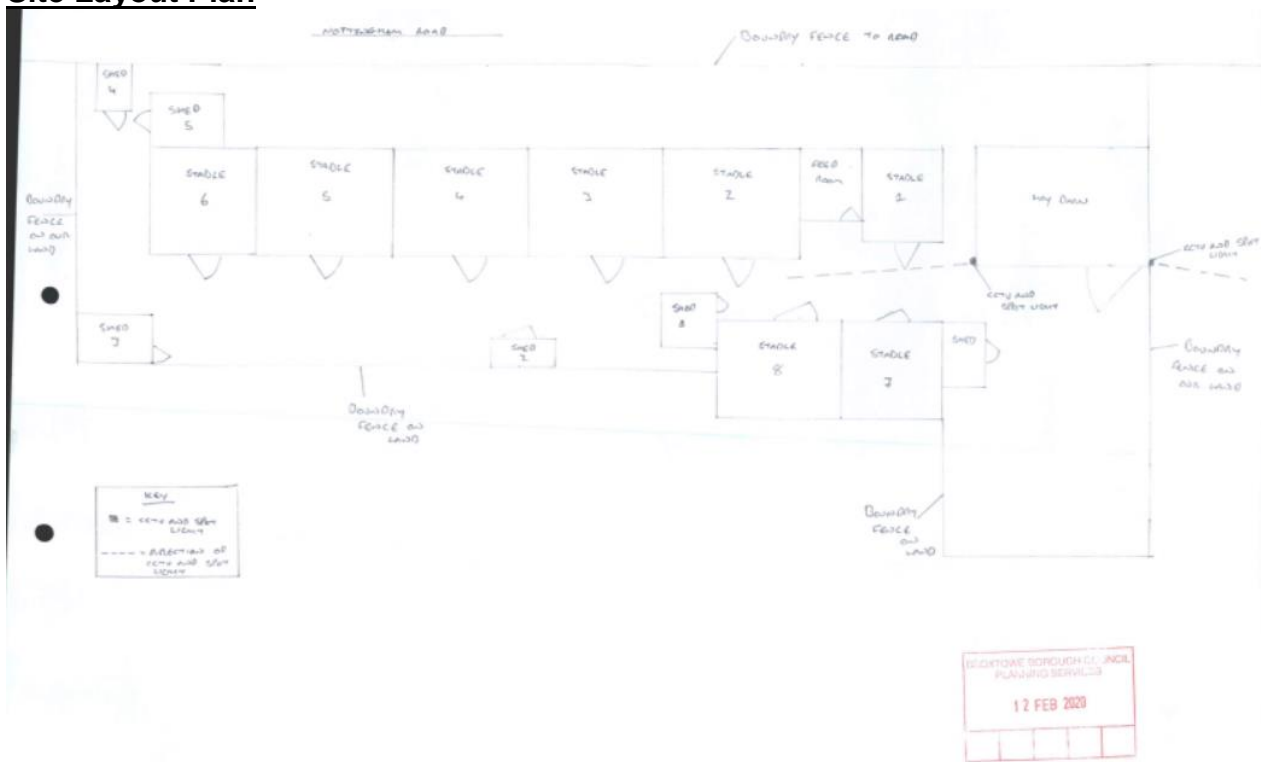


Plans (not to scale)

Site Plan



Site Layout Plan



Report of the Chief Executive

APPLICATION NUMBER:	20/00193/FUL
LOCATION:	GIN FARM HALL LANE BRINSLEY NOTTINGHAMSHIRE NG16 5BJ
PROPOSAL:	RETAIN BOUNDARY FENCE AND GATE

This application is required to be determined by the Committee as the proposal constitutes a material departure from policy.

1 Executive Summary

- 1.1 This application seeks consent to retain an existing boundary fence and gate which is located adjacent to the main entrance into the site.
- 1.2 The fence and gate have been erected and are required to mitigate against cars being vandalised, security cameras being removed and the dumping of materials on the land due to the sites isolated location.
- 1.3 The proposed fencing and gates are not considered to be harmful to the character of the Green Belt, impact upon residential amenity or have a significant detrimental impact upon highway safety.
- 1.4 Overall, it is considered that the benefits of the proposal are sufficient to amount to the very special circumstances necessary to support inappropriate development in the Green Belt and that planning permission should be granted in line with the resolution contained in the appendix.

Appendix 1

1 Details of the Application

1.1 This application seeks consent to retain an existing boundary fence and gate which is located adjacent to the main entrance into the site.

2 Site and surroundings

2.1 The application site consists of a variety of farm buildings and associated hardstanding. Directly to the south – east there is a residential property Gin Farm. The site is located within the open countryside and is surrounded by fields.

3 Relevant Planning History

3.1 A Certificate of Existing Lawful Use for one of the existing agricultural buildings being used for B8 Storage purposes is currently pending consideration.

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

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

- Policy 3 – Green Belt
- Policy 10 – Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019**

4.2.1 The Part 2 Local was adopted on 16 October 2019.

- Policy 8 – Development in the Green Belt
- Policy 17 – Place making, design and amenity

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

- Section 2 – Achieving Sustainable Development.
- Part 13 – Protecting Green Belt Land

5 Consultations6.1 **Rights of Way Officer – No objections**

6.2 Site notices were posted around the site during the processing of the planning application, with one letter of objection having been received raising the following concerns:

- Design of the fence
- Fence affecting access road
- Loss of light
- Loss of legal right over the land for maintenance of the property.

6 Assessment

6.1 The main issues for consideration are the principle of development and impact upon the character of the Green Belt, impact upon residential amenity and highway safety.

6.2 **Principle and Impact on the Green Belt**

6.2.1 Paragraph 144 of the NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 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, is clearly outweighed by other considerations.

6.2.2 The site is located within an isolated setting and is surrounded by predominantly open fields. The site currently consists of three agricultural barns fronting onto Halls Lane and a further building to the rear. There are three vehicle access points situated leading off Halls Lane.

6.2.3 The NPPF does not identify the erection of a boundary fence as an exception to inappropriate development in the Green Belt. The fence has been erected to the front of the agricultural building located the closest to Gin Farm. The land is within the applicant's ownership and previously served as an open area of grass land. The fence extends out from the front of the barn by approximately 2m and extends along the full frontage of the barn, ending adjacent to the wall of the outbuilding serving the adjacent property Gin Farm. The fence consists of concrete post with close boarded timber panels in between and is painted green, limiting its visual impact. In view of this the design is considered acceptable. The overall height of the fence measures 2.1m. In support of the application the applicant has submitted a supporting statement regarding the requirement for the fence and gate. It is advised that the fence is required to mitigate against cars being vandalised, security cameras being removed, dumping of materials on the land due to the site's isolated location.

7.2.4 Given the location of the fence adjacent the front elevation of the existing agricultural barn, it is not considered that the new fence has any greater impact on the openness of the Green Belt, which as advised by the applicant is required for security reasons due to isolated location of the application site and this is considered sufficient to demonstrate very special circumstances. The fence is therefore considered acceptable in terms of its impact on the Green Belt.

6.3 **Amenity**

7.3.1 Concerns have been raised by the occupier of the adjacent property in respect of the gates when opened blocking views and light to two of the side facing windows. It must be noted that these windows do not serve a residential dwelling just an outbuilding. Given the nature of the application, it is not considered the

proposal will give significant rise to any overbearing issues upon the immediate neighbouring property.

7.3.2 Concerns have also been raised in respect of the occupier of the neighbouring property having a legal right to access the land for maintenance purposes of their property. This is not considered to represent a material planning consideration and is a private matter.

6.4 Access

7.4.1 Concerns have been raised by a local resident in respect of the gate blocking access and causing highway safety hazards on Hall Lane. The main road of Hall Lane is narrow in nature, is only frequently used by vehicles and is not a classified road. The fence has been erected on land within the applicant’s ownership and not on the highway. The gates open inwards so as to not block vehicles movements from both directions along Hall Lane. It is not considered there are any highway safety issues relating to this application.

7 Planning Balance

7.1.1 The benefits of the proposal are that it will enable the applicant to provide security to his premises and stop fly tipping due to the isolated location of the application site.

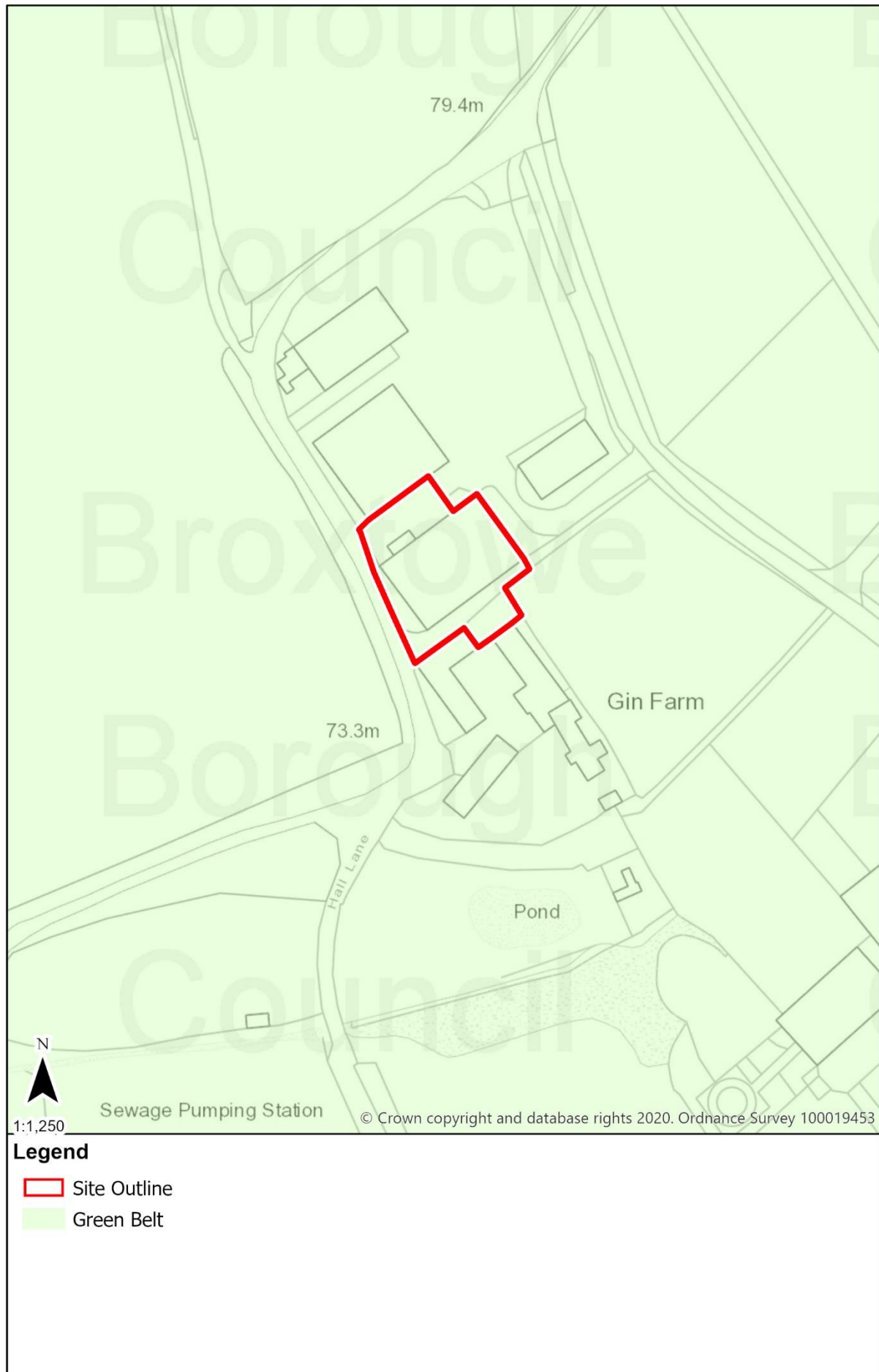
8.1.2 The negative impacts are that the proposal is inappropriate development in the Green Belt. However, on balance it is considered that the very special circumstances demonstrated outweigh the harm to Green Belt.

8 Conclusion

9.1 Due to the nature of the proposal, it is not considered the proposal will have a significant detrimental impact upon the character or openness of the Green Belt, residential amenity or highway safety. There are no other issues which need to be considered as part of this application. It is recommended that the application be approved subject to conditions.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The hereby permitted fence shall be retain in accordance with

	<p>drawing(s) numbered Site Location Plan 1: 1250, Site Plan, 1: 200 and Fence Plan/Elevations, TDB003/01 received by the Local Planning Authority on 26 March 2020.</p> <p><i>Reasons: For the avoidance of doubt.</i></p>
	<p>Notes to applicant</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application, through an early visit to the site to appreciate whether any amendments needed to be sought and thus afford sufficient time to negotiate these should it have been the case.</p>



Photographs



Plans (not to scale)

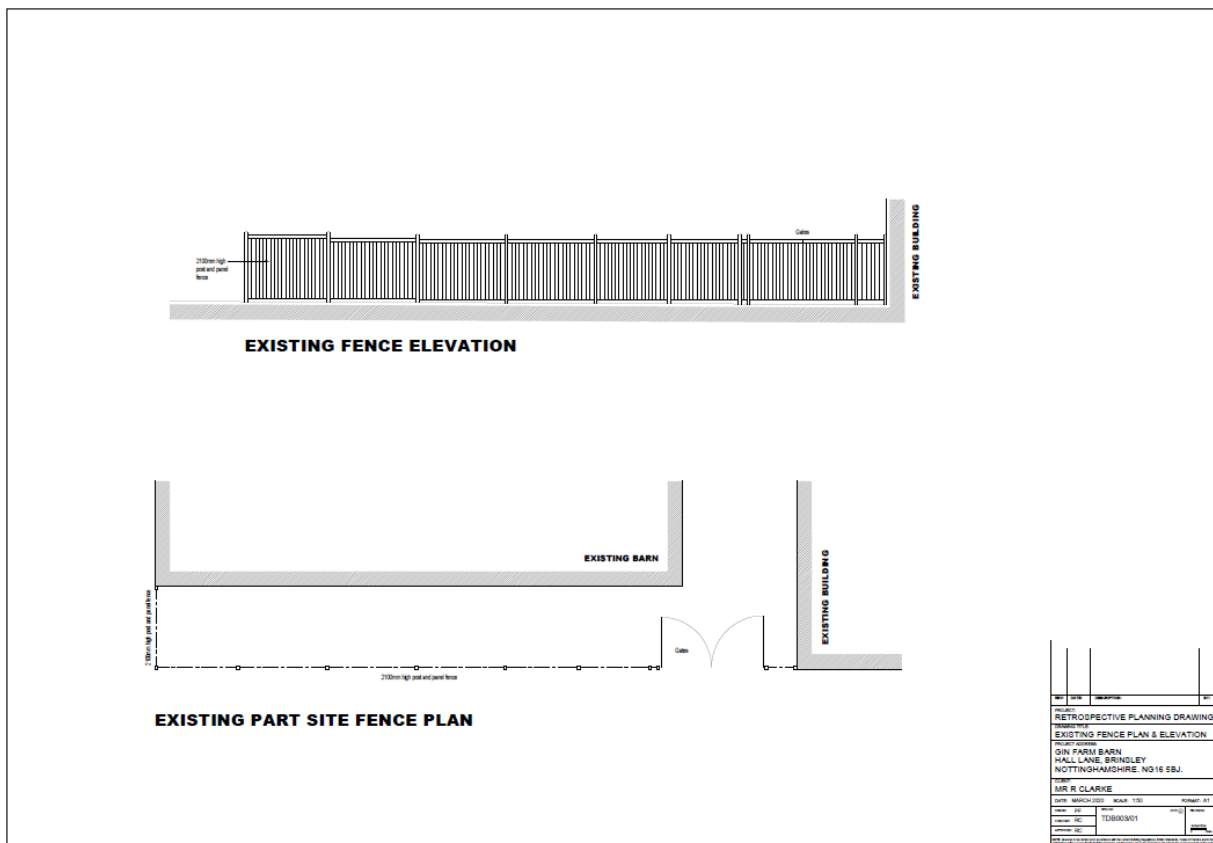
Site Plan/Location of Fence



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. 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. © Crown copyright and database rights, 2020. Ordnance Survey 0100031673

Scale: 1:200, paper size: A4
20/00194/clue
Fence

Fence Details



Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	19/00333/FUL
LOCATION:	Southfields Farm, Common Lane, Bramcote, Nottinghamshire, NG9 3DT
PROPOSAL:	Construct 5 dwellings (revised scheme)

APPEAL DISMISSED

The application to construct five dwellings was refused at Planning Committee on 24 July 2019 for the following reasons:

The application site lies within the Nottinghamshire Green Belt and the proposal of five dwellings would constitute inappropriate development and therefore by definition would be harmful to the Green Belt. Furthermore, it is concluded there would be an unacceptable impact on openness which is the essential characteristic of the Green Belt. It is considered that very special circumstances have not been demonstrated and there are no other considerations which would clearly outweigh the policy conflict and by definition, the harm to the Green Belt. Accordingly, the proposal is contrary to the aims of Policy E8 of the Broxtowe Local Plan 2004, Policy 8 of the Draft Part 2 Local Plan (2018) and Section 13 of the National Planning Policy Framework (NPPF) 2019.

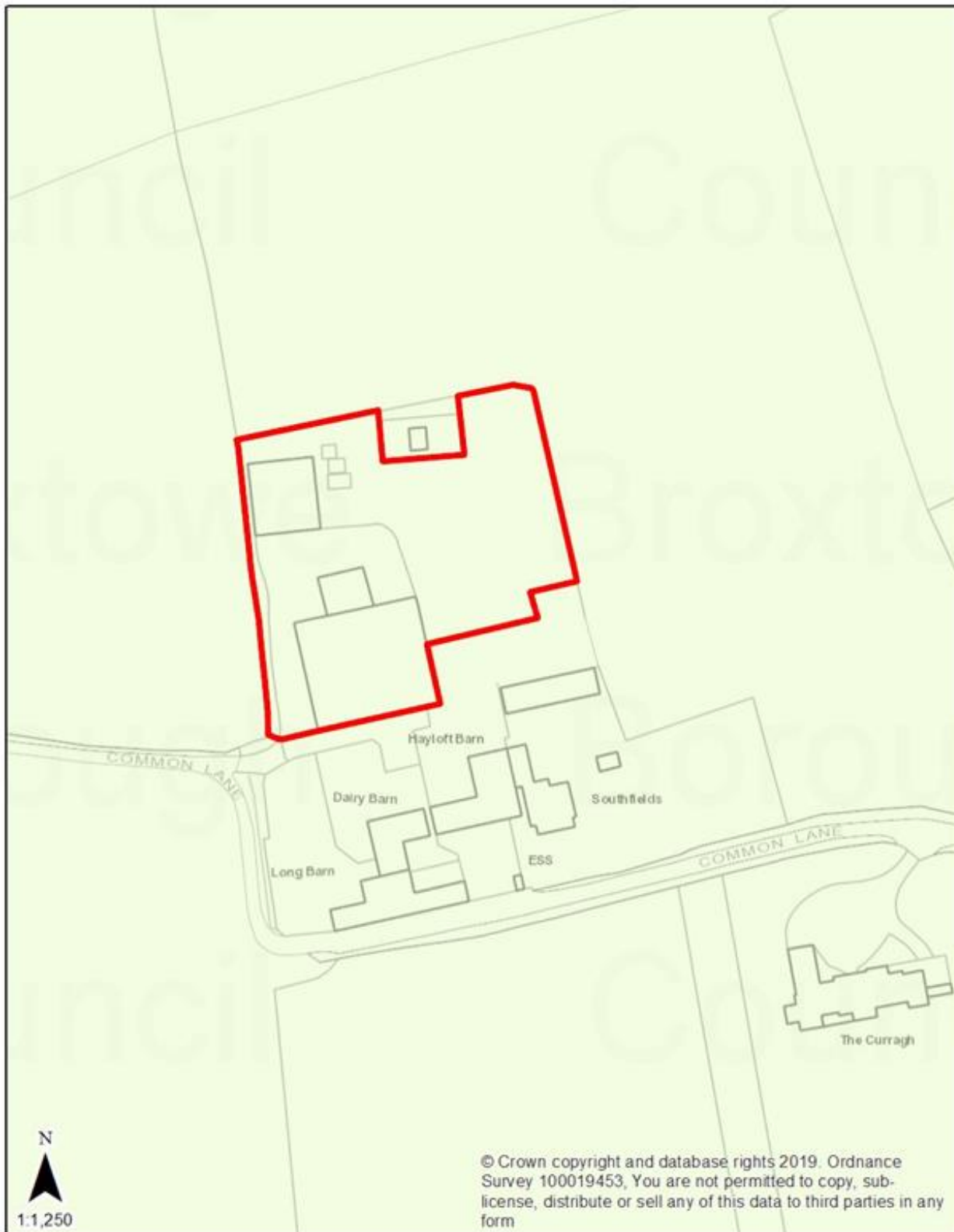
The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt, the effect on openness and the purposes of the Green Belt and if very special circumstances to outweigh the harm had been demonstrated to justify the proposal.

The Inspector confirmed that the scheme would represent inappropriate development which is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.

In regards to openness, the Inspector concluded that the reduction in the volume of buildings on the site would be relatively limited, and any benefits to openness arising in that regard would be reduced by the introduction of boundary treatments and the greater sense of enclosure those would create compared to the existing layout. The Inspector concluded that any benefits to openness which may arise compared to the existing development would be limited. The Inspector concluded that the development would represent an encroachment into the countryside which would result in harm to the Green Belt.

The Inspector concluded that moderate weight could be given to the fall-back position (prior approval for change of use to five dwellings and flexible commercial use) overall, limited weight could be given to the visual benefits of the proposed development compared to the character and appearance of the existing buildings and appeal site, limited weight to any benefit to openness that would arise as a result of the development compared to the existing use and development on the site, and limited weight to the contribution to housing supply.

To conclude, the Inspector stated that the considerations put forward by the appellant would not, in their totality, outweigh the identified harm to the Green Belt. The very special circumstances necessary to justify the development therefore do not exist and the proposed development would conflict with the Green Belt protection aims of the NPPF and Policy 8 of the Part 2 Local Plan.



Legend

-  Site
-  Green Belt

BROXTOWE BOROUGH COUNCIL DEVELOPMENT CONTROL – PLANNING & COMMUNITY DEVELOPMENT

**PLANNING APPLICATIONS DEALT WITH FROM
02 MAY 2020 TO 05 JUNE 2020**

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

**PLANNING APPLICATIONS DETERMINED BY
DEVELOPMENT CONTROL**

ATTENBOROUGH & CHILWELL EAST WARD

Applicant : Cameron Homes 20/00042/REM
Site Address : Ready Mixed Concrete (East Midlands) Ltd Concrete Batching Plant Long Lane
Attenborough Nottinghamshire NG9 6BD
Proposal : **Construct 20 dwellings (reserved matters relating to planning reference
(17/00778/OUT))**
Decision : **Conditional Permission**

Applicant : Mrs R Carpenter 20/00177/CLUP
Site Address : 66 Audon Avenue Chilwell Nottinghamshire NG9 4AW
Proposal : **Certificate of proposed development for single storey side extension**
Decision : **Approval - CLU**

Applicant : Mr Michael Robinson 20/00190/FUL
Site Address : 64 Clumber Avenue Chilwell Nottinghamshire NG9 4BJ
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Stubbs 20/00195/FUL
Site Address : 7 Tennyson Drive Attenborough Nottinghamshire NG9 6BD
Proposal : **Construct rear extensions and render rear gable end**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Moore 20/00199/FUL
Site Address : 32 Audon Avenue Chilwell Nottinghamshire NG9 4AW
Proposal : **Construct two storey side/rear and single storey front and rear extensions and
render finish to existing elevations**
Decision : **Conditional Permission**

Applicant : Mr & Mrs A Wardle 20/00228/FUL
Site Address : 16 Abingdon Gardens Chilwell NG9 5BJ
Proposal : **Demolish rear extension and construct front porch and single/two storey rear
extension**
Decision : **Conditional Permission**

AWSWORTH, COSSALL & TROWELL WARD

Applicant : Mr Ben Stork 20/00168/FUL
Site Address : 138 Ilkeston Road Trowell Nottinghamshire NG9 3PW
Proposal : **Construct two storey rear extension and new garage in rear garden**
Decision : **Conditional Permission**

BEESTON CENTRAL WARD

Applicant : Mr C Burton 20/00230/PNH
Site Address : 1 Waldemar Grove Beeston Nottinghamshire NG9 2BJ
Proposal : **Construct single storey extension, extending beyond the rear wall of the original
dwelling by 6 metres, with a maximum height of 4 metres, and an eaves height of 3
metres.**
Decision : **PNH Approval Not Required**

BEESTON NORTH WARD

Applicant : Mr Shabbir Kataria 20/00077/FUL
Site Address : 12 Carisbrooke Avenue Beeston Nottinghamshire NG9 2HW
Proposal : **Construct single storey rear extension and install dormer to the rear**
Decision : **Conditional Permission**

BEESTON RYLANDS WARD

Applicant : Mr Andrew Topham Trade Partners International Ltd 20/00153/FUL
Site Address : Castle View Cottages Lilac Grove Beeston Nottinghamshire
Proposal : **Construct 5 industrial units (Class B2) and alterations to existing unit**
Decision : **Conditional Permission**

BEESTON WEST WARD

Applicant : Mr Ian Jowett 19/00814/FUL
Site Address : 14 Devonshire Avenue Beeston Nottingham NG9 1BS
Proposal : **Construct single storey side and rear extension**
Decision : **Conditional Permission**

Applicant : Mr Matt Eley NG9 Developments Ltd. 20/00091/FUL
Site Address : Methodist Church Wollaton Road Beeston Nottinghamshire NG9 2NG
Proposal : **Change of use from place of worship (Class D1) to 3 houses in multiple occupation (Class C4), construct dormers, cycle store, bin store, dropped kerb and external alterations**
Decision : **Conditional Permission**

Applicant : Ms H Marriott 20/00181/FUL
Site Address : 33 Hall Croft Beeston Nottinghamshire NG9 1EL
Proposal : **Construct single storey side and rear extension following part demolition of single storey lean-to rear projection**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Johnson 20/00192/FUL
Site Address : 37 Bramcote Road Beeston Nottinghamshire NG9 1AJ
Proposal : **Construct single storey side extension, canopy and boundary wall and rendering and zinc cladding to the existing house**
Decision : **Conditional Permission**

Applicant : Miss Sara Clarke 20/00221/FUL
Site Address : 76B Wollaton Road Beeston Nottinghamshire NG9 2NZ
Proposal : **Change of use from retail (Class A1) to tattoo studio**
Decision : **Conditional Permission**

Applicant : Mr Graham And Miss Hill 20/00275/PNH
Site Address : 42 Sidney Road Beeston Nottinghamshire NG9 1AN
Proposal : **Construct single storey rear extension, extending beyond the rear wall of the original dwelling by 3 metres, with a maximum height of 3.53 metres, and an eaves height of 2.40 metres**
Decision : **PNH Approval Not Required**

BRAMCOTE WARD

Applicant : Mr Phil Eadsforth 20/00073/FUL
Site Address : 3 Ranmore Close Bramcote Nottinghamshire NG9 3FR
Proposal : **Construct front porch**
Decision : **Conditional Permission**

Applicant : Mr Ian Jowett William May Developments Ltd 20/00115/FUL
Site Address : St Johns School Of Mission Peache Way Bramcote Nottinghamshire NG9 3DS
Proposal : **Retain change of use of residential educational training hostel (Class C2) to HMO (sui generis)**
Decision : **Conditional Permission**

Applicant : Mrs Jade Higby 20/00210/FUL
Site Address : 38 Rufford Avenue Bramcote Nottinghamshire NG9 3JH
Proposal : **Construct first floor/two storey side extension**
Decision : **Conditional Permission**

Applicant	:	Mr & Mrs James Trubridge	20/00214/FUL
Site Address	:	11 Rufford Avenue Bramcote Nottinghamshire NG9 3JG	
Proposal	:	Construct single storey rear, side extension and raised patio and demolish garage	
Decision	:	Conditional Permission	
Applicant	:	Mr Kevin Davis	20/00222/FUL
Site Address	:	10 Grasmere Road Beeston Nottinghamshire NG9 3AQ	
Proposal	:	Construct two storey side / rear and single storey rear extensions (revised scheme)	
Decision	:	Conditional Permission	
CHILWELL WEST WARD			
Applicant	:	Mr & Mrs Jones	20/00198/FUL
Site Address	:	28 Holkham Avenue Chilwell Nottinghamshire NG9 5EQ	
Proposal	:	Construct single storey side, rear and front extension	
Decision	:	Conditional Permission	
Applicant	:	Mr Ben Allen	20/00219/FUL
Site Address	:	7 Hawkswood Close Chilwell Nottinghamshire NG9 5FX	
Proposal	:	Construct single storey front/ side extension (revised scheme)	
Decision	:	Conditional Permission	
Applicant	:	Mr Matthew Anderson	20/00227/FUL
Site Address	:	2 Letchworth Crescent Chilwell Nottinghamshire NG9 5LL	
Proposal	:	Construct two storey front and side extension	
Decision	:	Conditional Permission	
Applicant	:	Mr D Chaplin	20/00231/FUL
Site Address	:	40 Blandford Road Chilwell Nottingham NG9 4GX	
Proposal	:	Construct two dwellings	
Decision	:	Conditional Permission	
EASTWOOD ST MARY'S WARD			
Applicant	:	Mr Timothy Smith	20/00093/FUL
Site Address	:	141 South Street Eastwood Nottinghamshire NG16 3PG	
Proposal	:	Construct first floor side extension	
Decision	:	Refusal	
GREASLEY WARD			
Applicant	:	Mr Carl Gunn	19/00641/FUL
Site Address	:	42 Moorgreen Newthorpe Nottinghamshire NG16 2FB	
Proposal	:	Construct single storey rear extension	
Decision	:	Withdrawn	
KIMBERLEY WARD			
Applicant	:	Mrs Diane Terry	20/00005/FUL
Site Address	:	80 Nottingham Road Kimberley Nottinghamshire NG16 2NA	
Proposal	:	Construct single storey side extensions, outbuilding, boundary wall and render dwelling	
Decision	:	Conditional Permission	
Applicant	:	Mr Graham Cooke	20/00202/FUL
Site Address	:	16 Chapter Drive Kimberley Nottinghamshire NG16 2QD	
Proposal	:	Construct single storey rear extension	
Decision	:	Conditional Permission	
Applicant	:	Mr & Mrs David & Lisa Richardson-Bell	20/00203/FUL
Site Address	:	19 Beverley Drive Kimberley Nottinghamshire NG16 2TW	
Proposal	:	Construct side and rear extension	
Decision	:	Conditional Permission	

Applicant	: Mr Watkinson	20/00220/FUL
Site Address	: 18 Hardy Close Kimberley Nottinghamshire NG16 2JW	
Proposal	: Construct single storey side extension and porch	
Decision	: Conditional Permission	
Applicant	: Mr & Mrs Widdowson	20/00224/ROC
Site Address	: 8 Gilt Hill Kimberley Nottingham NG16 2GZ	
Proposal	: Removal of condition 2 of application number 19/00032/FUL (the development hereby permitted shall be carried out in accordance with drawing number: AW-18-02revF...) to enable revisions to the roof design and replace with drawing no. AW-20-04	
Decision	: Conditional Permission	
NUTHALL EAST & STRELLEY WARD		
Applicant	: Mr & Mrs M Dexter	20/00209/FUL
Site Address	: 50 Horsendale Avenue Nuthall Nottinghamshire NG16 1AN	
Proposal	: Construct two-storey side extension/roof over porch and canopy to front elevation	
Decision	: Conditional Permission	
Applicant	: Mrs Lindsey Hampson	20/00217/FUL
Site Address	: 12 Carters Wood Drive Nuthall Nottinghamshire NG16 1AS	
Proposal	: Construct front porch extension and side extension and render dwelling	
Decision	: Conditional Permission	
Applicant	: Mr Shaun Thomas	20/00240/FUL
Site Address	: 29 Gloucester Avenue Nuthall Nottinghamshire NG16 1AL	
Proposal	: Construct double garage	
Decision	: Conditional Permission	
STAPLEFORD SOUTH EAST WARD		
Applicant	: Mr Trevor Rawson	20/00122/FUL
Site Address	: Land Between 3 Hickings Lane And 98 Church Street Hickings Lane Stapleford Nottinghamshire	
Proposal	: Construct 5 dwellings	
Decision	: Conditional Permission	
Applicant	: MR STEPHEN WARNER	20/00243/FUL
Site Address	: 25 Darkey Lane Stapleford Nottinghamshire NG9 7JH	
Proposal	: Erect boundary fence	
Decision	: Conditional Permission	
STAPLEFORD SOUTH WEST WARD		
Applicant	: Spencer Academies Trust	20/00104/FUL
Site Address	: Fairfield Primary School Toton Lane Stapleford Nottinghamshire NG9 7HB	
Proposal	: Construct 2 single classroom blocks	
Decision	: Conditional Permission	
TOTON & CHILWELL MEADOWS WARD		
Applicant	: Mr Benjamin Fowler	20/00017/FUL
Site Address	: 10 Whitburn Road Toton Nottinghamshire NG9 6HP	
Proposal	: Construct single storey rear extension	
Decision	: Conditional Permission	
Applicant	: Mr & Mrs Thompson	20/00052/FUL
Site Address	: 40 Sandown Road Toton Nottinghamshire NG9 6JW	
Proposal	: Construct single storey side / rear extension, rear dormer and hip to gable roof extension	
Decision	: Conditional Permission	
Applicant	: Ms Ward	20/00184/FUL
Site Address	: 32 Kirkham Drive Toton Nottinghamshire NG9 6HG	
Proposal	: Construct single storey side extension	
Decision	: Conditional Permission	

Applicant : Mr Perry Hemus 20/00204/FUL
Site Address : 178 Stapleford Lane Toton Nottinghamshire NG9 6GB
Proposal : **Construct single storey front and side extension and render/ timber cladding to existing dwelling**
Decision : **Conditional Permission**

Applicant : Mr & Mrs Paterson 20/00226/FUL
Site Address : 2 Sheriff's Lea Toton Nottinghamshire NG9 6LJ
Proposal : **Construct single storey front, side and rear extensions, convert garage to habitable room and erect boundary fence**
Decision : **Conditional Permission**

WATNALL & NUTHALL WEST WARD

Applicant : Mr Ian Green 20/00128/FUL
Site Address : 26 Sedley Avenue Nuthall Nottinghamshire NG16 1EN
Proposal : **Construct single storey rear extension and dormer window**
Decision : **Conditional Permission**

Applicant : Mr P Singh 20/00178/FUL
Site Address : Land To The Rear Of 53 & 55 Kimberley Road Nuthall Nottinghamshire NG16 1DA
Proposal : **Construction of a bungalow and detached double garage**
Decision : **Refusal**

Applicant : Mr & Mrs Artuch 20/00208/FUL
Site Address : 11 Berydene Avenue Watnall Nottinghamshire NG16 1HJ
Proposal : **Construct single storey rear extension**
Decision : **Conditional Permission**
